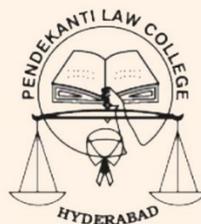


LEX VISIO

“STUDENT MAGAZINE”

2024-2025



Pendekanti Law College

(Sponsored by Vasavi Academy of Education)

(Affiliated to Osmania University and Approved by the Bar Council of India)

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**UNIVERSITY COLLEGE OF LAW
OSMANIA UNIVERSITY,
HYDERABAD-500007**

Prof. Dr. N. Venkateshwarlu,
Dean, Faculty of Law, Osmania University and Telangana University,
Former Head, Department of Law, Osmania University.

FOREWORD

I am very happy to know that one of the best private colleges affiliated to Osmania University, Pendekanti Law College, is releasing its fourth edition of the students' magazine 'Lex Visio'. Every attempt to transcend the knowledge and academic prospects of students by Colleges must be commended. Lex Visio is such a sincere and Bonafide attempt.

The most significant aspect of publishing a student magazine is that it provides an opportunity for the students to put thoughts into motion and analyse various aspects of law so that the jurisprudential perspective of those aspects can be understood well, which can also be imparted to the other students. This way, students also get the required impetus and enthusiasm to write and publish more and more articles. Writing articles involves a lot of research, which is very much essential for law students and young advocates in order to learn and acquire the necessary skill of making efficient and effective arguments.

I had the opportunity to go through the magazine. I notice that students also interviewed various eminent people, including High Court Judges and Senior Lawyers. Their interviews are very candid, which gives a lot of insights into the Legal Profession and the Indian Judiciary to the students. There are articles relating to a wide variety of topics. A lot of effort has been put in by the students and the editorial team.

I convey my appreciation to Pendekanti Law College for the efforts it has put in to release this magazine and for its initiate. I congratulate the college student magazine team for their continuous success and all the best for its future endeavors and initiative.

Prof. Dr. N. Venkateshwarlu



University College of Law,
Osmania University,
Hyderabad-500007

Prof. Dr. B. Vijaya Laxmi

Head, Department of Law, Convener Lawcet 2025,
Chair Professor IPR Chair, Osmania University,
CBOS Mahatma Gandhi University.

MESSAGE

On behalf of Osmania University, and on my behalf, it gives me immense pleasure to be part of the releasing of the fourth edition of "*Lex Visio*" student magazine of Pendekanti Law students. It is a good initiative taken up by the teachers and students of Pendekanti College of Law. This is a platform for the students to showcase their academic talent. In this digital and competitive era, this kind of academic activity will definitely improve the intellectual capacity of the students. Furthermore, it creates a habit of exploring, identifying and advocating the issues that are the need of the hour. I appreciate and congratulate the Principal and the Colleague teachers for their efforts to bring out this student magazine. This magazine not only benefits the students, but it also, in a way, helps society at large. With these few words, I once again congratulate the Principal, teachers and students for their sincere efforts to bring out the magazine for the fourth successive term.

With Best Wishes.

(Prof. Dr. B. Vijaya Laxmi)



University College of Law,
Osmania University,
Hyderabad-500007

Dr. N. Ram Prasad

Chairman, Board of Studies in Law, OU and
Principal, University College of Law,
Osmania University, Hyderabad

MESSAGE

It is indeed commendable that *Lex Visio*, the student magazine of Pendekanti Law College, is stepping into its fourth edition. A magazine of this nature goes beyond being an academic exercise; it reflects the collective spirit of students and faculty in fostering intellectual curiosity and a culture of expression. By encouraging students to write, research, and publish, the college is nurturing skills that are vital for the legal profession.

I extend my appreciation to the Principal, Faculty, and the Editorial Board for guiding this initiative with commitment. My best wishes to the students who have contributed their ideas and efforts to this edition. I am confident that *Lex Visio* will continue to grow as a forum for learning and dialogue, inspiring students to engage deeply with law and society.

With Best Wishes.

(Dr. N. Ram Prasad)



P. Ramamohan Rao
President



**VASAVI ACADEMY OF EDUCATION
HYDERABAD**

MESSAGE

I am elated that Pendekanti Law College is publishing the fourth edition of its student magazine 'Lex Visio'. Pendekanti Law College was established in 1991, under the Vasavi Academy of Education, by the late Sri Pendekanti Venkatasubbaiah, a visionary and a veteran statesman, who served as a Union Minister and later, as Governor of the states of Bihar and Karnataka. The college has, ever since, maintained high standards of imparting legal education at fair and reasonable costs.

The magazine provides an opportunity to students to express their thoughts and voice their opinions on legal issues, which encourages them to deeply study the issues with a critical mind and innovate solutions within the existing legal framework, both of which are extremely vital skills for lawyers.

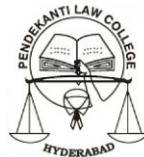
I congratulate the Principal, Dr. P. Aravinda, for her untiring efforts in taking the institution to greater heights through her able stewardship. I would like to convey my appreciation to the members of the Editorial Board for their efforts for the magazine.

I welcome the magazine with great pleasure and a strong belief that it is here to stay. I wish '*Lex Visio*' a great success and look forward to many more such enriching editions.

(P. Ramamohan Rao)



Prof. Dr. V. Sreenivasulu
Vice-President



**VASAVI ACADEMY OF EDUCATION
HYDERABAD**

MESSAGE

Our steadfast adherence to maintaining academic standards at Pendekanti Law College, for over three decades, has done us immensely proud. We provide a congenial atmosphere for multifaceted development where students are encouraged to channelise their potential in the relentless pursuit of excellence.

It gives me pleasure to say that '*Lex Visio*' showcases the creative capabilities of the students and faculty of the college, a flagship institution of Vasavi Academy of Education. I wish their constant endeavour a great success.

I extend my warm wishes to the Principal, staff and students to continue their journey on the road of academic distinction.

Warm Regard



VASAVI ACADEMY OF EDUCATION
HYDERABAD

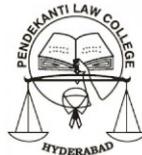
V. M. Parthasarathi
Secretary

MESSAGE

It is with great joy that I receive the news of the publication of the student magazine of Pendekanti Law College, which is one of the premier institutes of legal education in the state. I am confident that '*Lex Visio*' will bring forward the skills and talents of the budding lawyers who are being moulded by the college.

I take this opportunity to compliment the Principal, faculty and students of Pendekanti Law College at this momentous occasion and put on record my appreciation to the Editorial Board. I wish '*Lex Visio*' a wonderful journey ahead.

(V.M. Parthasarathi)



VASAVI ACADEMY OF EDUCATION
HYDERABAD

M. Anand Kumar
Treasurer

MESSAGE

I am happy to note that the students of Pendekanti Law College are coming out with the 4th edition of their magazine "*Lex Visio*". Our endeavor has always been to encourage such initiatives by the students that contribute to the all-round development of our students.

I take this opportunity to congratulate the Principal, faculty and students of the college and the Editorial Board on the happy occasion. I wish "*Lex Visio*" a successful journey ahead.

(M. Anand Kumar)



PENDEKANTI LAW COLLEGE HYDERABAD

Dr. P. Aravinda

Principal, Pendekanti Law College

FROM THE PRINCIPAL'S DESK

It gives me immense pride to announce the release of the fourth edition of the 'Lex Visio'- student magazine, which is 'for the students and by the students'. The art of writing is a prerequisite in the legal profession, and it is the central medium with which a lawyer communicates his/her work. "Lex Visio" provides a platform to the students to sharpen their writing skills, critical thinking and research attitude. The magazine provides an opportunity for the students to echo their opinions on various contemporary societal and legal issues in relation to legal development across the globe.

I take the privilege of congratulating the contributors to the magazine. I acknowledge the relentless efforts of the editorial board and faculty in bringing out this prestigious magazine. I encourage and look forward to more editions in the near future.

(Dr. P. Aravinda)

FROM THE EDITORS' DESK



It is with great pleasure and enthusiasm that we welcome you to the 4th edition of our esteemed Law Magazine LEX VISIO. As stewards of legal knowledge and discourse, we are committed to providing insightful analysis, thought-provoking commentary, and cutting-edge perspectives on the ever-evolving landscape of law and justice.

In today's world, where legal issues permeate every aspect of society, from the local to the global, it is imperative to stay informed and engaged. Our publication serves as a beacon of light, illuminating complex legal matters and facilitating constructive dialogue among legal scholars, practitioners, policymakers, and the public.

In this edition, you will find a diverse array of articles, essays and book reviews spanning various legal domains, from data privacy to alimony. Our esteemed contributors have delved deep into pressing legal issues, offering fresh insights and innovative solutions to the challenges we face in our quest for a more just and equitable society.

As members of the editorial board, we extend our heartfelt gratitude to our dedicated team of editors, reviewers, and contributors whose tireless efforts have made this publication possible. We would also like to extend our sincerest gratitude to Dr P.Aravinda, the principal, and Dr. L. Padmavathi and Dr. K. Padma, the faculty, for entrusting us with the opportunity to spearhead the creation of our esteemed law college magazine. It has been an enriching experience to collaborate with such talented individuals and contribute to our vibrant academic community. Their unwavering support and encouragement have been instrumental in guiding this magazine to fruition.

We also express our sincere appreciation to our readers for their continued support and engagement.

In closing, we invite you to immerse yourselves in the pages of this magazine, to explore the rich tapestry of legal thought and practice it presents, and to join us in our ongoing pursuit of a more just and equitable world under the rule of law

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Interview with
Hon'ble Sri Justice Nagesh Bheemapaka
(Judge, High Court of Judicature for the State of Telangana)



Hon'ble Sri Justice Nagesh Bheemapaka was born on 8th March 1969 at Bhadrachalam, Khammam Dist. to Sri Bheemapaka Bhupathi Rao and Smt. Shanthamma. He pursued his early education at Government High School and Little Flower High School, Bhadrachalam, and completed his intermediate at Dr. Jaya Chandra Reddy Junior College, Khammam. He obtained his LL.B. from C.R. Reddy Law College, Eluru, and an LL.M. in International Law from O.U. P.G. Law College, Hyderabad. Enrolled as an advocate on 21st April 1993, Justice Bheemapaka began his practice in the chambers of Sri M.V. Ramana Rao at Bhadrachalam, gaining expertise in civil, criminal, and agency laws. He later joined the office of Sri C. Damodhar Reddy at the erstwhile High Court of Andhra Pradesh in 1996.

He was appointed Assistant Government Pleader in 2004, handling key departments including Municipal Administration, Finance, Housing, and Registration. He went on to serve as Standing Counsel for GHMC until 2014, before becoming Government Pleader for Industries and Commerce. After commencing independent practice in 2017, he was again appointed Government Pleader for several welfare departments. On 16th August 2022, he was sworn in as a permanent Judge of the High Court for the State of Telangana.

1. Your journey began in the serene town of Bhadrachalam. How did your early life and schooling shape your decision to pursue a career in law?

My father, being a communist leader, encouraged me to serve people. He advised me to aim for becoming either a doctor or a lawyer, stating that both these professions can better help the poorer section of society. I have no interest in science subjects. And, my father was jailed many times for agitating for people's rights like equal wages, proper compensation to the cultivators, etc; this has a great impact on me. Because of these two reasons, I chose law as my career path. Besides this, Swami Vivekananda's quotes published in the *Eenadu* newspaper highly inspired me during my childhood, which also led me to enter this profession.

Since I have a phobia of the Maths subject, I chose CEC (Civic, Economic and Commerce) subjects for intermediate. One of the lecturers said that the salaries of judges will not be reduced, even during the emergency period; I found this job very interesting (laughing). In this way, I decided to join a 5-year law degree course in C.R. Reddy Law College, Eluru.

2. Could you share your experience as a practising lawyer and what problems you faced in your initial years?

The career paths for me, after completing law, are to either practice law or enter into politics, but never to pursue a job, which is a nightmare for me. So, I decided to practice law; hence, I shifted to Hyderabad and took a few *pro bono* cases. Initially, I charged very little or no fees from poor clients and high fees from rich clients. A law graduate who is financially poor and is a first-generation lawyer would face a few problems in litigation. In my case, I stayed in a small room and cooked for myself. In this way, I spent 9 years of independent practice.

I always feel that burning desire, along with hard work, compounds much to produce great results and success in a career. In my 20s, I faced a few insults and problems, which are the main reasons

for the burning desire I developed later. We have to credit our haters or enemies for our success (laughs).

It is obvious that every young lawyer will face problems initially. This is a well-known transition that happens to a lawyer – the first stage is 'no case, no money', the second stage is 'few cases, less money', the third stage is 'more cases, more money' and, finally, 'no work, only money' (laughs).

3. You've served in significant roles as Government Pleader across diverse departments and as a standing counsel for GHMC. Please share your experience, and which case do you consider the most challenging?

I was appointed as an Assistant Government Pleader for Municipal Administration, Finance and Planning, Housing, Stamps and Registration in 2004. During that role, I non-hesitantly labelled the right activities as right; the wrong as wrong. Then, I also worked as an administrative lawyer for service matters for 6 months and then resigned and came back to independent practice.

I acted as Standing Counsel for the G.H.M.C. (Greater Hyderabad Municipal Corporation) for four years. The then Standing Counsel for GHMC, South Zone, identified my good performance in litigation and gave me around 3300 cases pertaining to GHMC, East Zone, which includes areas of LB Nagar and Uppal, which were disposed of. Later, I was appointed as Government Pleader for Industries, Commerce and Mines and worked for four and a half years. Again, I pursued independent practice for eight months in 2017 and was appointed as Government Pleader for Medical, Health, Family Welfare, Minority Welfare, BC Welfare, Tribal Welfare, S.C. Welfare, Animal Husbandry, Fisheries, and Land Grabbing.

Coming to the challenging case, it is the tobacco case. In this case, the government received a memo prohibiting chewable and smokeable intoxicating substances; the same was challenged in the Telangana High Court, which later stayed the memo. I filed a case to vacate the said stay and argued 230 cases. The

reason why I took up the case is the huge negative impact of tobacco on youth. They emphasised the problem by providing certain statistics like nearly 1,40,000 crores is been spent by the Central Government, which is equal to the budget of a small state in India, to deal with this issue. I also argued that the youth, children and labour are being addicted to these substances, which badly affects society. These arguments are impressive for the judges, and the court ordered to vacate the stay.

4. Did you always aspire to become a High Court Judge? Let us know the journey that led to your appointment as a High Court judge in 2022. And how did you feel when you received the news?

I once promised my mother that I would travel as a VIP on the same road where I travelled on a scooter. From my childhood, I had a strong inclination towards serving people, especially the underprivileged and tribal communities. We used to live in Bhadrachalam, a tribal area, where I often saw tribal people approaching my father, who was an Ex-MLA, to seek help in resolving their problems. Most of them lacked any legal awareness, and witnessing their struggles left a deep impact on me. I realised early on that the law could become a powerful tool to protect the rights of such people and to give them a voice.

Initially, I thought of taking up a profession in the field of service. I was first offered a path in medicine, but since I was not inclined towards science and had a phobia of mathematics, I chose to pursue law, which aligned with my interests and my desire to serve. The influence of my father, who constantly fought for the rights of people, especially in issues relating to land, and the inspiration drawn from Swami Vivekananda's teachings, further strengthened my resolve to dedicate myself to serving the public through law.

My journey in the legal profession was not driven by an immediate aspiration to become a High Court Judge. Rather, it was shaped by a consistent commitment to justice, integrity, and service to the needy. Over the years, through hard work, perseverance, and the experience gained from handling diverse matters, I gradually developed the

confidence and stature necessary for elevation to the Bench.

Justice Satish Chandra Sharma, the then Chief Justice of Telangana High Court, was impressed with my arguments and told me to end the role of advocate and join the bench; later, the then collegium recommended me to become a High Court judge. When I was appointed as a Judge of the High Court in 2022, I felt a profound sense of honour and responsibility. It was a moment of deep humility, knowing that the trust of the institution and the expectations of society were now placed upon me. More than a personal achievement, I saw it as an opportunity to serve people on a much larger platform, ensuring that justice is accessible, particularly to the marginalised sections of society who inspired me to take up law in the first place.

5. Recently (In ప్రపంచ తెలుగు రచయితల మహాసభ, Vijayawada), you emphasised the importance of using the mother tongue, Telugu, in the judiciary and mentioned that judges can effectively communicate with 90% of litigants (<https://www.youtube.com/watch?v=ohiuvZOp8TM>). What are your thoughts on promoting regional languages in court proceedings?

I, along with Justice Naveen Rao, delivered a judgment in the Telugu language. Hence, the Telangana High Court was the second High Court in India to deliver a judgment in a regional language, after the Kerala High Court.

Many High Court judges said that since 90% of litigants understand only Telugu, we deliberately speak in our mother tongue to ensure they grasp the proceedings.

When I delivered a judgment in Telugu, several people came up to me and said, "Oh, congratulations, sir, you delivered the judgment in Telugu!" Ironically, although I gave the judgment in Telugu, I received compliments in English. This reflects our present situation.

Almost 90% of the time, we converse in Telugu in court because our primary intention is that the litigants should also understand what is happening.

I hail from the tribal belt of Bhadrachalam. Earlier, land settlement documents—like the “Settlement Patta”—were prepared in English. But, for the people living there, many of whom had preserved these documents for 30–40 years, they never truly knew whether those documents were favourable to them or not. I know this reality well.

Usually, the litigant pays money, the lawyers argue, the judge delivers an order—all in English—and the litigant, the actual party to the case, often has no idea what really happened.

I once saw a senior advocate flipping through a document in court and saying, “Sorry, my Lords, I am troubling you a lot by reading the vernacular language. The next page is in English.” I was shocked. Why should it be considered “troubling” to read a document in our mother tongue? If we ourselves feel embarrassed to read in our own language, while immediately shifting to English with a sense of relief, then we must question the level to which our thought process has declined.

If we truly want to keep our language alive, all Telugu people across the world must collectively make an effort. If we come together, Telugu will remain vibrant. It is a wonderful language—if we preserve it, it will always survive, bringing us joy and enabling us to pass it on to future generations with pride.

6. In a recent case, you imposed ₹1 crore costs for suppressing facts and abusing the legal process, and you mentioned that such petitions add “fuel to the fire” in mounting pendency (<https://www.thehindu.com/news/national/telangana/judge-imposes-1-crore-costs-on-petitioner-for-abusing-legal-process-by-suppressing-facts/article69345376.ece>). How serious is the problem of frivolous and vexatious litigation in our legal system today, and what are the ways to solve the same, according to you?

Frivolous and vexatious litigation has emerged as a serious malaise in the administration of justice in our legal system. Such petitions not only constitute an abuse of the process of the court, but also infringe upon the valuable judicial time, which

ought to be devoted to genuine litigants seeking redressal of bona fide grievances. The tendency of litigants to indulge in forum shopping, suppression of material facts, multiplicity of proceedings, and filing of speculative or mala fide petitions clogs the system and adds to the already mounting arrears of cases.

In a recent matter, this Court found deliberate concealment of facts, suppression of material particulars, and invocation of jurisdiction with unclean hands, which clearly constituted fraud on the court. It is, therefore, necessary to impose exemplary costs of ₹1 crore, not merely as compensation but as a deterrent sanction against unscrupulous litigants who seek to misuse judicial remedies for oblique motives. The Court, hence, regarded such practices as “fuel to the fire” in the crisis of judicial pendency, causing injustice to genuine litigants whose matters are delayed due to frivolous petitions.

7. What is your opinion on the recommendation of the 3-year practice for judiciary exams?

I am of the opinion that the recommendation of a mandatory three years of legal practice before appearing for the judicial service examinations is both necessary and justified. The judiciary is not merely a career option; it is an institution that safeguards justice and the rule of law. Entrusting fresh law graduates, without any exposure to the real functioning of courts, with judicial powers at the very beginning of their careers can lead to serious gaps in understanding both the procedural and practical aspects of justice delivery. A minimum of three years at the Bar equips aspirants with practical insight into litigation, court craft, client handling, and the realities of justice administration, which theoretical knowledge alone cannot provide.

8. What is your advice to young law students and budding advocates who aspire to join the judiciary one day?

Everyone has the talent to succeed in this field; one must just be committed to their goals, keeping all

negativity aside. Positivity is essential to keep moving.

If you have low confidence, look at the ways to gain the same, like practising before the mirror. Read the newspaper daily, especially law articles and note the latest judgments. Also, note legal vocabulary; just like politicians require a vote bank to win elections (laughs), lawyer needs a word bank to succeed.

Technology is prevalently available to the current generation – everyone has phones, but one must know how to use them for one's own benefit. A law student can use this technology at their wish, but consistently dedicating some time, like one hour to legal studies, is required. It is also advisable to watch court-drama movies and web series (Jai Bhim and Suits) and, most importantly, listen to the interviews of great legal personalities, since this is our life in the end.

Once you do these on a daily basis, you gain confidence automatically. With regular exposure, legal concepts become easier to understand and apply in real-life situations. This habit not only sharpens your knowledge but also broadens your

perspective on the profession. Over time, you begin to think more analytically, argue more effectively, and approach problems with greater clarity. Ultimately, such consistent efforts transform you into a disciplined learner and prepare you for the challenges of the legal field.

Juniors must always be available to their seniors and extend their assistance with complete dedication. They should work in such a manner that seniors feel they cannot carry out any task without the support of their juniors. This constant dependability makes the junior an indispensable part of the office and allows them to gain valuable practical exposure. At the same time, it cultivates qualities of responsibility, discipline, and sincerity, which are essential for professional growth. Such commitment not only strengthens the bond of trust with seniors but also lays a strong foundation for becoming capable advocates and, eventually, successful judges.

At the end, if one wants to succeed in this field, one must abide by two things – pursue this profession as 'yagnam' (devotion) and never and ever look down upon your job.

Interview with Sri. S.K. Ramarao

(Legal Advisor to Central Crime Station & Detective Department,
Cybercrime and Retd. Public Prosecutor)



S.K. Ramarao Sir is currently serving as the Legal Advisor to the Central Crime Station & Detective Department, Cybercrime, Commissionerate of Hyderabad since January 2024. Sir previously served as legal adviser to the Telangana Criminal Investigation Department (CID).

Sir began his legal career in 1986 and was later appointed as an Assistant Public Prosecutor (APP). Over the years, Sir served in various places such as Warangal, Yellandu, Khammam, and Kothagudem, and eventually retired as a Public Prosecutor (PP) in 2018.

Ramarao Sir has also worked as a Special Public Prosecutor for a Special Court dealing with offences under the SC & ST (Prevention of Atrocities) Act. Later, Sir was selected as a Senior Public Prosecutor in the National Investigation Agency (NIA) due to his expertise in handling serious and sensitive cases. Sir also worked as a Magistrate and disposed of many notable cases.

1. What inspired you to choose a career in law?

My journey into the legal field was not planned—it happened by chance, but it became a lifelong commitment. My father was a law graduate from Osmania University in 1962. Although he practised for a short time before switching to agriculture, his background left a quiet influence on me.

I was a science graduate and had studied in the Telugu medium until my intermediate level. Later, I switched to the English medium, but I was a below-average student. I initially did a small job in the medical department. One day, a friend brought me an application for the LL.B. entrance exam at Kakatiya University. He insisted I apply, and I appeared for the exam just to accompany him. Surprisingly, I secured Rank 3. That rank came with a scholarship and waived fees for the top three ranks, which motivated me to join the LL.B. program. I graduated in 1986 and began my practice at Janagama.

2. Can you share your journey from working under an advocate to becoming an Assistant Public Prosecutor?

I worked under Advocate Papi Reddy for about 9 months before starting my independent practice in 1987. A turning point came in 1991 when my close friend, Asst. Public Prosecutor Rajeshwar Rao encouraged me to apply for the Assistant Public Prosecutor post. The selection was purely oral in those days, conducted by the Director of Prosecution, a DIG, and a District Judge. I was selected and ranked 6th in the state, and eventually posted to Yellandu in Khammam district—a Naxal-affected area. Despite my family's concerns, I took the post and served there for 7 years.

After serving in Yellandu, I was transferred to Warangal, where I worked as an Assistant Public Prosecutor (APP) in the Special Courts under the Excise Department for two years. Following this, I was promoted to Senior APP and posted to the Khammam district.

3. How was your experience serving as a Magistrate, and why did you return to the Prosecution Department?

In 2003, due to a shortage of magistrates, I was selected as Judicial Magistrate First Class on an ad hoc basis. At the time, the regular selection process for magistrates used to take 1–2 years, so experienced APPs were considered for temporary appointments. I initially served as the 3rd Additional Junior Civil Judge in Visakhapatnam for about nine months, after which I was transferred to Bheemlipatnam to serve as a Magistrate. However, due to some compelling family circumstances, I returned to the Prosecution Department. Later, I was promoted to Assistant Public Prosecutor Grade I and posted to deal with the SC/ST special court cases in Khammam.

4. What are the challenges faced by prosecutors in examining witnesses and presenting evidence, and how does it differ from the role of a judge?

The role of a prosecutor is more challenging than that of a judge, as it involves presenting evidence, examining witnesses, and establishing facts in court. Prosecutors often deal with witnesses who are illiterate or lack legal knowledge, which makes examination difficult. Many police statements are hearsay or circumstantial, and hearsay evidence is generally inadmissible except under certain exceptions, like time declarations or daily diaries. During cross-examination, relevance must be strictly maintained, and leading questions are generally not allowed in chief examination. A prosecutor must carefully compile material, prepare a synopsis, and strategically present evidence to prove the case. In contrast, a judge evaluates evidence, hears both sides, and delivers judgments based on established legal principles, which is comparatively less complex than conducting a prosecution in practice.

5. Has there been any change in the role of the Public Prosecutor (PP) from the past to the present?

There has been no fundamental change in the role of the PP; it largely depends on the people involved. The nature of the work remains the same. My guru used to say, “*A Public Prosecutor is like a curry leaf—essential in*

every dish but rarely recognised for its value.” From the filing of the FIR to the culmination of the case, the PP’s hand is present throughout. His presence is required at every stage. In short, the PP is the backbone of the criminal justice process. Yet, when conviction is achieved, it is often the police officer who receives public recognition.

6. How was your experience as a PP & APP?

Recognition as a Public Prosecutor comes only when one proves their capability. People begin to trust you when they believe that, if they approach you, they will find solutions to their problems, receive sound legal advice, get a well-framed charge sheet, and see that the guilty do not escape punishment. Only when one consistently demonstrates such qualities does true recognition as a PP emerge.

I have seen Public Prosecutors who cannot even draft a simple leave letter. I am not criticising them, but I strongly believe that respect does not come merely by virtue of holding a chair; it comes only through one’s deeds. We bow down to the Magistrate’s chair, not the individual—because the authority of the seat is respected, but the true respect for a person is earned through actions.

7. Is there any political pressure on PPs?

Earlier, there was very little, but now political pressure has started to influence the system (personal opinion).

8. Have you come across cases where victims made false allegations against the accused?

Yes, in fact, I have dealt with several such cases. Many false cases are filed under provisions like the SC/ST (Prevention of Atrocities) Act, Section 498A IPC, and more recently, even under the POCSO Act.

8.1. How did you deal with such false cases?

There are two aspects to it. If we proceed blindly with false cases, justice suffers. I can recall an incident in Illandu where charges were filed under Sections 506 and 323 IPC—both of which are non-cognizable offences. According to the law, action should have been taken only after obtaining permission under Section 155 of the

CrPC. However, the case was registered without permission and went to trial. Upon examining the matter, it turned out to be an absolutely false case. It was essentially an elopement case, where the woman had voluntarily left, yet a false complaint was lodged.

8.2. What is your view on the false cases, and how do you think this issue can be addressed?

Unfortunately, such false cases are on the rise. There is an urgent need to develop a proper mechanism to curtail them. This problem is not limited to criminal law but is also prevalent in civil matters. Even under the SC/ST Act, several false cases are being reported. The letter and spirit of the Act are not being followed as intended, which undermines the very purpose of justice.

8.3. How was your experience in the Special Court for SC/ST cases?

In my experience, almost 90% of the cases are compromised by the time they reach the bail stage. Among the cases I handled, a few resulted in convictions, and some juvenile cases also ended in convictions.

There is a common provision regarding caste-based abuses—where it must occur “within public view” to constitute an offence. The challenge lies in interpreting what exactly “public view” means, and that interpretation becomes crucial in deciding such cases.

8.4. What do you think is the possible solution for false cases?

There must be proper checks and balances. For instance, in SC/ST cases, who is the empowered officer? It should be an officer not below the rank of a DSP.

Under the new system, there is a provision to record statements through audio and video. Earlier, under Section 161 of the CrPC, recording was optional and subject to discussion, but now it should mandatorily be done through audio-video means. If, after filing the case, it is later proved to be false, then the victim must face consequences. Action should be taken against them—either a penalty or even criminal proceedings in some cases. Without such accountability, false cases will continue to

rise. Checks and balances will create a necessary sense of caution, which is missing right now.

Another reason for misuse is the financial compensation attached to such cases. For example, once a case is registered, 25% of the compensation is released; after the charge sheet, 50% is given; and upon conclusion of the trial, the remaining 50% is released. I am not saying that compensation should not be given, but this system has unfortunately created an incentive for filing false cases just for monetary benefit.

I want to clarify—I am not against caste or the protection of marginalised communities. In fact, in one of my earlier interviews, which was published in the newspaper on Law Day, I openly expressed my views on when SC/ST provisions should rightly apply and when they should not. A journalist personally came to me and recorded my statements on this matter.

9. How do you compare the practices and ethics of lawyers during your time with those of present-day lawyers, and what lessons should young lawyers learn from this comparison?

During my time, lawyers primarily took cases where there was clear and proper evidence, ensuring that their work was guided by integrity and the strength of the case rather than financial gain. They focused on building a reputation through sincere and meticulous handling of cases, emphasising ethical practice over quick earnings. In contrast, the present generation of lawyers often accepts cases indiscriminately, sometimes prioritising profit over proper legal procedure or evidence. There are instances where clients are subjected to unlawful demands, or lawyers may request material benefits such as mobile phones or expensive gifts, which reflects a shift in professional ethics. Despite this, sincere and hard work remains the key to learning and growth in the profession. Young lawyers should observe these differences carefully, learning to prioritise evidence-based practice, ethical conduct, and client trust. It is essential to develop skills, integrity, and perseverance rather than focusing solely on financial rewards. A lawyer must build a career based on knowledge, experience, and

reputation, understanding that shortcuts may compromise long-term success. I have observed many lawyers throughout my career, and while practices may evolve, adherence to ethical and professional standards remains the cornerstone of a respected legal career. Ultimately, the lessons from the past emphasize diligence, ethical practice, and learning through experience, which cannot be replaced by material gains or shortcuts.

10. How did you join the NIA?

In 2011, the southern branch of the National Investigation Agency (NIA) was established in Hyderabad. At that time, there were no regional branches in other southern states. I was selected for the senior Public Prosecutor role in NIA and worked there for almost three and a half years, during which I was involved in many important cases related to counter-terrorism, such as the Dilshuknagar bomb blast case, the Calicut twin blast case, the Wagamon conspiracy case, and the professor hand-chopping case.

11. Could you share any particularly interesting cases you have handled during your tenure at NIA?

Yes. During my tenure in the NIA, I dealt with a Lashkar-e-Taiba case. In fact, I was threatened once or twice by a few in Kashmir, but I did not yield to any such pressure. I informed the Advocate General, and patrolling vans were arranged for my security. Ultimately, I secured a conviction in that case, which was very satisfying.

Another significant case I handled was a chit fund case in Vyra. A father and son had misused around 2 to 3 crores. Before me, a PP had dealt with it but failed to produce any documents in court, despite examining witnesses. When the case came to me, I collected and produced nearly 500 documents, including chit fund receipts, registration papers, and even examined the Sub-Registrar as a witness. The victims themselves had many documents, which I ensured were placed before the court.

The court allowed the evidence, and although the accused approached the High Court, their petition was dismissed. Eventually, the case was

successfully prosecuted, and all the accused were convicted for 10 years. Their properties were auctioned, and the proceeds were distributed to the members. That was one of the most satisfying cases of my career.

There was another similar case where the investigation was poorly done, but using Section 91 CrPC and Section 311 CrPC, I managed to strengthen the case with supporting evidence and precedents.

Wherever you work, sincerity and hard work always yield results. Rome was not built in a day, and similarly, in the legal profession, consistent effort is the key to success.

12. The Telangana High Court recently upheld the death sentence awarded by the NIA Special Court in the 2013 Hyderabad bomb blast case. You were the public prosecutor representing the NIA in this matter. Could you share the key details of the case with us?

The Dilshuknagar bomb blast case was a complex matter. There were two blasts— one near the Konark theatre and another close to the 107 bus stand. These locations fell under the jurisdiction of the Saroornagar and Malakpet police stations. After two days, the case was transferred to the National Investigation Agency. I was part of the NIA until the filing of the first main chargesheet. Later, 4 to 5 charge sheets were filed as the investigation progressed, and by that time, I had left NIA. During this time, we were able to successfully catch Yasin Bhatkal, one of the key accused in this case.

13. Please describe your role in key NIA investigations, including the counterfeiting case, Dilshuknagar blast, and Lashkar-e-Taiba activities, and the outcomes of these cases.

During my tenure at NIA, we worked under a resolution to complete a minimum of three cases using intelligence developed by the agency. The first case involved counterfeiting operations from Bangladesh, where money was being sent to Pakistan; through our intelligence, 60–70 persons were arrested along the Bangladesh

border in Malda, a poverty-stricken area. The second major case was the Dilshuknagar blast, which involved two explosions—one at the Koran Theatre and another at the bus stand. FIRs were registered at Saoornagar and Malakpet, and forensic support was obtained from Ahmedabad's central and state institutes. The investigations confirmed the deaths, incidents and ultimately led to a charge sheet, though some details were later missed after my tenure. Key accused, including Pakistani nationals Asim Badkar, Ajit Ria Badkar, and Yasin Badkar, were identified and arrested, with Yasin traced using a missed call. I also handled Lashkar-e-Taiba-related operations. Throughout my time at NIA, no other special PPS officers were appointed, and I led these critical national security investigations, ensuring intelligence-led outcomes and successful prosecution of the cases.

The other details of the case are already in the public domain. The accused had taken a house at Abdullapurmet, where they prepared the bombs. The materials were brought from Mangalore, where they posed as students. Their links were also established with the German Bakery case.

To build the case, we conducted a Test Identification Parade with the Mangalore flat owner, the Abdullapurmet house owner, and the leather shop owner from Jumeraat Bazaar, who had sold them cycles. All of them identified the accused before the Magistrate. These identifications, when combined with other circumstantial evidence, helped us to develop a strong case.

Further, under Section 164 of the CrPC, the accused made certain admissions, which strengthened the prosecution's case. I had drafted the first charge sheet in this matter, and subsequently, two to three supplementary charge sheets were filed.

13.1. How was the defence in that case?

The defence was indeed very strong.

14. What strategies did you use to coordinate with local police and agencies while handling these multi-jurisdictional cases?

During my tenure at NIA, I was involved in multiple high-profile cases across different states. In Karnataka, I worked on the Thin Blast case and a Death Sentence case that was later commuted to life imprisonment. In Kerala, I investigated the Vagamon case, where a Hindi professor named Joseph had his hand chopped by members of the Popular Front of India due to alleged blasphemy. My team conducted a detailed investigation, collected all evidence, and successfully concluded the case, leading to convictions and sentencing. I also handled another special case in the region, which was concluded successfully. Additionally, I conducted the Twin Blast case in Goa, ensuring a thorough investigation and proper case documentation. These cases provided me with extensive experience in intelligence-led investigations, forensic coordination, and handling sensitive matters of national security, demonstrating my ability to manage complex, multi-jurisdictional cases.

15. Please share your career progression after your tenure at NIA, including your promotion, retirement, and subsequent appointment as CID Legal Advisor

After my tenure at NIA, I returned to Khammam, where I received a promotion as a Public Prosecutor, attaining BP Grade 1. I continued to serve in this capacity until my retirement on 30th January 2018. Following my retirement, I was personally requested by Mahindra Reddy, the former DGP of Telangana State, to join the CID Legal Wing as a Legal Advisor. Initially, I was reluctant to take up the position, but due to their respect, trust, and recognition of my professional journey and contributions, I accepted the request. Consequently, immediately after retirement, I was appointed as a Legal Advisor in CID. This role allowed me to leverage my extensive prosecutorial and investigative experience, providing legal guidance on complex criminal cases and assisting the CID in ensuring lawful and efficient investigation procedures. My appointment was both a recognition of my career achievements and an opportunity to continue serving in the field of criminal justice at a senior advisory level.

16. What were your roles and responsibilities as a Legal Advisor in the CID?

As a Legal Advisor, my responsibility was to oversee the investigations and ensure that they were conducted properly. This included verifying whether statements were being recorded accurately, whether documents were being correctly maintained, and whether evidence was being properly collected. Importantly, I had to ensure that the evidence gathered was legally admissible. While finalising the charge sheet, it was my duty to confirm that all necessary elements were present. Only after my approval would the charge sheet move forward.

16.1. Is your advice binding?

Certainly, yes.

17. There seems to be a gap between evolving cases and the law in cyber crimes. What is your opinion?

Absolutely, cyber crimes are rampant today. Cyber crimes have been rapidly increasing across the globe. Today, the world has become a global village due to the advent of technology. However, the disadvantages of technology appear to outweigh its advantages.

The Information Technology Act does not have adequate provisions to deal with the current challenges. After Section 66A was struck down, we can see how uncontrolled social media misuse has become. There is no comprehensive law to regulate social media. Some provisions have been introduced in the Bharatiya Nyaya Sanhita (BNS), but they are not sufficient.

The IT Act should be amended suitably to meet the needs of the present times. For example, cases involving SIM swapping, online betting apps, OTP frauds, and investment scams are increasing, but there are no proper legal provisions to address them. Most of the existing laws deal primarily with pornography-related offences under the IT Act, but there are no robust provisions to address these other pressing issues. New specific laws must be introduced urgently—it is truly the need of the hour.

18. How do you stay updated with emerging crimes, especially in technology-related offences?

I constantly keep myself updated by reading books, case files, and articles. Knowledge comes from continuous learning. For proper interpretation of the law, one must thoroughly understand the intricacies of each Act.

19. How should young lawyers approach courtroom practice, case observation, and professional growth during the early years of their career?

In the initial years, junior lawyers must focus on hard work, observation, and practical learning. Spending time in court halls to observe proceedings, understanding how to confront and mark documents, and analysing the conduct of witnesses and opposing counsel are critical skills. Reviewing past judgments helps identify mistakes in prosecution, defence, or plaintiff strategies, which is vital for improvement. Practising drafting and writing legally admissible material is essential. Work in the first five years focuses on gaining experience rather than earning, followed by a phase where work and money balance out. Eventually, seniors rely on juniors for work while focusing on earnings. Throughout this progression, maintaining punctuality, integrity, sincerity, and respect for seniors is crucial. Hard work and dedication in these early stages lay the foundation for long-term success in the legal profession.

20. What advice would you give to junior lawyers about developing legal skills, drafting, and improving their knowledge for a successful career in law?

For junior lawyers, developing strong drafting skills is essential, and this begins with improving vocabulary and reading widely. Watching English debates, reading editorials,

and following online legal resources like Live Law, SCC Online, and Indian Kanoon are crucial to understanding judgments and their nuances. Lawyers should distinguish between factual and legal positions in a judgment, and familiarise themselves with statutes, acts like the CrPC, CPC, Evidence Act, Contract Act, and Transfer of Property Act, among others. Interpretation skills are critical, and one should never feel shy about asking questions or clarifying doubts. Observing senior lawyers, participating in group discussions, and analysing mistakes in prosecution or defence are practical ways to gain experience. Writing drafts and ensuring that only legally relevant material is included helps in precise documentation. Punctuality, sincerity, and maintaining integrity are equally important. Health and integrity should always be prioritised over wealth, as they form the foundation of a sustainable career.

21. How should law students develop good drafting skills?

Law students should first focus on developing strong language skills, particularly in English, as most legal drafting in Telangana and Hyderabad is still conducted in English. Reading English newspapers, especially editorials, and good literature is essential to improve vocabulary, comprehension, and understanding of phrasing. During my early education in Telugu medium schools, I had no exposure to English until college, which made learning legal drafting challenging. To overcome this, I read books, judgments, and legal materials, paying attention to wording, Latin phrases, and judicial citations. This process helped me adapt to English legal drafting and strengthened my ability to write precise petitions and legal documents. Students should also study precedents and statutes to combine factual knowledge with legal principles effectively.

Interview with Judge Smt. Swathi Bhavani Potla (Civil Judge (Junior Division))



Ms. Swathi Bhavani Potla, an alumna of Pendekanti Law College, pursued her B.A. LL.B. from the institution between 2013 and 2018. During her time as a student, she displayed academic excellence and undertook prestigious internships under distinguished legal professionals such as Shri K.K. Venugopal (former Attorney General of India), Shri P.S. Narasimha (former Additional Solicitor General of India and current Judge, Supreme Court of India), and Justice V. Gopala Gowda (former Judge, Supreme Court of India).

Following her graduation, she secured State Rank 04 in the PG LAW CET (2018) and went on to complete her LL.M. in Constitutional Law from Osmania University.

Ms. Swathi Bhavani Potla made history by becoming the Youngest Judge in the state of Telangana at the age of 23, securing Rank 02 in the Telangana Junior Civil Judge Examination, 2020. She was posted as Principal Civil Judge, Huzurabad, in Karimnagar District, Telangana and later as the Principal Civil Judge (Junior Division)-cum-Judicial Magistrate of First Class, Yelamanchili, Visakhapatnam District, Andhra Pradesh. She is currently serving as the Civil Judge (Junior Division) at Bheemili, Visakhapatnam.

1. What made you choose law as your career? In one of your past interviews, you mentioned wanting to become an IAS officer. Let us know your story of choosing this path.

My idea at the beginning, i.e. around the intermediate stage, was to serve in any of the three organs of the State. The possible and popular option that struck my mind was the Civil Services Examination, through which I set my sights on becoming an IAS officer. However, as I entered the field of law in pursuance of that aim of joining an organ of the State, my interest in law grew. I absolutely enjoyed reading the law and interpreting it, and that is how I realised, being closer to the law for the rest of my life was what I truly desired. Becoming a Judge stood out as the perfect confluence of my two passions: a commitment to public service by being a part of an organ of the State and a love for the law.

2. You interned under some of the most respected legal minds in India. Could you share how those experiences influenced your legal perspective and career choices? Could you also share how you approached and acquired these opportunities, and what advice would you give students aiming for similar internships?

The key to acquiring big and popular internships is to take baby steps. One cannot land an internship with an Hon'ble Judge of the Supreme Court, or at a big law firm, or with the Attorney General in the very first application without a solid CV/Resume. Your resume must speak volumes about your passion for the law or the specific field you desire to intern in. Write a research paper, present it or get it published, begin with smaller internships in your chosen field in your city, get good grades, participate in moot courts or client counselling competitions, etc. All of these, when added to your CV, reflect your interest in the field and help you land big internships when applied. A good covering letter detailing why you intend to intern at a particular place and how you aim to contribute to the organisation would add more weight to your CV. The key, also, is perseverance. Before landing that one big internship, you may face

100 rejections/no responses. So be good at what you do and do it with perseverance, and opportunities will come your way.

I interned at a variety of places in diverse fields of law. When I interned with Hon'ble Supreme Court and Hon'ble High Court Judges, I got an insight into the work style of Judges. I also had the privilege of working at the office of the Ld. Attorney General and the Ld. Additional Solicitor General of India, helping me learn how representations are done on behalf of the State. Also blessed to have worked under some of the most successful and senior litigating Advocates in Delhi and Hyderabad, apart from working with some of the top law firms of the country. Working at these diverse institutions helped me understand where my interests lay, what I envisioned doing for the rest of my life. I feel that, for every law student, working in a variety of fields of law during law school, through internships, provides them an opportunity to realise where their interest truly lies. Apart, many of my internships were in Delhi, providing me exposure to the bigger litigating scene in India.

3. How should law students aspiring for judicial services balance internships, academics, and exam preparation to ensure maximum learning and readiness for the judicial responsibilities?

As stated above, the advice is to approach a variety of internships with an open mind, without a pre-determination as to what one intends to do after graduation. But where one is absolutely clear on the goal, and if that goal is judiciary, one must realise that it is, for one, a competitive exam. The only preparation that counts for a competitive exam is to be thorough with its syllabus. No matter what grades one gets, what internships one has done, or how many moots one has won, it is only the performance in the examination that counts. This must always be borne in mind. Having said that, interning under a Judge or an Advocate would certainly provide a practical insight into how Courts actually work. Of course, the service necessitates young law professionals to shoulder enormous responsibilities, but with

this responsibility comes great contentment each time the responsibility is discharged.

4. What advice would you want to give to your younger self which would make your judgeship easy?

That nobody is perfect and there is no end to learning. In our younger times, there was a perception that after 'growing up', we would have all the answers, and we could easily deal with any legal matter that came before us. But law is constant learning; all legal professionals are forever students of law, and not much has changed.

5. How did you manage time for this exam preparation? Did you follow a fixed timetable or a flexible schedule? What was your study pattern like on a typical day?

I had a flexible schedule, and there was no specific study pattern. What works for one might not work for another. I counted my preparation not by the number of hours spent, but by the amount of syllabus covered.

6. Which books or resources would you recommend for your judiciary preparation?

Bare Acts are your bible. Having said that, after completing the Bare Acts, standard textbooks we use at law school may also be read for a clearer understanding.

7. How important is answer writing practice in judiciary preparation, and how did you go about improving it?

I personally did not practise writing answers. I did not find it necessary. In my opinion, it consumed a lot of time. However, for about a week before the mains exam, I did practise a couple of old papers to give my hand practice in writing. Writing a lot of pages suddenly could be not only uncomfortable, but also painful.

8. How many revisions did you complete before each stage of the exam? What was your revision technique?

My revision technique was to make super-brief notes beside the important provisions in the index itself. No fixed number of revisions, but as many as make me confident about that subject.

9. How did you deal with low motivation or burnout during preparation? Any strategies that helped?

That guilt of passing time when I am supposed to study did exist. Lack of motivation is indeed real sometimes. Whenever that happened, I reminded myself of why I began. If that did not happen to work, I would take a break, do what I felt like – be it watching a movie or going out with friends or eating my favourite food. After that, I would not beat myself up, but use the remaining time productively. On several occasions, I had taken such breaks as a reward for completion of a portion of the syllabus. I would constantly grant myself rewards for completing my designed syllabus for the day, a sip of water or a favourite food or a trip outside or ten minutes of social media were all part of my reward. As I enjoyed my preparation and did it with moderation by taking constant breaks/rewards, I never really suffered a burnout.

10. What were some of the biggest challenges you faced while preparing for the Junior Civil Judge Examination, and how did you overcome them?

None, really. Maybe not wanting to study a couple of times, but I countered it by taking rewards as mentioned above.

11. Looking back, is there anything you would have done differently during your law school years or while preparing for the judiciary exam?

No. I feel I have made the best possible use of my time, suiting my needs, both during law school years and while preparing for the judicial services examination.

12. What were some of the most challenging or unexpected questions you faced during your judicial interview?

There was a tricky question: because I was directly from college without any standing at the bar, one of the Hon'ble Judges asked me, "whether I would play the game first, or be an umpire and watch it?" - I answered that I would learn by observing, so I would first watch and learn and then play... because I wished to

become a Judge. He immediately said that it would mean resigning if I ever wished to play. I responded to this statement with silence, as either of the answers could go against me.

13. What are the most common mistakes judiciary aspirants often make, and how can they avoid them?

Reading too much of material and trying to mug up without understanding could be two common mistakes aspirants make – keep the material brief, a Bare Act and a reference book and only if at all necessary, one may look at a commentary for clarification – bare Acts are the most crucial books, followed by a standard textbook for better understanding – taking in more information than that could contribute to forgetting the basics. At the same time, it is always advisable to understand the subject, rather than mug it up. If one understands the subject/concept in its proper light, they can easily answer a question twisted in any format or a practical question.

14. Share the moment when the results are declared and you made it to the list.

Absolutely thrilled and exhilarated to know I had qualified in both the States of AP & TS with Rank 2 at both places. Felt rewarded and blessed.

15. After clearing the Judicial Service Examination, what was the duration and nature of your training period?

Certainly, judicial officers' training is highly specialised and imparted by Judges themselves; it is starkly different from the internships we

take up as students. It prepares us to hold the Court.

16. As the youngest judge in Telangana at the time of your appointment, did you face any unique challenges, either personally or professionally and how did you navigate them? Have you ever faced any gender bias, and how did you handle it?

Well, during that time, there were fewer young judges than there are today. So, young judges were not so common. Having said that, merely because of my age, I was never really treated any differently by anyone and the Chair I occupied was always respected. Similarly, neither did my gender affect either my functioning of the way I was looked at. There are many women judges who are excelling in their roles.

17. If you had the opportunity to pursue a different career outside the judiciary, what path do you think you would have taken, and what influenced that choice?

Very happy with the decision I made. I would not have traded it with any other in hindsight.

18. From your perspective on the bench, what skills or qualities should law students begin developing early to become successful legal professionals or judicial officers?

Law students must hone their abilities to read and understand the law and present their understanding orally and in writing in order to become good legal professionals or judges. This includes the ability to apply the law to a set of facts. Being a good student in college days is half the work done for professional life.

Interview with Sri. G. Srinivas Rao

(Legal Advisor to HYDRAA)



Mr. G. Srinivas Rao, a proud alumnus of the inaugural batch of Pendekanti Law College, exemplifies lifelong dedication to academic and professional excellence. After earning his LL.B., he pursued further scholarly advancement by completing B.Ed. and M.Sc. degrees, along with a Postgraduate Diploma in Advanced Research (PGDAR) from NALSAR University, demonstrating a remarkable commitment to both education and research.

Translating this rich academic foundation into impactful public service, Mr. Rao currently serves as the Legal Advisor to the Hyderabad Disaster Response and Asset Protection Agency (HYDRAA). Established in July 2024, HYDRAA is a statutory body tasked with protecting public property and coordinating disaster response across the Telangana Core Urban Region, including Hyderabad and its satellite districts. In this pivotal role, he provides expert legal counsel to reinforce the agency's three critical wings, Asset Protection, Disaster Management, and Logistics Support, ensuring robust legal frameworks underpin their operations.

HYDRAA, since its inception, has undertaken decisive actions, from demolishing encroachments and reclaiming public land to inaugurating a dedicated police station equipped to accelerate enforcement and disaster response. As Legal Advisor, Mr. Rao plays an essential part in shaping policies, guiding the agency through complex legal landscapes, and safeguarding the rule of law in Hyderabad's governance.

1. Can you tell us about your role as a legal advisor at Hydraa?

As a legal advisor at Hydraa, my primary responsibility is to provide legal counsel and ensure the organisation's actions are compliant with the law. I work closely with a team to examine and interpret legal issues related to various complaints and cases brought against Hydraa. Every step from reviewing initial documentation to preparing legal strategies is handled with a commitment to due process and transparency. My job is not only to defend the organisation legally but also to guide its operations within the ethical and legal boundaries laid down by statutory authorities.

2. What does a typical day look like in your position?

To be honest, the only predictable part of my day is walking into the office. What unfolds afterwards depends entirely on the nature and volume of cases that land on our desk. On any given day, I might be reading through affidavits, drafting responses, consulting with legal teams, or preparing for hearings. The variety of legal challenges we face, ranging from regulatory issues to disputes, means that no two days are ever the same. It's intellectually demanding but also incredibly rewarding.

3. What are the most challenging and rewarding aspects of your work?

One of the biggest challenges is the sheer uniqueness of the cases we deal with. For instance, while land encroachment might be a common theme, each case presents a different twist—new legal tactics, unexpected loopholes, or even community dynamics that influence proceedings. Also, we often work under intense time constraints, which adds another layer of pressure.

On the flip side, the most rewarding aspect is the sense of accomplishment when the court recognises and agrees with your legal submissions. That validation, knowing your reasoning stood up to scrutiny and contributed to justice, is deeply satisfying.

4. There have been public accusations claiming Hydraa bypasses legal procedures. What's your response to that?

These accusations are largely media-driven and don't reflect the reality of how we operate. Hydraa only becomes involved in any project or development after receiving all the necessary clearances from the relevant regulatory bodies. Once the green light is given, our legal team conducts a thorough internal review before taking any further steps. We're a deeply misunderstood organisation in many ways, but those who've benefited from our work, individuals, communities, and developers alike, are a testament to the positive impact we create.

5. How did you transition from college life to a legal career?

Law, in many ways, is a part of my DNA. My grandfather served as a legal advisor to the Nizams of Hyderabad, and growing up, I was deeply influenced by watching him work with a quiet but firm sense of justice. That exposure laid the foundation for my own interest in the law. From early on, I felt a strong inner calling to uphold righteousness and fairness, qualities I believe are vital to any legal career. So, when it was time to choose a profession, law wasn't just an option; it was a conviction.

6. What motivated you to pursue law, and did your college experience play a role in that decision?

My inspiration to study law came from my family, but my college experience truly solidified my commitment to the field. I was part of the very first official batch at Pendekanti Law College, and that brought with it a great sense of responsibility and pride. We were also among the first to appear for the Andhra Pradesh LAW CET. Studying in the evening college allowed many of us to balance jobs during the day, an experience that made us more disciplined, mature, and deeply engaged with our studies.

7. Do you recall any professors or courses that had a lasting impact on you?

Yes, without a doubt Mr. Gupteshwar, who was not only our principal but also a professor of jurisprudence. He had a remarkable way of

breathing life into subjects that are typically perceived as abstract or difficult. Jurisprudence, for instance, became far more relatable and stimulating under his guidance. He also taught us the Law of Torts, and his method of incorporating philosophy and literature into the legal curriculum was both innovative and inspiring. His teachings laid a strong intellectual foundation that continues to guide me to this day.

8. What extracurricular activities or college events did you enjoy the most?

While our schedules were tight due to work and classes, we always found time for indoor games like carrom and chess. I was also actively involved in organising college events, which gave me a great platform to develop soft skills like teamwork, negotiation, and time management. Looking back, those small activities played a big role in shaping my interpersonal and leadership abilities.

9. Is there a memorable or funny incident from college you'd like to share?

Certainly! Because many of us had full-time jobs during the day, we often arrived late to class. Our professors were usually unsure whether to scold us or be lenient, given that we were older students with packed schedules. Their confusion often led to some hilarious interactions, moments of stern discipline followed by understanding smiles. It was a unique, respectful dynamic that made the college experience quite special.

10. What skills do you think are essential for students aspiring to work in legal or corporate fields?

First and foremost, determination is key. You have to be willing to push through setbacks and remain committed to excellence. A thirst to not be ordinary and to always strive for something better is equally important. From a technical standpoint, sharp observation skills and the ability to simplify complex legal jargon are invaluable. In law, the best professionals are those who can break down intricate issues into clear, persuasive arguments.

11. How can students make the most of their time in college to prepare for the future?

Use this time to build both academic and practical skills. Engage with real-world issues, participate in internships, read extensively beyond your syllabus, and attend seminars and moot courts. Learn to think critically, speak clearly, and listen even more attentively. These are the tools that will not only help you in your legal career but also in life.

12. What changes have you observed in the college since your time as a student?

There have been significant upgrades in infrastructure, technology, and teaching methods. But what's heartening is that the sense of community and intellectual curiosity still thrives. The spirit of Pendekanti Law College, its warmth, integrity, and commitment to legal education, remains unchanged.

13. What's one piece of advice you wish someone had given you when you were a student?

Honestly, I don't feel the need for a "do-over." I trusted my instincts, made some good decisions, and followed through with hard work. I'm content with how my journey unfolded. But if I had to share one takeaway, it would be to trust the process and never lose sight of your inner compass.

14. Would you be open to mentoring or engaging with current students in any way?

Absolutely. I'd be more than happy to engage with students, whether through mentorship, workshops, or guest lectures. I believe it's important for professionals to give back and help guide the next generation of legal minds.

15. What is a book or film that inspired you?

Swami Vivekananda's writings have been a constant source of strength. The film *Alluri Sitarama Raju* inspired me with its courage and conviction.

16. If not law, what career would you have chosen?

I would've ventured into the export business, particularly fisheries

A SUPREME REWIND

Notable Judgments of the Supreme Court of India - 2024

- Gayathri Sai Pisupati (4/5)

The Hon'ble Supreme Court in 2024 disposed of a whopping 27,677 cases. The numbers reflect the dedication of the higher judiciary to serving justice. Let's take a look at some of the noteworthy judgments delivered by the apex court, which have reinstated the belief that it is a people's court and a custodian of their fundamental rights.

1. **Bilkis Yakub Rasool v. Union of India** W.P.(Crl.) No. 491/2022

The Supreme Court quashed the remission orders of the convicts in the Bilkis Bano rape case

The petitioner in this case was the victim of a brutal gang rape that took place during the 2002 communal riots in Gujarat. The trial initially began in Gujarat, but upon receiving death threats, the victim approached the Supreme Court requesting it to transfer the case. The court transferred the case to a special court in Mumbai, Maharashtra. The case was handled by the CBI, which found and charged twenty persons with the offence of gang-rape, among others. The Court in Mumbai found eleven, out of the twenty, guilty of committing gang rape under the Indian Penal Code, 1860, and sentenced them to life imprisonment, which was also upheld by the Bombay High Court.

While serving the sentence, one of the convicts, Mr. Radheshyam Shah, approached the Supreme Court seeking the Court to direct the Gujarat Government to consider his remission application filed under the government's 1992 Remission Policy. The Court directed the Gujarat Government to consider the application, stating that under Section 432 of the CrPC, the 'appropriate government' to consider the application would be the one where the offence was committed, and not where the trial was conducted.

The Gujarat Government considered his application and ordered the premature release of all eleven convicts, which was challenged by the petitioner in this case. The main issues before the Court were (i) whether the writ petition was maintainable under Article 32 and (ii) whether the Gujarat Government was the 'appropriate government' to pass the remission orders.

The petitioner argued that the remission orders passed by the Gujarat Government were illegal as the 'appropriate government' to consider them was the Maharashtra Government. The respondents contended that the orders were passed in accordance with the Gujarat Government's 1992 remission policy and as directed by the Supreme Court in the *Radheshyam Case*.

The division bench comprising B.V. Nagarathna and Ujjal Bhuyan JJ, held that the writ petition filed by the petitioner was maintainable under Article 32. The Court also held that the Gujarat Government was not the 'appropriate government' to pass the remission orders, stating that under Section 432(7), the 'appropriate government' would be the one where the convicts were sentenced, and therefore quashed the orders and directed the convicts to report back to the jail authorities.

2. **Association for Democratic Reforms v. Union of India** W.P.(C) No. 880/2017

A 5-judge bench of the Supreme Court, in a historic judgment, struck down the 'electoral bond scheme' as unconstitutional.

The Finance Act of 2017 ("the Act") amended certain provisions of the Representation of the People Act, 1951 ("RoP Act"), the Income Tax Act, 1961 ("IT Act"), and the Companies Act, 2013 ("Companies Act"). Section 29C of the RoP Act was amended to include a proviso that exempted political parties from disclosing contributions received through electoral bonds.

Section 182(3) of the Companies Act was amended to exempt companies from disclosing the donations made by them, and Section 182(1) was amended to remove the maximum limit on political funding by companies. Previously, they could donate only up to 7.5 % of three years of the company's net profits. This amendment meant that even loss-making companies could now donate to political parties by purchasing electoral bonds. Furthermore, Section 13A of the IT Act was amended, which exempted political parties from maintaining a record of contributions received through electoral bonds.

The petitioners challenged the amendments made by the Act before the Supreme Court; however, the case was yet to be listed for hearing.

Meanwhile, the Ministry of Finance officially notified the 'electoral bond scheme' ("the scheme") in 2018. These bonds were issued by the State Bank of India ("SBI") under certain denominations. The buyer could purchase these bonds directly from SBI and issue them in the name of the party they wished to donate. The anonymity of the buyer would be maintained, and the party could directly encash the amount.

The petitioners again approached the Court to take up the case, and it was taken up before the general elections of 2024. The petitioners challenged the scheme and amendments on the ground that they violated the rights of the voters under Article 19(1)(a) as the voters do not know who funds the political parties and how much money goes into the funding and campaigns hosted by these parties. They further stated that the scheme distorted the principles of free and fair elections. Advocate Prashant Bhushan, appearing for the petitioners, read out an excerpt from one of the judgments of the Bombay High Court where it was stated that "Democracy cannot function unless the voters have all the necessary information about the parties for whom they are going to vote." He further argued that removing the cap on corporate donations promoted corruption and money laundering, while also encouraging quid pro quo transactions between the donors and the parties. Thus, the voters were kept in the dark, without

having proper information on the donations received by political parties and how the parties chose to spend them.

The Solicitor General appearing for the respondents defended the scheme and argued that it "promoted confidentiality and not anonymity". He stated that SBI being the authorized bank to carry out the transactions, had a fool-proof mechanism to protect donor confidentiality and prevent even the Union Government from breaching it. He argued that in this way, the donor would not be victimised by the party they did not donate to and that it encouraged transparency while documenting the transactions and maintaining donor confidentiality.

The main issues before the Court were (i) whether the scheme was unconstitutional, (ii) whether non-disclosure of funds received by parties violates the right to information of the voters (iii) whether the scheme interfered with the principles of free and fair elections, by providing unlimited corporate funding.

The 5-judge bench of the Supreme Court unanimously held that the scheme and the amendments made to the Act were unconstitutional. The Court reasoned that the scheme violated voters' right to make informed electoral choices under Art 19(1)(a) as they required the information on donations to be able to make informed decisions. The Court further held that the scheme also violated Article 14 as it promoted arbitrariness by allowing even loss-making companies to donate, which distorted the principles of free and fair elections. It also ordered the SBI - to submit details of electoral bonds purchased from April 12, 2019, till the date of the judgment, to the Election Commission of India ("ECI"), and ECI - to publish the information received from SBI on its official website.

3. Sita Soren v. Union of India Crl. A. No. 451/2019

A 7-judge bench of the apex court held that legislative immunity does not extend to legislators for accepting bribes to vote in Parliament or Legislative Assemblies,

overruling the 26-year-old decision given in the P.V. Narasimha Rao case of 1998.

In 2012, the petitioner, who was a member of the Jharkhand Legislative Assembly, had allegedly demanded and accepted a bribe from an independent candidate for proposing his name in the Rajya Sabha elections, but she went on to vote for a member from her party itself. She was facing charges under Section 171E (punishment for bribery) and Section 120B (punishment for criminal conspiracy) of the Indian Penal Code, 1860, and Section 13(1)(d) (criminal misconduct by public servant) of the Prevention of Corruption Act, 1988. She approached the Jharkhand High Court to quash the charges against her, wherein she argued that her actions were protected under Article 194(2) and also placed reliance on the case of *P.V. Narasimha Rao v. State (1998)* (“P.V. Narasimha Rao case”), wherein a 5-judge bench of the Supreme Court held that under Article 105(2), the immunity provided to members of Parliament extended not only to their speech or vote but also to any acts connected to their speech and vote in the Legislature. However, the Jharkhand High Court rejected her contention and refused to quash the charges. The petitioner then appealed to the Supreme Court.

A 7-judge bench was constituted to hear the case and also to examine the correctness of the decision given in the P.V. Narasimha Rao case. The petitioner contended that the P.V. Narasimha Rao judgment was well-reasoned, covering all forms of protection to legislators and that such protection was important to maintain the independence of the Members in a free democracy, while the respondents argued that such protection must not extend to illegal and immoral acts of accepting bribes.

The main issue before the court was whether Members of Parliament or State Legislatures were immune from prosecution under Articles 105(2) and 194(2) for accepting bribes to vote in the Parliament or State Legislative Assemblies. The 7-judge bench overturned the judgment in P.V. Narasimha Rao case and unanimously held that immunity under Articles 105(2) and 194(2) does not extend to acts such as taking bribes.

The Court reasoned that immunity extends only to legitimate legislative functions, and bribery being a criminal act, is unrelated to the legislative functions, and therefore excluded. The Court laid 2 conditions to determine when immunity would extend – When the act is related to a collective function of the legislator the act in question must be inherently linked to the duty of the legislator

4. M.K. Ranjitsinh v. Union of India W.P.(C) No. 838/2019

The apex court recognised the right to be free from adverse effects of climate change as a right under Article 14 r/w Article 21 of The Constitution while holding that environmental protection must be balanced with India’s goals of sustainable development and commitments to international climate conventions.

The case dealt with the protection of the Great Indian Bustard (“GIB”), a bird species found commonly in Gujarat and Rajasthan, that has been categorised as critically endangered. One of the major causes of their mortality was linked to a collision with overhead transmission wires. A writ petition was filed before the Supreme Court seeking guidelines for the protection and preservation of the GIB. In April 2021, the Court issued an interim order directing the transition from overhead transmission wires to underground cables in an area covering approximately 99,000 square kilometres, around the GIB’s habitat, and mandated the use of bird diverters where laying cables was not possible.

The Ministries related to Environment, Forests, Climate Change, and Renewable Energy sought amendments to the orders, citing the potential adverse impact of the transition on the generation of solar power, and India’s commitments under the Paris Agreement on Climate Change.

Therefore, a 3-judge bench was constituted to decide the matter. The main issues before the Court were (i) what steps were to be taken for the protection of the GIB and (ii) whether the Court’s interim order needed re-consideration. The Court overturning the interim order held that such a blanket restriction on all overhead

transmission lines in such a large area was not practical and feasible, and therefore appointed a committee tasked with reviewing the feasibility of underground cables and the use of bird diverters. The Court also noted that a balanced approach must be adopted, balancing the conservation of the GIB with that of India's environmental goals and international commitments. The Court further recognised that Article 14 would be infringed as climate change would disproportionately affect some, and Article 21, which gives the right to a healthy and clean environment, also includes the right to be free from adverse effects of climate change.

5. Arvind Kejriwal v. Directorate of Enforcement CrI.A. No. 2493/2024

The then-Delhi Chief Minister Arvind Kejriwal was granted interim bail by the Supreme Court against his arrest by the directorate of enforcement in relation to the Delhi Excise Policy 2021 case.

Former Delhi Chief Minister Arvind Kejriwal was one of the several persons accused in the Delhi Liquor Policy scam case. The Excise Policy, 2021 which was tabled by the Delhi Government to regulate the sale of liquor in the National Capital Territory region, came under intense scrutiny by the Directorate of Enforcement ("ED") when it was alleged that this policy was intended to facilitate money laundering to benefit certain individuals and cause loss of revenue to the Government. Arvind Kejriwal had been summoned by the ED as a part of its investigation. His failure to appear before the ED ultimately led to his arrest on March 21st, 2024. He was arrested under Section 19 of the Prevention of Money Laundering Act, 2002 ("PMLA"). He challenged his arrest before the Delhi High Court, which upheld the arrest stating that the ED had "adequate material" to show involvement in the crime. He appealed against the order of the Delhi High Court to the Supreme Court.

The appellant contended that ED violated the provisions of Section 19 of PMLA and that the arrest was politically motivated, as he was

arrested before he could campaign for the general elections. Section 19 lays down certain conditions for arrest, which include –

It must be on the basis of "material possession" by the ED, which gives them reason to believe that the accused is guilty of the offence

The reasons for the arrest must be recorded in writing

The reasons must be communicated to the accused

The petitioner submitted that there was insufficient material to prove his involvement in the offence and that Section 19 permitted the arrest only when there was a necessity and the ED had failed to demonstrate the "necessity for the arrest". He further argued that the ED did not consider the evidence which exonerated him from the offence.

The respondent contended that the accused was one of the key conspirators in the excise policy scam and that the arrest was made as a part of the ongoing investigation. They further contended that a judicial review of the arrest could not be made as it was part of the investigation.

The main issues before the Court were (i) what conditions were to be fulfilled for a lawful arrest under Section 19 of PMLA and (ii) whether the arrest of the accused was in compliance with the provisions of Section 19.

A Division Bench of the Supreme Court granted interim bail to the petitioner on the following conditions –

He would be released from May 10, 2024, till June 1, 2024, and would surrender to the instigating authorities on June 2, 2024

He must submit bail bonds of Rs. 50,000

He shall not visit the Office of the Chief Minister and Delhi Secretariat, and would not sign any official files, unless necessary for obtaining approval of the Lieutenant Governor of Delhi.

He shall not make any comments regarding the case

- (v) He shall not visit any witnesses or persons connected with the case

The Court also noted that the power of judicial review extended to arrests made under Section 19 of PMLA and that it would not constitute a “mini-trial.” This power could be exercised by the Court if the arrestee specifically challenges his arrest. The Court further noted that the material which exonerates and absolves the arrestee must also be considered and given weightage and that the authorities cannot arrest according to their “whims and fancies”.

The bench reserved the judgment on this case, while the question of the validity of the petitioner’s arrest was referred to a larger bench.

6. Mineral Area Development Authority & Anr. v. M/S Steel Authority of India & Anr.
C.A. No. 4056-4064/1999

A 9-judge bench of the apex court, in an 8:1 majority held that royalty on mining leases is not a tax, and states had the power to collect tax on mineral rights. Justice Nagarathna dissented.

This case was one of the oldest pending litigations before the Supreme Court. It all started with the Union Government enacting a legislation called the Mines and Minerals (Regulation and Development) Act, 1957 (“MMDR Act”). It was enacted under Entry 54 of List I. Section 9 of the MMDR Act states that royalty is to be paid by mining lease holders for any mineral extracted from the leased area. Both states, under Entry 23 of List II, and the Union, under Entry 54 of List I, have the power to regulate the development of mines and minerals. However, the power of the states is subject to the law made by the Parliament under Entry 54.

In 1963, the Tamil Nadu government granted a mining lease to the company India Cement Ltd (“India Cement”), for the extraction of limestone and other minerals. The government imposed royalty under the MMDR Act. However, under the Madras Panchayat Act, 1958, the government could also levy a cess on royalty. India Cement challenged this provision before the Madras High Court stating that the state had no legislative competence to

levy cess on royalty. The Madras High Court held that the Tamil Nadu government was competent to do so under Entry 49 of List II. This order was challenged before the Supreme Court. A 7-judge bench of the Supreme Court in the case of *India Cement Ltd v. State of Tamil Nadu (1989)* (“India Cement case”) held that royalty on mining leases is a tax and states lacked legislative competence to levy cess on royalty, as taxes on mineral rights were already covered under the MMDR Act.

However, in the case of *State of West Bengal v. Kesoram Industries Ltd*, a 5-judge bench of the Supreme Court, in a 3:2 majority, held that there had been a grave typographical error in the India Cement case, which held that royalty is a tax while meaning that “cess on royalty is a tax”. The court held that royalty is not a tax.

Meanwhile, the present case started with a writ petition filed in 1999, which challenged the Bihar Coal Mining Area Development Authority (Amendment) Act 1992 (“the Act”), which imposed additional taxes on mineral-bearing lands, which was in contravention of the judgment in the India cement case. The Patna High Court struck down the Act. This was challenged before the Supreme Court. The case also became a cluster of litigations filed against the taxes on mineral rights in Bihar. A 9-judge bench was constituted in February 2024 and hearings began.

The main issues before the court were (i) whether royalty under the MMDR Act is in the nature of tax and (ii) whether states had legislative competence to impose additional taxes on mineral-bearing lands. The Supreme Court, in an 8:1 majority, held that royalty paid on mining leases is not in the nature of tax, as it arises from a contractual obligation, rather than a compulsory imposition. The court further held that states had legislative competence to levy taxes on mineral-bearing lands under Entries 49 and 50 of List II and this power could not be limited by the Parliament. Justice Nagarathna, in her dissenting opinion, stated that royalty under Section 9 of the MMDR Act is inherently a tax, and the MMDR Act inherently limits the taxing power of the states. The judgment was delivered

on 31st July 2024. The Court further on 14th August 2024, held that the judgment would apply retrospectively up to 1st April 2005.

7. Gaurav Kumar v. Union of India W.P.(C) No. 352/2023

The Supreme Court held that State Bar Councils cannot charge enrolment fees beyond what is provided in the Advocates Act, 1961

A law graduate must enroll himself with a State Bar Council to practice in courts. The Advocates Act, 1961 (“the Act”) prescribes the procedure for enrolment in the State Bar Councils (“SBCs”) and Bar Council of India (“BCI”). SBCs and BCI charge certain enrolment fees. According to Section 24(1)(f) of the Act, the prescribed enrolment fee for general category applicants is Rs.600 for SBCs and Rs.150 for the BCI, and for the Scheduled Caste or Scheduled Tribe applicants, it is Rs.100 for SBCs and Rs.25 for BCI, along with stamp duty.

The petitioner filed a writ petition before the Supreme Court challenging the exorbitant enrolment fee charged by various SBCs across the country, ranging from Rs. 10,000 up to Rs. 50,000 in certain states. He contended that such high amounts exceeded the statutory limits set out in the Act and imposed a financial burden on the applicants. The respondents contended that such a fee was required to be charged to cover miscellaneous costs such as maintaining the library, and administrative and operative costs, which are essential for the maintenance of the bar councils.

A division bench of the Supreme Court held that the SBCs could not charge enrolment fees beyond what is prescribed under Section 24(1)(f) of the Act. The Court held that charging such high enrolment fees violates the freedom to practice any profession under Article 19(1)(g) and the right to equality under Article 14. It further held that no other miscellaneous costs, such as welfare fund or maintenance fee could be charged as a pre-requisite for enrolment.

8. The State of Punjab v. Davinder Singh C.A. No. 2317/2011

A 7-judge bench of the apex court, in a 6:1 majority, overruled the judgment in E.V. Chinnaiah’s case held that States have the power to sub-classify scheduled castes for reservation purposes. Justice Trivedi dissented.

In 2006, the Punjab Government enacted the Punjab Scheduled Caste and Backward Classes (Reservation in Services) Act, 2006 (“the Act”). Section 4(5) of the Act reserved 50% of the total seats reserved for the Scheduled Castes (“SCs”) further, to Balmikis and Mazhbi Sikhs on a first preference basis within the SCs. This meant that Balmikis and Mazhbi Sikhs would be given the benefits of reservation first before other SCs. This provision was challenged before the Punjab and Haryana High Court, which struck down the provision as unconstitutional while relying on the judgment in the case of *E.V. Chinnaiah v. State of Andhra Pradesh (2005)* (“*E.V. Chinnaiah’s case*”). In *E.V. Chinnaiah’s case*, a 5-judge bench of the Supreme Court held that states did not have the power to sub-classify SCs as – (i) they constituted a ‘homogenous class’, and thereby further differentiating between them would be violative of Article 14 (ii) this power was solely vested with the President under Article 341.

An appeal against the order of the Punjab and Haryana High Court was referred to the Supreme Court. A 7-judge bench was constituted to hear the matter. The main issues before the court were (i) whether the states had the power to sub-classify SCs and (ii) whether such sub-classification was permissible under the Constitution.

The Punjab Government (appellant) contended that within the SCs, there are varying degrees of backwardness, and therefore sub-classification ensures adequate representation to the most backward classes. They further contended that Article 15 and Article 16 empowered the states to sub-classify castes. They argued that in *Indra Sawhney vs Union of India (1992)* (“*Indra Sawhney case*”) judgment, the term “backward class” under Article 16(4) included the

scheduled castes, scheduled tribes, and the socially and economically backward classes.

The respondents contended that SCs constituted a 'homogenous class' and therefore sub-classification was not constitutionally permissible. They relied on the E.V. Chinniah case judgment, arguing that only Parliament had the power to amend the Presidential list under Article 341.

The Court, in a 6:1 majority, overruled the judgment in the E.V. Chinniah case and held that states are permitted to sub-classify SCs when providing reservations under Articles 15 and 16 and that such a sub-classification would not amount to 'tinkering' with the Presidential List under Article 341, as they were merely creating internal divisions, and not including or excluding castes altogether. It further held that the SCs did not constitute a 'homogenous class' as there were varying degrees of backwardness within the SCs itself. The majority, while placing reliance on the Indra Sawhney case, held that the judgment allowed for sub-classification of other backward classes, but did not per se exclude the SCs. Sub-classification was held to be a facet of equality under Article 14, and hence it is permissible. The Court emphasized that such sub-classification must be carried out only on the basis of empirical data which shows that the particular caste has been inadequately represented.

Justice Bela Trivedi in her dissenting opinion reasoned that states did not have the power to sub-classify SCs as it would amount to 'tinkering' with the Presidential List under Article 341. She further stated that once castes were notified as SC under the Presidential List, they formed a 'homogenous class' and sub-classification would deprive other castes of the benefit of reservations.

9. Just Rights for Children Alliance v. S. Harish CrI. A. No. 2161-2162/2024

In a landmark decision, the Supreme Court held that merely viewing or possessing child sexual exploitation and abuse material amounts to an offence punishable under POCSO Act and IT Act.

The respondent was accused of being an 'active consumer' of child pornographic material. Subsequently, an FIR was registered against him by the Tamil Nadu police under Section 67B of the Information Technology Act, 2000 ("IT Act") which punishes publishing or transmitting material in electronic form depicting children in sexual activity, and Section 14(1) of The Protection of Children from Sexual Offences Act, 2012 ("POCSO Act") which punishes using children for pornographic purposes. A forensic analysis of his phone revealed that he watched 2 child pornographic videos and many other such videos were downloaded and stored on his mobile. During the investigation, it was revealed that he used to watch such content during college and he was not actively involved in exploiting the children. Hence the charge under Section 14(1) was dropped and Section 15(1) of the POCSO Act was for his failure to delete or report the material to the designated authorities.

The respondent approached the Madras High Court to quash the criminal proceedings against him. The Madras High Court quashed the proceedings and held that merely viewing or possessing child pornographic material was not punishable under the POSCO Act and watching or downloading it did not make the act punishable under the IT Act as it talks about transmission, publication or creation of child pornographic material.

The appellants, a group of NGOs working against child trafficking and exploitation, appealed against the decision of the Madras High Court to the Supreme Court. They contended that viewing and possessing child sexually abusive material contributed to its demand, thereby perpetuating child exploitation. They argued that the act of viewing or possession must also be considered a criminal act and made punishable, and Section 30 of the POSCO Act must be made applicable in this case, which presumes malicious intent on the part of the accused and shifts the burden of proof on him.

The respondent contended that merely viewing such material did not fall within the ambit of 'possession' under Section 15(1) of the POSCO Act or Section 67B of the IT Act. He relied on the Madras High Court order and stated that the High Court rightly limited the liability to the persons engaged in the transmission or sharing of such material.

The main issues before the court were (i) whether viewing child pornographic material was a punishable offence and (ii) whether the court could presume criminal intent under Section 30 of the POSCO Act even without sharing or transmission of such material.

A division bench of the Supreme Court, comprising former CJI D.Y. Chandrachud and Justice J.B. Pardiwala, unanimously held that merely viewing child sexual exploitation and abuse material ("CSEAM") is also a punishable offence, overturning the Madras High Court judgment. The Court reasoned that 'viewing' CSEAM amounted to constructive possession, even if it is temporary, and the failure to delete or report it to the designated authorities makes the 'act' violative of Section 15(1) of the POSCO Act. The Court further noted that the act of viewing and possession of CSEAM constituted an 'inchoate crime' and it indirectly facilitated the production and demand for such material. Hence there was a need to penalise such an act. The bench observed that the term "child pornography" does not capture the crime to the full extent and perpetuates victimization of the minor child involved in the act and therefore it must be replaced with the term "child sexual exploitation and abuse material" which encapsulates the heinous nature of the crime. It further noted that Section 67B of the IT Act criminalizes even possession and consumption of child pornographic material. Further, the Court clarified that under Section 30 of the POSCO Act, the Courts "shall" presume malice intent on the part of the accused and that this interpretation was completely ignored by the Madras High Court. Lastly, the Court reinstated the proceedings and charges against the accused and issued guidelines to the Parliament to replace the term 'child

pornography" with "CSEAM" in the POSCO Act.

10. State of Uttar Pradesh v. M/s Lalta Prasad Vaish and Sons C.A. No. 151/2007

A 9-judge bench of the Supreme Court, in an 8:1 majority held that states have the power to regulate industrial alcohol, overruling the judgment in Synthetics & Chemicals Ltd v. State of Uttar Pradesh (1989). Justice Nagarathna Dissented.

Alcohol is of 2 kinds – potable (fit for consumption) and industrial (not fit for consumption). However, in certain cases, industrial alcohol is illegally used to make potable alcohol. The regulation of both kinds of alcohol becomes a topic of contention as they are both within the purview of the Union List, State List, and Concurrent List. Under Entry 52 of the Union List, Parliament is empowered to make laws to regulate industries of public importance. Thereby, Parliament enacted the Industries (Development and Regulation) Act, 1951 ("Industries Act"). Section 18G of the Industries Act empowers the Union Government to regulate industries specified in the schedule. Under Entry 8 of the State List, states have the power to legislate on the subject of "intoxicating liquors" which includes production, sale, manufacturing, etc. Under Entry 33 of the Concurrent List, both Parliament and State Legislatures can make laws on products of any industry, even if Parliament granted the Union Government control over such industries in the public interest.

In 1990, a 7-judge bench of the Supreme Court in *Synthetics & Chemicals Ltd v. State of Uttar Pradesh (1989)* ("Synthetics case"), held that "intoxicating liquors" under Entry 8 of List II only included potable liquor, and therefore states did not have the power to regulate industrial alcohol. It further held that Section 18G of the Industries Act gave exclusive control of industrial alcohol to the Union Government, and excluded the power of states under Entry 33.

Subsequently, in 1999, the Uttar Pradesh Government issued a notification imposing a 15% license fee on specially denatured spirits (the process of denaturing makes the alcohol unfit for consumption) under the U.P. Licenses for the Possession of Denatured Spirit and Specially Denatured Spirit Rules, 1976. This was challenged by the Respondent in the Allahabad High Court, which struck down the notification. The Government of UP appealed to the Supreme Court. In 2007, a 3-judge bench of the Supreme Court observed that the decision in the Synthetics case needed reconsideration and referred the present case to a larger bench. A 9-judge bench was constituted to hear the matter.

The main issues before the Court were (i) whether “intoxicating liquors” under Entry 8 of the State List included ‘industrial alcohol’ and (ii) whether states had legislative competence to enact laws to regulate ‘industrial alcohol’.

The 9-judge bench, in an 8:1 majority, held that “intoxicating liquors” under Entry 8 of the State List included all kinds of alcohol, thereby including ‘industrial alcohol’, as it has the potential for misuse and can pose public health risks. The Court further held that states had legislative competence to enact laws to regulate ‘industrial alcohol’, thereby overruling the decision in the Synthetics case. It applied the principle of harmonious construction, interpreting overlapping provisions of Entry 8 of the State List and Entry 52 of the Union List, giving importance to a special entry (Entry 8) over a general entry (Entry 52).

Justice B.V. Nagarathna, in her dissenting opinion, stated that industrial alcohol, being non-potable, does not fall within the ambit of “intoxicating liquors” under Entry 8. She emphasised that denatured alcohol comes under the nature of ‘industrial alcohol’ and therefore was within the purview of Section 18G of the Industries Act.

TECHNOLOGY AND CRIME: SAFEGUARDING DATA IN THE ERA OF CYBER THREATS

- Ushaswi and Sai Shriya Potla (4/5)¹

ABSTRACT

Technology has a significant impact on the modern world. It plays an important role in bringing advancement in all fields of society, from commerce to healthcare, ultimately leading to societal progress. However, over the years, technology has been used for the wrong causes and has resulted in the emergence of cybercrimes. A data breach is one such cybercrime which is becoming increasingly concerning these days. A data breach includes the theft of the personal information of an individual or organisation from electronic devices for illegal purposes. The following article will provide an in-depth explanation of how data breaches occur and various methods adopted to strengthen data security. The article will also deal with various data protection laws around the world, highlighting Indian laws such as the Information Technology Act, 2000 and the Digital Personal Data Protection Act, 2023.

Keywords: Cybercrime, Data Breach, Data Protection Laws, Right to Privacy, Digital Personal Data Protection Act 2023, and Cybersecurity.

INTRODUCTION

In October 2023, India witnessed a shocking incident of personal data breach of over 81.5 crore citizens, which is considered to be the biggest incident of data breach that occurred in Indian history. The personal information of citizens from COVID-19 testing is leaked on the dark web from the Indian Council of Medical Research (ICMR)². Such incidents can lead to identity theft or cause financial loss to the individual. These instances serve as examples of the importance of data safety in the modern world.

The following article provides comprehensive information on how technological advancements lead to the commission of these crimes and various methods to safeguard data,

including technological and administrative measures.

Technology and Crimes

Technology is a branch of knowledge applied in various disciplines of life, which has led to the creation of innovations for societal betterment. Technological advancements also made daily activities simpler, leaving more productive time for an individual. However, in the past few years, technology has been used for the wrong purposes.

Technology and crime have a complicated relationship. Although technology has greatly improved our lives, it has also given criminals new avenues for crime. Over the past ten years, there has been an increase in computer-related crime rates. Since technology is constantly advancing, there will inevitably be an increase in crimes related to technology.

What is a Data Breach

A data breach is a cybersecurity attack that happens when data is accidentally or purposely obtained by a third party without the owner's or user's knowledge. Data breaches are partially caused by the increasing data availability brought about by the growth of digital products, which have given organisations access to an excessive amount of information. Financial records, intellectual property, personal information, and any other protected data that ends up in the wrong hands can all be considered compromised data. A data breach can have serious consequences, including monetary losses, harm to one's reputation, legal ramifications, and possible injury to victims. Hackers may utilize stolen information for illicit purposes, including financial fraud, identity theft, spamming, or even blackmail.

Following are some of the methods cybercriminals adopt to breach into data systems-

- **Malware**

A malware attack occurs when a computer virus or other malicious software infects a network or computer system. Hackers may use a compromised computer for a variety of objectives. These include damaging data, stealing private information, and using the computer to commit additional crimes.

- **Ransomware**

Malicious software, commonly known as ransomware, is a kind that stops you from accessing your computer files, networks, or systems and requests payment to unlock them. Its purpose is to prevent access to a computer system until a certain amount of money is paid. Ransomware can result in the loss of important data and information as well as expensive operational disruptions. Through the opening of an email attachment, clicking on an advertisement, clicking a link, or even going to a website that has malware contained in it, you may unintentionally get ransomware onto your computer. The ransomware would prevent users from accessing saved data and files on the computer or the computer itself once it has been loaded.

A well-known instance of a ransomware attack is the WannaCry cyberattack, which took place worldwide in May 2017. Such as WannaCry ransomware is a kind of virus that extorts money by holding the victim's data or equipment hostage. The ransomware specifically targeted a Microsoft Windows PC vulnerability.

- **Phishing**

Phishing refers to the deliberate use of spam emails or other correspondence to deceive recipients into doing actions that compromise their security. Phishing messages may request private information from the recipient or include dangerous attachments or connections to other websites. A well-known instance of phishing fraud happened in 2018 during the World Cup. In this scam, the emails which were addressed to the football fans were part of the World Cup phishing scam. Spam emails targeting World Cup attendees attempted to lure them in with fictitious offers of complimentary trips to

Moscow. Individuals whose personal information was accessed and clicked on the links in these emails were stolen.

- **Spoofing**

Sending emails to people or organisations with the goal of deceiving users is known as spoofing. To make it harder to figure out who is sending the message, the sender mostly uses a fake email address. It resembles a cyber masquerade in which a malevolent individual acts like someone else in order to commit fraud. The following are some typical spoofing formats:

a. IP Forgery: The sender's IP address is altered in this cyberattack to make it seem as though it is coming from a reliable source. It is frequently employed in denial-of-service (DoS) and man-in-the-middle attacks. IP spoofing is the act of someone posing as someone else while disguised at a party.

b. ARP spoofing: This method focuses on nearby networks. By sending fake Address Resolution Protocol (ARP) signals, the attacker deceives devices into connecting their IP address to their MAC address.

- **Cyber Bullying**

Sending, publishing, or disseminating hurtful, malicious, or offensive content about another person is known as cyberbullying. It may also disclose someone else's personal or private information, which could be embarrassing or degrading. Cyberbullying is a type of bullying that takes place on digital platforms, including tablets, laptops, and smartphones. It can occur via text messaging, SMS, applications, social media, forums, and online gaming platforms.

- **Insider Threats**

Cybersecurity hazards known as "insider threats" come from authorised individuals working for a company. These insiders may be workers, subcontractors, or company associates who, through deliberate or unintentional means, abuse their rightful access to confidential information or have their accounts breached by hackers.

Insider threats cause serious hazards to data security. As external damages occur in an organisation and cause huge losses, even internal vulnerabilities disturb the smooth functioning of the organisation.

Right to Data Privacy

Data privacy refers to an individual's ability to choose when, how, and the extent to which their personal information is disclosed to third parties. One's name, location, contact details, and online and offline activities can all be considered forms of personal information. Similar to the desire to keep some individuals out of a private discussion, many internet users want to restrict or stop the collection of some personal information.

With increasing instances of data breach cases, it becomes essential to recognise the right to data privacy to ensure legal protection for the victims. Realising its importance, the Supreme Court of India upheld the right to privacy as a fundamental right under Article 21 of the Constitution³ in the landmark case of *Justice K.S. Puttaswamy v. Union of India (2017)*⁴.

Justice K.S. Puttaswamy (Retd.) and Anr. vs. Union of India and Ors. (2017): The Hon'ble Supreme Court delivered an important judgment in this case by holding that Articles 14, 19, and 21 of the Indian Constitution guarantee or entrench the right to privacy. The ruling in *Kharak Singh and M.P. Sharma* was overturned in this case. In this instance, the "Aadhar Card Scheme" was contested on the grounds that it violated citizens' right to privacy by gathering and using their biometric data for unrelated purposes. The petitioner contended that Article 21 of the Indian Constitution ought to incorporate the right to privacy as a basic freedom. The responders argued that the Constitution only recognises individual liberty in response to this.

The decision by the Supreme Court provides citizens the ability to request legal action if their rights to privacy are violated. Additionally, this ruling has an impact on the guidelines that Indian tech businesses have established.

Data Protection Laws

Data protection safeguards information from any damage or loss from unauthorised access by adhering to the laws and regulations. The data protection laws elaborate on the rights of data owners and also provide measures to ensure data privacy and take action against data infringement.

Many countries have developed data protection legislation in light of alarmingly increasing instances of data breaches around the world. Some of them include

- **General Data Protection Regulation (GDPR)**

The General Data Protection Regulation (GDPR) is the strongest and most stringent data protection legislation in the world. GDPR is a legal framework that sets guidelines for collecting and processing the personal data of individuals in the European Union (EU). It came into effect in 2018 after being approved in 2016, replacing the Data Protection Directive.

- **California Consumer Protection Act (CCPA)**

California Consumer Protection Act (CCPA) is a state data protection legislation enacted in 2020. CCPA gives data consumers more freedom to regulate their privacy and guides organisations on data processing and data management.

Data Protection Laws in India

For a long period, India lacked a special statute for data protection; all cases were dealt with under the Information Technology Act, 2000⁵ and Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011.

Information Technology Act, 2000

The Information Technology Act provides legal recognition to electronic transactions to safeguard the interests of internet users. It also aims to protect the citizens from cybercrimes. The IT Act contains provisions for the data privacy and protection of the online data of an individual.

The following are a few significant provisions which deal with data protection in the Information Protection Act:

- **Section 72**

Section 72⁶ of the IT Act provides a penalty for a breach of confidentiality. It imposes punishment only on public officers for disclosing any information by misusing the powers conferred on them by the Information Technology Act. The person convicted under Section 72 is punishable with imprisonment which may extend to two years or a fine, or both.

Two sections are incorporated in the Information Technology (Amendment) Act, 2008, regarding the protection of sensitive personal data.

- **Section 43A**

Section 43A⁷ states that the body corporate handling the personal and sensitive data of its users will be liable, provided they were negligent in maintaining necessary security measures, causing wrongful loss to the person. The body corporate will be liable to pay compensation to the aggrieved person.

- **Section 72A**

Section 72A⁸ of the IT Act provides a penalty for disclosure of personal information in breach of contract. A person, including an intermediary, who secured the personal information of the other party while providing service will be liable for disclosing personal information without the consent of the other party. The person liable under Section 72A will be punished with imprisonment which may extend to three years or a fine which may extend to five lakh rupees or both.

Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (IT Rules, 2011)

The IT Rules, 2011, are formulated by the Indian Government under the power conferred under Section 43A of the IT Act. The IT Rules, 2011 set guidelines for body corporates for handling sensitive and personal information of its users. The term “body corporate” includes a

company, firm, sole proprietorship or any other association of individuals engaged in commercial activities.

Rule 3 of the IT Rules, 2011 states that the information is dealt with under sensitive and personal information. It includes:

1. Password
2. Bank account or credit card or debit card, or other payment instrument details
3. Physical, physiological and mental health conditions
4. Sexual orientation
5. Medical records and history
6. Biometric information
7. Any detail relating to the above clauses as provided to the body corporate for providing service
8. Any of the information received under the above clauses by the body corporate for processing, storing or processing under a lawful contract.

Rule 6 of the IT Rules, 2011 provides that the body corporate is allowed to disclose any sensitive and personal data of an individual to a third party without the permission of the data owner, unless it is agreed under any contract or any legal obligation.

Digital Personal Data Protection Act, 2023

With the increase in digital data consumers every year, there was a need for codified and stringent data protection legislation in India to safeguard the interests of the citizens. India is required to keep up with internationally accepted security measures and tackle emerging data infringement issues.

The Supreme Court judgement in *K.S. Puttaswamy (Retd.) & Anr. v. Union of India & Ors. (2017)*, upholding the right to privacy as a fundamental right under Article 21 of the Constitution led to the introduction of the Personal Data Protection Bill, 2018. This bill was proposed by the Justice Srikrishna Committee set up by the Ministry of Electronics and Information Technology (MeitY). The

government made revisions to the bill and introduced it in the Parliament as the Personal Data Protection Bill, 2019. The Lok Sabha referred this bill to the joint committee of the parliament. Due to the delays caused by the pandemic, the joint committee submitted its report, placing a new draft bill, the Personal Data Protection Bill, 2021, making changes to the previous draft bill. However, this bill was withdrawn by the government owing to multiple delays and extensive changes made by the joint committee.

The Ministry of Electronics and Information Technology has introduced a new draft bill, the Digital Personal Data Protection Bill, 2023, in Lok Sabha on August 3, 2023, after considering the public deliberations. The bill was passed in the Lok Sabha on August 7, 2023, and in the Rajya Sabha on August 9, 2023. It further received presidential assent on August 11, 2023.

Salient Features of Digital Personal Data Protection Act, 2023

1. Obligations of data fiduciaries for data processing: A data fiduciary is a person or a body corporate or a government entity that collects the personal data of individuals for data processing. The data fiduciary is required to obtain consent before processing the personal information of the individual. The data fiduciary has to follow the security safeguards to prevent data breaches; in any case, if there is a breach of personal data, the fiduciary must inform the individual and the Data Protection Board. The data fiduciary is to erase personal information when the purpose of collecting the data is accomplished or upon withdrawal of the consent of the data principal.

2. Obligation of data fiduciary regarding personal data of children: The data fiduciary is only allowed to process the personal data with the consent of parents or legal guardians. They are not allowed to process data which is detrimental to the interests of children or involves tracking, behavioural monitoring or targeted advertising of children.

3. Right of data principal: The data principal is the owner of the personal information which

is used for data processing. The rights of the data principal include-

- a. The right to access information about personal data processed
- b. The right to correction and erasure of data
- c. The right to grievance redressal
- d. The right to nominate a person to exercise rights in case of death or incapacity

4. Duties of data principal: The duties of the data principal include-

- a. To comply with the provisions of all requisite laws while exercising the rights under the Digital Personal Data Protection Act, 2023.⁹
- b. To not impersonate another person while providing personal data
- c. To not suppress any material information for any document, unique identifier, proof of identity or proof of address issued by the State or any of its instrumentalities
- d. To not register a false or frivolous complaint with the Data Protection Board
- e. To provide only verifiable and authentic information while exercising the right to erasure or right to correction under this Act.

7. Seven Principles of the Digital Personal Data Protection Act: The DPDP act is based on seven principles. They are

- a. **Lawfulness and Transparency:** The Act ensures that the method of data processing conducted by the data fiduciary must be lawful, fair and transparent to the data principals.
- b. **Purpose Limitation:** The data fiduciaries must ensure that the data collected must be utilised for the specific purpose which was specified during data collection.
- c. **Data Minimisation:** The data fiduciaries must only collect the data which are requisite for the data processing.
- d. **Data Accuracy:** The data fiduciaries must take reasonable steps to ensure the personal data of individuals is accurate and kept up to date.

- e. **Storage Limitation:** The data fiduciaries must store the data until the fulfilment of a specific purpose and ensure that the personal data is erased after completion of the purpose.
- f. **Integrity:** The data fiduciaries must take all necessary security measures and other regulations for data protection.
- g. **Accountability:** The data fiduciary is accountable for any data breach caused or non-compliance with the provisions of the Act. They will be liable for the penalty prescribed in the Act.

8. Functions of the Data Protection Board:

The Data Protection Board must inquire into complaints made on data breaches and provide directions for mitigating or remediating the data breach. The Board has to impose penalties for non-compliance with security measures and data breaches. The Board can also advise the government to block the app or website of data fiduciaries if they repeatedly breach the provisions of the Act.

9. Cross-border data transfer: The cross-border data transfer is permissible in India; however, the government may restrict the transfer of personal data to a few nations through notifications.

10. Exemptions: The Act provides exemptions for data processing in the following instances-

- a. For enforcing any legal right or claim
- b. For courts or tribunals or any other body to perform any judicial or non-judicial or supervisory, or regulatory function
- c. For the prevention, detection, investigation or prosecution of any offence
- d. To process the personal data of non-residents under foreign contract
- e. For the merger or demerger of companies after seeking the approval of the court or tribunal
- f. For acquiring financial information, including assets and liabilities of a person who defaulted on a loan or advances taken from a financial institution.

Data Security Measures to Safeguard Personal Data

Data security is the process of protecting data from external threats by adopting a set of controls, tools and techniques. The public and private organisations have to comply with the data security measures to ensure their users' data privacy.

The following are the most common types of data security measures-

- **Encryption**

Encryption is a process of converting readable plaintext into incomprehensible text using mathematical codes. It is known as ciphertext. Such data cannot be comprehended by anyone, till deciphered into the original form. This technique restricts access only to authorised people and ensures data safety from illegitimate activities during online data transfer.

- **Authentication and Authorisation**

Authentication and authorisation are two security processes that determine that only approved users can access the data.

Authentication is a process of verifying whether the person requesting data access is who they claimed to be. For this process, the person has to present proof of identity, which is only available to him, such as a one-time password (OTP), PIN or biometric verification.

Authorisation is a process of determining whether the person has the level of access to specific data. This process generally occurs when the user completes the authentication process. Authorisation enables the organisation to control and regulate the personal and sensitive data of its users.

- **Firewalls**

A firewall is a network security device which monitors and controls the incoming and outgoing information of an organisation based on previously established security policies. It protects the data of an organisation from digital hazards such as viruses, malware and other external influences. A firewall restricts employees' access to all applications and

websites and prevents the transfer of sensitive data of the organisation.

Data Masking

Data masking is a technique of creating a realistic version of data while altering sensitive information. The data masking can be done through character or word substitution, encryption or shuffling. It creates a functional substitution where the original data is not required, like user training and software testing. It is also used to protect personal information, including name, address and credit card numbers, from cybercrime.

• **Data Erasure**

Data erasure is a method of permanently and irreversibly removing data from storage devices, including hard disk drives, solid-state drives or any other digital data. Storage devices of the organisation may contain sensitive information, and improper disposal of such files may lead to serious data breach consequences. This method is usually done by overwriting the original data with a random or new set of characters or words, making it hard to comprehend.

CONCLUSION

Over the past few years, technological advancements have opened new possibilities for criminals in the commission of crimes. With the digitalisation of day-to-day activities, there is a constant concern about losing one's sensitive and personal information to cybercriminals. The new emerging technology, like Artificial

Intelligence (AI), has the capacity to delve into the personal information of an individual, which can be a serious breach of data privacy and data security. This does not mean staying away from these technological advancements, but rather adapting them. Hence, there should be strict formulation and implementation of data protection and data security measures to be ready for whatever the future holds.

Endnotes:

1. *Fourth-year students of B.A.LL.B (5YDC) of Pendekanti Law College, Hyderabad.*
2. Kanishka Sarkar, *Massive dark web data leak exposes India to digital identity theft and financial scams, warns Resecurity*, CNBCTV 18.com, Oct. 31, 2023, 8:12 PM, <https://www.cnbctv18.com/technology/massive-dark-web-data-leak-exposes-india-to-digital-identity-theft-and-financial-scams-warns-resecurity-18196331.htm>.
3. INDIA CONST. art. 21.
4. Justice K.S. Puttaswamy v. Union of India (2017) 10 SCC1
5. Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India)
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UTTARAKHAND'S UCC: A LEGAL MILESTONE OR A SOCIAL MINEFIELD?

- *Gangadin Rishika & Bernice Dasari (1/5)*¹

ABSTRACT

Uttarakhand's proposal for a Uniform Civil Code has sparked a nationwide interest as it seeks to unify all personal laws for all religious groups in the state. This article analyses the issue of Uttarakhand's UCC, examining its implications for legal uniformity, social harmony and individual rights. The UCC aims to standardise personal laws governing areas like marriage, divorce, inheritance, property rights and other family matters of all religious communities, therefore promoting gender equality and national integration within a diverse society. The article examines the UCC within India's legal framework, referring to its constitutional roots and historical attempts made for its implementation. The proponents emphasise the benefits of legal uniformity and the empowerment of women, particularly in respect to gender equality, while critics raise concerns regarding the erosion of cultural identities and religious freedoms. This article explores the historical context, legal implications, benefits, and challenges associated with implementing the UCC in the State of Uttarakhand. Ultimately, it seeks to encourage informed public discourse on whether the UCC represents a progressive step in India's legal system or a potential source of social division.

Keywords: Uttarakhand, Uniform Civil Code, Personal laws, Benefits, Challenges, Uniformity

INTRODUCTION

Suppose there are two individuals, one a follower of religion X, and the other of religion Y, both are involved in identical road accidents. In such a situation, would it be justifiable to impose different fines or punishments based on their respective religions?? clearly not; justice demands that both be subject to the same penalty, regardless of their religious affiliations.. However, consider a different scenario, where two individuals-again, one from religion X and the other from religion Y-are

involved in cases of bigamy or polygamy. Would it not constitute

a failure of justice if one is convicted and punished while the other is acquitted solely on the basis of religious identity? Such a difference is unjust to the aggrieved party and undermines the constitutional principle of equality before the law. This realisation has led to a growing consensus that there must be a common civil code, ensuring all individuals are treated equally under the eyes of the law. While India has a uniform criminal law applicable to all its citizens, it is now imperative to enact a uniform civil law that delivers justice without discrimination.

Law in India is divided into two principal branches, which include civil and criminal law. Criminal law addresses the offences, which include robbery, murder, rape, assault, etc. Three principal criminal laws in India: Bharatiya Nyaya Sanhita, 2023; Bharatiya Nagarik Suraksha Sanhita, 2023; and Bharatiya Sakshya Adhinyam, 2023. These acts apply their provisions uniformly to all individuals of the country, irrespective of their religious affiliation, therefore ensuring equality before law in the matters of crime and punishment. In contrast, civil law establishes regulations that apply to contracts, property laws, tort law, and family law. wherein India maintains a degree of unified legal framework for civil matters about property and contracts, where religious affiliations remain immaterial. However, family laws do not maintain similar uniformity throughout the nation, with different communities governed by their respective personal laws².

The Uniform Civil Code seeks to harmonise all personal laws relating to marriage, divorce, succession, inheritance, adoption, and maintenance, thereby establishing equal laws for every citizen regardless of religion or community differences. Article 44 within Part IV contains the UCC as part of the directive

principles of State Policy in the Indian Constitution. According to Article 44,³ “*The State shall endeavour to secure for the citizens a uniform civil code throughout the territory of India.*” The Directive Principles of state policy outlined in Part IV of the Constitution serve as a direction to the government in shaping laws and policies, but these provisions are not required to result in actual implementation. Additionally, these are non-justiciable rights, which connotes that they cannot be enforced in any court of law. By following these principles, the government can move closer to the vision of a welfare state that prioritises the well-being of all citizens..

The Seventh Schedule of the Constitution of India also organises legislative powers, which are divided into three lists, namely- Union list, State list, and Concurrent list. The Union Parliament has the power over subjects enumerated in the Union list, like defence, foreign affairs, atomic energy, etc.. while the state list includes the matters reserved for the state government, like police, agriculture, land, etc. The Concurrent List, however, allows both the Union and State governments to make laws on the same subjects. Notably, family-related matters such as marriage, divorce, and inheritance are included under Entry 5 of the Concurrent List, enabling both Parliament and state legislatures to enact laws on these issues.⁴

A Brief Overview of Uttarakhand’s UCC

Uttarakhand’s recent adoption of a Uniform Civil Code (UCC) stands out as a significant legal development. Drawing on its constitutional authority, the State government formed an expert panel in June 2022, led by former Supreme Court Justice Ranjana Prakash Desai, to research and draft the UCC. The committee engaged in widespread public consultations, receiving feedback from over 60,000 people. After compiling its findings, the committee submitted its report to Chief Minister Pushkar Singh Dhami on 2 February 2024. The State Cabinet approved the draft two days later, and the UCC Bill was presented to the Legislative Assembly on 7 February 2024..on the same day after full consensus among its members⁵. The UCC Bill obtained official approval from Lieutenant General Gurmit

Singh, the Governor of Uttarakhand, on February 28, 2024. Droupadi Murmu, the President of India, gave assent to the bill on March 11, 2024, to make it an Act. UCC officially came into effect as a legal code on January 27th, 2025. After India achieved independence, Uttarakhand became the first state to enact the UCC. It consists of 392 sections under 7 schedules⁶. The BJP included UCC as part of their promises in their manifesto⁷.

Importance: The UCC is important in the Indian Legal System because it ensures equality before the law by providing a uniform legal framework for all citizens, irrespective of their religion. It addresses disparities in personal laws and promotes secularism, gender justice, and national integration. It aligns with the principles of India’s Constitution. However, its implementation needs to be done carefully by balancing the equality and freedoms of people.

The UCC in Uttarakhand exists as a primary point of dispute. Supporters believe it will establish gender equality, secularism, and strengthen national unity. People express concerns that the execution of UCC threatens individual freedom.

History of UCC in India

Background Information: The Uniform Civil Code (UCC) has been debated in India for over seventy years, with its roots going back to the colonial period. The Lex Loci Report of 1840 recommended uniform laws for crimes and contracts but advised keeping personal laws separate, a position reinforced by the Queen’s Proclamation of 1859, which promised non-interference in religious practices. During the framing of the Constitution, leaders like Jawaharlal Nehru and Dr. B.R. Ambedkar supported the UCC, but strong opposition from religious groups led to its inclusion as a non-enforceable Directive Principle in Article 44. In recent times, the 21st Law Commission has highlighted the need to reform family laws across religions to achieve gender equality and reduce discrimination⁸.

Previous Attempts to Implement UCC in India

Over the years, the judiciary has repeatedly demonstrated its position regarding personal laws through several landmark cases involving personal laws, which showed the need for a UCC. One of the most significant was the Shah Bano case in 1985, where Shah Bano, a Muslim woman, sought maintenance from her ex-husband after divorce⁹. The Supreme Court ruled in her favour under Section 125¹⁰ of the Code of Criminal Procedure, a provision that applies to all citizens regardless of religion. The Court also expressed regret that Article 44 of the Constitution, which calls for a UCC, had not been implemented, and noted a common civil code would promote national integration by removing conflicting loyalties to different personal laws. However, the verdict sparked controversy, particularly among some Muslim groups concerned about changes to religious customs. Facing political pressure, the government enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986¹¹, which limited the right to maintenance to the iddat period, effectively diluting the Supreme Court's decision. This new law is later challenged in the case of *Danial Latifi v. Union of India*¹², where the Supreme Court clarified that divorced Muslim women are entitled to fair and reasonable maintenance beyond the iddat period, upholding their fundamental rights and ensuring the 1986 Act could not undermine the protection offered by Section 125 of the CrPC, the SC applied this act to prevent fundamental rights of Muslim women. In another key case, *Sarla Mudgal v. Union of India*¹³, the SC recognised the necessity of UCC to stop personal law misuse, especially in cases of bigamy, particularly where Hindu men converted to Islam to practice bigamy and evade monogamy under Hindu law. The Court called for a UCC to prevent such exploitation and ensure equality before the law. More recently, in *Shayara Bano v. Union of India*¹⁴, the Supreme Court declared the practice of instant triple talaq unconstitutional, reinforcing the principle that personal laws must not violate fundamental rights. Due to its contravention of Articles 14¹⁵ and 21¹⁶ in the Indian Constitution. In the years that followed, the court has continued to stress

the need for a UCC to support gender justice and equality, but political and religious concerns have stalled its progress. The Uttarakhand UCC proposal now marks a new chapter in the debate, with the potential to either bring the nation together or create further divisions.

Challenges faced in achieving uniformity:

The diversity of India makes it hard to establish consistent personal laws throughout the nation.

The Uttarakhand UCC, effective from January 27, 2025, sets out equal rules for all citizens regardless of religion or community. It standardised the legal age for marriage-21 for men and 18 for women-bans polygamy and the practice of 'halala,' and mandates equal property rights for daughters in all religions. The law also requires the registration of marriages and live-in relationships, with children born from such relationships receiving equal property rights. Chief Minister Pushkar Singh Dhami described the UCC as a "constitutional measure to end discrimination" and expressed confidence that it would lead to "women's empowerment in its true sense" and serve as a model for the rest of the country. The government sees this reform as a major stride toward equality, fairness, and social justice, with the potential to shape the future of India's legal system¹⁷. The Government of Uttarakhand approaches these matters in a positive way. The policy deserves praise because implementing the Uniform Civil Code (UCC) through separate state campaigns allows for effective assessment.

Legal implications: The introduction of the Uniform Civil Code (UCC) in India faces significant challenges. Many minority communities are concerned that a UCC could threaten their religious freedoms and unique cultural traditions, viewing it as a potential imposition of majority values at the expense of minority identities.

Public support and consensus are crucial for the success of the UCC, as widespread understanding and acceptance across all sections of society are needed for such a major legal reform to be effective. The Law Commission has received millions of responses

from citizens and stakeholders, highlighting the contentious and deeply personal nature of the debate.

Dr. B.R. Ambedkar, a principal architect of the Constitution, argued that state intervention in personal laws is necessary to achieve social reform and combat discrimination. He believed legal reform in personal matters was essential for building a secular and equal society, and that the state has both the authority and responsibility to act when personal laws conflict with fundamental rights. However, Ambedkar also recognised the sensitivity of this issue, emphasising the need for careful, inclusive approaches that respect religious freedoms while advancing social justice¹⁸.

Legal Milestone: Potential Benefits of Uttarakhand's UCC

1. Promoting Equality and Justice for all: The Uniform Civil Code (UCC) ensures men and women of all religious backgrounds are granted the same rights in matters of marriage, divorce, maintenance, and inheritance. By replacing personal laws that often contain gender-based discrimination, the UCC establishes equal legal treatment for everyone.

2. Uniformity in laws: National unity exists because this law creates equal legal procedures throughout all regions, regardless of cultural or religious affiliation. The legislation ensures equality by resolving the problems that exist in personal laws.

3. Secularism: With UCC, Uttarakhand strengthens its secular character state since it provides equal protection to all citizens irrespective of their religious background. The state maintains complete neutrality toward every religion, thus supporting the division between religious groups and state authority¹⁹.

4. Impact on Women's Rights and gender equality: The UCC marks a significant step towards gender equality by ensuring that women receive fair treatment in divorce, child custody, and maintenance cases. It removes discriminatory practices, such as polygamy and unequal inheritance, and empowers women with equal legal standing.

5. Enhancing National Integration: The implementation of UCC eliminates disparities arising from different personal laws, which leads to social harmony and unity across the country.

6. Simplifying Legal Processes: A Uniform Civil Code (UCC) makes legal processes simpler because it establishes unified laws that minimise problems in personal law conflicts across communities. Such an organised legal structure operates more efficiently, thus minimising judicial system delays along with the resulting confusion.

7. Constitutional Alignment: UCC fulfils the constitutional mandate of Article 44, which calls for a uniform civil code for all citizens. This move brings Uttarakhand's laws in line with the Directive Principles of State Policy, advancing the ideals of equality and justice as envisioned by the framers of the Constitution²⁰.

8. Prevention/ Prohibition of Exploitative Practices: The UCC regulates bigamy, polygamy, child marriage, halala, iddat, and triple talaq systems and stops these practices from exploiting vulnerable people, particularly women, while offering security to their rights. By closing legal loopholes that allowed such practices under various personal laws, under UCC, women would obtain fair legal protection against discriminatory treatment including limited inheritance rights and unequal divorce conditions, which would guarantee their security and equitable legal treatment.

9. Respect for Diversity: Marriages can be performed between men and women following their traditional religious customs through various rites such as Saptapadi, Ashirvad, Nikah, Holy Union, and Anand Karaj. This approach respects cultural diversity while ensuring legal uniformity

10. Protection of Women in Live-in Relationships: Under the UCC, women in live-in relationships are entitled to receive maintenance benefits when a partner abandons them. This provision aims to safeguard women's rights and prevent exploitation in non-marital relationships.

11. Promotes Social Reform: The Code is designed to drive important social and cultural reforms, particularly those that challenge outdated customs conflicting with constitutional rights. By doing so, it advances the principles of equality and justice in society.

12. International Reputation: India improves its global reputation as an innovative society of inclusivity by embracing a Uniform Civil Code. This demonstrates its strong dedication to human rights and gender equality, together with secular principles, by adopting this code, which boosts its position in the international community.

13. Sets a Precedent for Other States: The successful implementation in Uttarakhand would create an example for additional states while establishing reforms throughout the nation, potentially paving for broader national adoption.

Criticisms, Concerns, and Challenges regarding UCC in Uttarakhand

The call for a Uniform Civil Code (UCC) in India has reignited important discussions about how best to achieve equality while respecting the nation's rich religious diversity. Many believe that rather than enforcing absolute uniformity, the priority should be to reform existing personal laws to remove discriminatory elements. There is widespread concern that a UCC could undermine religious freedoms, as personal laws are often deeply connected to the cultural and spiritual identities of various communities. Critics argue that imposing a single set of civil laws may disrupt social harmony and provoke resistance, especially if people feel their traditions are being disregarded.

Implementing a UCC is not just a legal matter but a complex social challenge. It requires careful planning, including comprehensive training for those in the legal system and mechanisms to address inevitable disputes. Some religious groups and social organisations have expressed apprehension that the UCC is being advanced for political reasons rather than as a sincere effort to promote justice and equality. If handled insensitively, such reforms

risk deepening existing social divides rather than bridging them.

The UCC aims to replace religion-based personal laws with a common framework for issues like marriage, divorce, inheritance, and adoption, as envisioned in Article 44 of the Indian Constitution, to foster national unity. However, the close relationship between religion and law in India makes this transition particularly challenging. For example, Goa has long operated under a uniform civil code, often cited as a model of legal consistency. In contrast, Uttarakhand's recent move to implement its own UCC is still navigating public debate and legal scrutiny. The path forward demands a balanced approach that advances equality and justice without alienating communities or compromising the nation's pluralistic values.

Comparison with similar laws

Goa's UCC²¹: The roots of Goa's UCC trace back to Portuguese colonial rule. In 1867, the Portuguese implemented a civil code that applied uniformly to all residents, irrespective of religion. After Goa's liberation and integration into India in 1961, the existing civil code was retained, making Goa the only Indian state with a uniform personal law system.

- Equal division of income and property between spouses and among children, irrespective of gender.
- Mandatory registration of birth, marriage, and death, with various provisions for divorce.
- Prohibition of polygamy and triple talaq for Muslims who register their marriage in Goa.
- Joint ownership of all property acquired during marriage, with each spouse entitled to half in case of divorce or death.
- Inheritance laws prevent parents from disinheriting their children entirely, with at least half of their property mandated to be passed down, equally distributed among the children.

Despite its progressive aspects, the Goa Civil Code also has limitations and is not strictly uniform. For instance, Hindu men may have the right to bigamy under specific circumstances outlined in the Codes of Usages and Gentile Hindus of Goa. In contrast, other communities are prohibited from practising polygamy.

Uttarakhand UCC: In 2024, the Uttarakhand government was the first Indian state to apply UCC throughout its region. This initiative was to ensure equal rights and consistent legal standards for all citizens, taking into account the established practices in Goa.

Relevant Features:

- **Marriage and Divorce²²**

Goa:

In Goa, the civil code requires that all marriages be monogamous, applying this rule to every community. Marriages must be officially registered, and the law ensures that both spouses are treated fairly in divorce proceedings.

Uttarakhand:

Uttarakhand's Uniform Civil Code, introduced in 2024, also enforces monogamy and makes marriage registration compulsory for all citizens. The law sets out clear, standardised grounds for divorce that apply equally to people of all faiths, removing previous inconsistencies found in personal laws.

- **Inheritance and Succession²³**

Goa:

Goa's civil code guarantees that property is shared equally between spouses and among children, regardless of gender. The law prevents parents from completely disinheriting their children, ensuring that at least half of the estate is divided equally among all offspring.

Uttarakhand:

Under Uttarakhand's UCC, both ancestral and self-acquired property must be distributed fairly among heirs, with no preference based on gender or religion.

- **Adoption and Guardianship**

Goa:

The adoption laws in Goa are consistent for all

communities, allowing any eligible person to adopt a child with equal legal rights, regardless of their religious background.

Uttarakhand:

The UCC in Uttarakhand establishes a unified legal process for adoption and guardianship, ensuring that all citizens have the same rights and obligations, no matter their faith or community.

Social Minefield: Problems of Uttarakhand's UCC²⁴

1. Inequitable Parental Roles: The UCC does not address these issues; thus, the existing laws will continue to apply concerning guardianship. According to current regulations, parental responsibilities are governed in various ways depending on personal laws and the secular Guardians and Wards Act (GWA) of 1890²⁵. The 2018 recommendation of the Law Commission for the fair treatment of both parents in guardianship matters to do away with prejudice against mothers is not contained in the code.

2. Adoption Differences: Under the Hindu Adoptions and Maintenance Act (HAMA) of 1956, the option to adopt is limited to Hindus, Buddhists, Jains, and Sikhs. In contrast, the Juvenile Justice (JJ) Act of 2015 allows any Indian citizen, regardless of their faith, to legally adopt a child. Although the Uttarakhand Uniform Civil Code requires official registration for marriages and live-in partnerships, it does not extend this requirement to adoptions under Hindu law. As a result, the law does not address the registration of adoptions for Hindus, leaving a gap in efforts to create a more uniform and transparent adoption process.

3. Enforcement using Criminalisation: The Uttarakhand Uniform Civil Code relies heavily on criminal penalties and mandatory registration for enforcement, raising concerns about its impact on individual rights and minority communities. Critics argue that the law's strict requirements-such as compulsory registration of marriages and live-in relationships, along with the threat of police action for non-compliance-can lead to excessive state surveillance and

moral policing, particularly targeting inter-faith and inter-caste couples. The broad investigative powers granted to authorities, including the ability to summon unrelated individuals and initiate police action based on suspicion, create opportunities for harassment and arbitrary enforcement. These measures risk disproportionately affecting vulnerable groups, undermining privacy, autonomy, and the constitutional right to equality. There is widespread concern that, rather than protecting rights, the legislation could be misused to monitor and control personal relationships, deepening social divisions and enabling discrimination.

4. Compulsory Registration Process: Registration of live-in relationships infringes upon the privacy and autonomy of the individuals made against them and the subsequent imposition of imprisonment in case of non-compliance does not deter such crimes. Individuals in Uttarakhand who are in a live-in relationship but reside outside the state are also required to submit a declaration to the state registrar. Those in or contemplating a live-in situation must provide a statement to the registrar, who will carry out an inquiry, potentially necessitating the couple to produce further evidence or appear for verification purposes. After conducting the inquiry, the registrar is obligated to either register the relationship within 30 days and issue a certificate or deny registration, notifying the partners in writing of the rejection. Furthermore, the legislation requires the registrar to share the live-in relationship statement with the local police station head for record purposes, and if either partner is under 21, to inform their parents or guardians. It outlines penalties for individuals who maintain a live-in relationship for more than a month without submitting the mandatory statement. Convicted by a judicial magistrate, offenders could be punished up to 3 months of imprisonment or a fine not more than Rs 10,000 or both. In addition, those who provide false information or do not mention the details during the registration process could also be fined up to Rs 25,000 and jailed for up to three months. Failing to submit the live-in relationship statement after receiving notice may result in a

six-month prison term and a Rs 25,000 fine. Critics argue that these provisions intrude on individual privacy and autonomy, subject couples to state scrutiny, and may not effectively deter crimes such as domestic violence or abuse, which continue to occur within marriages despite legal safeguards. The mandatory reporting to police and parental notification for those under 21.

5. Gender Bias in Maintenance Provisions: In contrast to marriage, which offers maintenance to both parties without regard to the reasons for divorce, maintenance for those in live-in relationships is exclusively available to women and only based on desertion.

6. Reinforcing Patriarchal Norms: Mandating registration of live-in relationships in Uttarakhand raises concerns about privacy and individual autonomy, especially for women. Though meant to regulate, the law allows state and parental interference, which can reinforce patriarchal control. Critics worry it could be misused to target interfaith or intercaste couples, leading to surveillance and discrimination.

7. Moral Policing and Privacy Invasion: Section 386²⁶ Uttarakhand's UCC permits third-party complaints and invasive monitoring that can uphold moral policing and infringe on individuals' privacy rights, particularly impacting women in interfaith relationships. This legislation presents significant hurdles for these couples, potentially hindering their ability to secure housing without revealing their registration documents to landlords. Moreover, it prepares the way for interference from neighbours, religious organisations, and other individuals who might feel justified in invading their privacy and acting as moral authorities.

8. Legal Gaps: Cohabitation often serves as a period for individuals to get to know each other before deciding on marriage, but the Uttarakhand UCC's approach to live-in relationships blurs the distinction between living together and being married by requiring formal registration and legal scrutiny. The law defines live-in relationships strictly as partnerships between an adult man and woman, thereby excluding same-sex couples from its

protections. This raises questions about privacy and personal freedom, as it could force housemates of the opposite sex to prove they are not romantically involved if challenged, while also making it difficult for interfaith and intercaste couples to register their relationships.

9. Exclusionary Approach: The proposal does not consider measures for population control, disregards the Scheduled Tribes, and neglects the diverse communities within India, which could violate fundamental rights and impose a uniform code that is inappropriate for different customs and practices.

Public Opinion and Stakeholder Reactions on UCC in Uttarakhand

During a public opinion survey conducted by the 21st Law Commission of India²⁷, it became clear that many Indian citizens do not support this code. Therefore, the Law Commission of India advises the government that “the Uniform Civil Code (UCC) is neither necessary nor desirable as it would conflict with the country’s diversity.” Since then, no changes have been observed regarding this opinion. It is indeed essential to pursue women’s empowerment, but implementing a UCC is not a prerequisite for achieving that goal. Extensive consultation is required to develop a UCC that serves as a practical compilation of best practices, considering the nation’s plurality. The UCC in Uttarakhand specifically exempts Scheduled Tribes, acknowledging their distinct traditions, even though they represent a small fraction of the state’s population. The demographic landscape of Uttarakhand is predominantly Hindu, with Muslims, Christians, Jains, Sikhs, and Scheduled Tribes making up the rest. Nevertheless, the Uttarakhand government has deemed it appropriate to consider their sensitivities. However, electoral pressures are not part of this equation. In states with large tribal populations, where people will be less than enthusiastic about any attempts by governments to reform their traditional social practices on a ground level, a UCC would appear logically to be dead in the water. Their representatives have argued that the UCC threatens the fabric of India’s diversity and

imposes a majority viewpoint on all citizens, potentially fueling social tensions.

Indeed, the current regime signalled its support for a separate code for tribal people when Union Minister Amit Shah said on November 3, 2024, in the run-up to the Jharkhand elections, that the BJP would consider putting in place the Sarna religious code. All India Muslim Personal Law Board spokesperson Syed Qasim Rasool Ilyas said, “We are protesting UCC. This UCC is against the diversity of our country. This is a country of different religions, cultures, and different languages, and we have accepted that diversity. If you try to implement such a Uniform Civil Code, then you are causing damage to that diversity,” Ilyas also said. “Secondly, you are forcing a majoritarian point of view on everyone.” It is not only causing disturbance between religions, but also the rule related to live-in relations is causing a difference of opinion among citizens. As mentioned above, the rules and fines related to live-in relations have turned into a semi-crime, and here, there is a mess of law and order, a mess of women’s security.

Future of UCC

The future of the Uniform Civil Code (UCC) in India remains complex and highly debated, reflecting both constitutional ideals and the realities of a diverse society. While the framers of the Constitution included the UCC as a Directive Principle in Article 44, they envisioned it as a goal for states to pursue gradually, not as an immediate mandate. The Constitution also upholds fundamental rights such as the freedom to practice and propagate religion (Article 25)²⁸ and the right to preserve distinct cultural identities (Article 29)²⁹, which many argue would be compromised by imposing a uniform code without broad consensus.

This tension is especially pronounced in regions like Nagaland and Mizoram, where customary laws are deeply woven into social life and are protected by special constitutional provisions. Attempts to standardise personal laws across such diverse communities risk undermining these protections and could provoke social

unrest. Ultimately, for national unity and genuine reform, building consensus through inclusive dialogue is crucial. Without this, efforts to implement the UCC risk being perceived as majoritarian and could deepen social and political divisions instead of fostering integration.

CONCLUSION

The implementation of the Uniform Civil Code marks a significant legal milestone, promising to advance justice and equality for all, create uniformity in laws, better protect individual rights, and have a positive impact on the rights of women and children. It also aims to simplify the legal process and promote national integration. However, there is a valid concern that, if not implemented with broad public consensus, this milestone could turn the country into a social minefield. Nationwide adoption of the UCC is advisable if approached constructively and inclusively. On the other hand, if it becomes a tool for political agendas or is influenced primarily by majority opinion, it could undermine the judicial framework. Uttarakhand has taken the first step-whether this move proves to be a success or a misstep remains to be seen.

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BEYOND RITUALS: IS HINDU MARRIAGE A SACRED TIE OR A LEGAL BOND?

- *Aparna Pandey and Tanisha Toshniwal (2/5)*¹

INTRODUCTION

Hindu marriage is the most important of all the rites as described in the Dharmashastra texts. As old as civilisation itself, the institution of marriage is considered to be the foundation of all societies. The husband-wife relationship is a religious one. Its progress is closely linked to the advancement of all civilised societies worldwide. The oldest written literature that is now accessible to humans is said to be the Vedas. The four main Hindu books, the Rig Veda, Sama Veda, Yajur Veda, and Atharva Veda, include a wealth of information regarding the customs and ceremonies surrounding Hindu marriage in that era.² According to the ancient texts of Manusmriti, marriage is considered a sacrament. It is responsible for the proper relationship between the two sexes as well as their respective families. Marriage, whether considered as a contract or a sacrament, gives rise to the status of both husband and wife. Marriage is a sacred affair that stretches beyond one's lifetime and continues up to at least 7 lives. As per the epics of Ramayan and Mahabharat, a couple ought to stick together through the ups and downs of life. Marriage is a way to provide companionship and emotional support to two individuals, which can help improve their mental health. It is considered a way to satisfy sexual needs and also to continue the lineage of the family. Manusmriti supports the idea of monogamy as the ideal way for couples. It also believes that marriage is the only way of salvation for women. It is an important aspect to establish a household that is a grihastha, which is described as one of the four stages of life.

The Hindu law applied to persons can be discussed in three categories. Firstly, Hindu by religion means any person who is a Hindu, Jain, Sikh or Buddhist by religion. Secondly Hindu by birth means a person who is born to Hindu parents, or any one of the parents is a Hindu.

And lastly, the persons who do not fall under Muslim, Christian, Parsi or Jew by religion.³

The term "Hindu" is defined in the case of *Shastri v. Muldas*.⁴ In this case, the Supreme Court included Arya Samajis and Rahaswami as part of the Hindu religion.

Thus, a person is a Hindu if he or she has faith in the Hindu religion and practices or professes it.

Evolution of Marriage

In the past, polyandry and polygamy were common. The previous legislators allowed polygamy under specific conditions, such as sterility or a lack of religious mindset, which means that the woman was unfit to take part in her husband's religious ceremonies. If the woman did not have a male child, the husband was free to get married again. A common practice among the Kshatriyas was polygamy. For instance, under unusual circumstances, Draupadi wed five Pandav brothers to grant their mother Kunti's dream, which they greatly admired. The Draupadi family was adamantly against this marriage even at that time. This demonstrates that polyandry was uncommon throughout the Vedic era. Although bigamy in one form or another is still prevalent in society, monogamy eventually superseded polygamy and polyandry as the social norm over time. The woman regained a respected member of the household when marriage gained recognition as a sacred, holy, and sacramental tie as civilisation advanced. Monogamy was seen as the ideal practice of the highest virtue and was largely supported by the Vedic literature.

The Middle Ages saw the beginning of the custom of kings hosting Swayamvars for their daughters. Swayamvars were regarded at the time as a cutting-edge method of selecting grooms according to their skills while also giving brides the freedom to choose. The girl's parents announced her decision to get married in a swayamvara and asked all prospective

husbands to meet at a wedding hall on a particular day and hour. The girl, who frequently received some advance information about men or knew their general reputations, went around the hall and garlanding the man she wished to marry was her way of expressing her decision.⁵

Hindu marriage forms

Hinduism recognises eight types of marriage, all of which are regarded as sacred and legally binding. They are as follows:

1. *Vivah Brahma*: This is the highest level of Hindu marriage, where a suitable bride and her family are invited by the groom's family to execute the wedding ceremony. The bride is selected based on her character, family history, and virtues.
2. *Vivah Daiva*: The bride's family arranges this type of marriage, in which a religious ritual is used to choose the groom. Because the groom is regarded as a gift from the gods, this kind of marriage is regarded as divine.
3. *Arsha Vivah*: As a sign of respect and appreciation, the groom presents the bride's father with a cow and some money in this type of marriage. Mutual respect and trust are the cornerstones of this kind of marriage.
4. *Prajapatya Vivah*: There are no formalities or ceremonies involved in this type of marriage. In front of a sacred fire, the bride and groom take vows, promising to be devoted to one another for the rest of their lives.
5. *Gandharva Vivah*: Without any official preparations, this type of marriage is founded on shared love and attraction. Without their families' approval, the bride and groom choose to be together.
6. *Asura Vivah*: In this type of marriage, the bride's family receives gifts and wealth from the groom in return for her hand in marriage. This kind of marriage is not regarded as ideal since it is founded on materialistic principles.
7. *Rakshasa Vivah*: This type of marriage is performed in front of a sacred fire, and the bride is kidnapped by the groom against her

will. Nowadays, this kind of marriage is not common since it is viewed as barbarous.

8. *Paishacha Vivah*: In this type of marriage, the bride is drugged or seduced by the husband without her consent. Hindu law does not recognise this kind of marriage since it is deemed immoral.⁶

Hindu marriage is a sacrament

The *Samskāra* are a set of sacraments, sacrifices, and rituals that denote admission into a specific Ashrama and mark the many stages of human existence. One of the most significant samskaras of the 16 samskaras is vivaha or marriage.⁷ Hinduism describes marriage as a devotional relationship between a man and a woman so that they might jointly pursue Dharma, *Artha* (things), and *Kama* (physical desires). To create and raise the offspring of life and to pay back the debt owed to our ancestors is a union of the body, mind, and spirit. True and respected companionship between people is required for the formation of such a sacred marriage. A man is never deemed whole if he is single. He might also be unable to engage in other religious rites if he didn't have a wife. So, the wife is also known as dharmapatni or ardhangini.⁸

Numerous classic Hindu tales, like the story of Rama and Sita, are reflected in Hindu marriage.

*"If you are in love, the love should be eternal."*⁹

Traditionally, marriages were arranged, and partners belonged to the same varna. According to Hinduism, marriage is meant to bring two families together and facilitate procreation. Men were made to carry on the family line, and women to bear children. For this reason, husband and wife have a shared responsibility.¹⁰

Hindu marriage customs are outlined in Section 7 of the Hindu Marriage Act.

- The customs and rituals of either party might be used to solemnise a Hindu marriage.
- *Saptapadi*—the taking of seven steps by the bridegroom and bride together in front of the sacred fire—is a part of the rituals and ceremonies; the seventh step is made to

make the marriage permanent and legally binding.¹¹

Kanyadana, aparigraha, vivahahoma, and saptpadi are essential Shastri ceremonies and rituals. These rituals are necessary for the validity and also show the sacred nature of Hindu marriage.¹²

Even while divorce is legal under Hindu law, it is not encouraged and may be stigmatised, particularly for women. Marriage is for life, according to Hinduism. Divorce or separation may therefore be interpreted as a violation of dharma, which may affect a Hindu's subsequent life. It is not understood at the beginning of Hindu weddings that they will end. The pair will proceed on the assumption that their marriage will last forever. The repercussions of strained marriages include divorce, maintenance, etc.¹³

In *Ram Singh v. R. Susila Bai and Piya Bala Ghosh v. Suresh Chandra Ghosh*, it has been held that two essential ceremonies that are homa and *saptapadi* are necessary for a valid marriage.

In a recent ruling in the case of two experienced commercial pilots who requested a divorce decree without conducting a legally recognised Hindu marriage ceremony, the bench encouraged young men and women to “think deeply about the institution of marriage even before they enter upon it and as to how sacred the said institution is, in Indian society”.

“A marriage is not a time for 'song and dance,' 'wining and dining,' or the exchange of gifts and dowries under duress that could result in the start of criminal charges later on. Marriage is not an exchange of goods. The bench stated that it is celebrated to establish a relationship between a man and a woman who will eventually become husband and wife for an evolving family, which is a fundamental unit of Indian society. The bench declared that a Hindu marriage promotes reproduction, strengthens the family unit, and fortifies the spirit of fraternity, calling it sacred since it offers a lifelong, dignity-affirming, equal, consensual, and healthy union of two people.¹⁴

Hindu marriage is a contract

The agreement between two or more parties that results in the formation of mutual obligations that are legally enforceable is known as a contract. Consent from both parties, established by a valid proposal and acceptance; reasonable consideration; capability; and legality are the essential elements needed for the agreement to be enforceable under the law.¹⁵ Marriage is considered a sacred union according to both the *Vedas* and the *Shashtra*, but due to the reformation in society where a contract is considered very important, marriage is also included within the ambit of the contract.

Marriage in the Hindu religion is managed by the Hindu Marriage Act, 1955. There are some conditions to be considered for a Hindu marriage to be valid. These conditions may seem to have some contractual characteristics.¹⁶ Section 5(iii) of the Hindu Marriage Act, 1955 states

- The minimum age for a Hindu groom to marry is 21 years, while the minimum age for a Hindu bride is 18 years.
- Section 5(ii) of HMA states that no person shall be suffering from any insanity or mental disorder at the time of marriage.¹⁷

The reasons why Hindu marriage is considered a contract are:

- If the marriage is not working or is against the law or some provisions, the parties can be separated through divorce. Divorce in Hindu couples is now possible. When divorce takes place woman separates from her husband and the matrimonial home. She will no longer perform her sacramental duties. Therefore, marriage ceased.
- When the wife and husband both work in other places or if the husband works and the wife goes along with him, she cannot perform her sacramental duties.
- Maintenance is a circumstance where one of the parties gives money or some consideration after the husband and wife are divorced or the couple gets a Decree of judicial separation. Maintenance was not a concept in the Hindu religion.¹⁸

In Hindu law, valid consent is a cornerstone of any marriage. The consent obtained by use of threat or coercion cannot be taken into consideration as a valid marriage. The marriage is considered to be void if any person has a living spouse at the time of marriage, as stated under Section 17 of HMA and Section 82 of BNS (Section 494 of IPC) gives punishment for the said offence. The concept of eternal union, which means being together for seven lives in Hindu marriage, is destroyed by the introduction of widow remarriage. These are the reasons why Hindu marriage cannot be considered 100% sacramental. The above conditions and characteristics of Hindu marriage are related to those of a contract.¹⁹

In the case of *Bhagwati Saran Singh v. Parmeshwari Nandan Singh*, the Allahabad High Court ruled that marriage, in addition to being a sacred idea, is also a civil contract.

CONCLUSION

To wrap things up, we can see that Hindu marriage is primarily considered a sacrament, and it does have some contractual elements involved, but still, its sacramental nature remains a dominant aspect. It can not be said that marriage is a pure contract or pure sacrament; rather, Hindu marriage can be considered as a mixture of both. As society has evolved, Hindu marriage has also undergone several changes. Even the values attributed to it have changed. In the case of *Manmohini v. Basant Kumar*, the Delhi High Court held that a Hindu marriage is a sacrament and not a contract that can be entered into by execution of a deed, and it should not be treated as a contractual termination. This sacramental nature of Hindu marriage can make divorce a complex topic as it is considered an indissoluble tie, but the Allahabad High Court has recently ruled that Hindu marriages are based on sacramental principles. They cannot be dissolved as contracts. The court has also observed that a Hindu marriage can only be declared void under specific conditions. Marriage was regarded as a must for both men and women in Hindu society. Hindu texts state that a person cannot enter heaven if they do not get married and have children. Without a wife, no man could do

“yajña.” Therefore, even for religious reasons, marriage was required. However, many men and women today do not believe marriage is vital because of the influence of Western culture. Some people also choose not to get married because of financial concerns. The educated Hindu female is unwilling to accept men’s enslavement. Since educated men and women do not adhere to antiquated religious ideals, they do not see marriage as essential. Currently, Hindu marriage reflects the growth of Hindu society and its interaction with modern legal and social norms.

The Hindu Marriage Act of 1955 governs Hindu weddings in India to a great extent. It establishes the formal legal framework for the solemnization, registration, and dissolution of Hindu marriages. The act’s goals are to protect people’s rights, treat men and women equally, and give the Hindu community a way to settle disputes about marriage and divorce. Significant changes and rules have been put in place to guarantee that everyone is treated fairly at Hindu weddings in India.

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THE EVOLVING LANDSCAPE OF SPOUSAL SUPPORT: TRENDS AND LEGAL DEVELOPMENT

- *Syeda Zaheda Siddiqi (3/5)¹*

ABSTRACT

Alimony is the financial assistance provided to the dependent spouse, mostly women, after divorce. It is granted in order to maintain herself with a very basic standard of living and a life free from financial hardships. Alimony laws differ from religion to religion as they are governed by their specific personal laws. The monetary benefit provided by one spouse to another as a legal obligation after divorce (i.e., alimony) has been the most controversial in modern times. It is rather seen as a lottery more than a right post-divorce by women. It has become a long-time burden on men as women are seeking the right of alimony as a weapon in order to torture and extract extra money from men. Therefore, the laws are misused. This article not only highlights the impact of alimony laws on men's spouses and their implications in the court of law, but also emphasises the key developments and trends. However, the judiciary aims at the enhancement of proper and fair laws, keeping in view the modern changing environment, which is further identified with recent case judgements.

Keywords - Alimony, Spousal Support, Divorce, Interim Maintenance, Misuse of Alimony and Gender Justice.

INTRODUCTION

Alimony is regarded as the spousal support and monetary award given by the court following the divorce. Marriage is not an agreement, but a sacrament according to Indian laws, wherein the marital obligations continue even when both spouses are physically and mentally separated. The husband is bound to take the responsibility of the wife in spite of sharing an estranged relationship². It mainly aims at dividing equal marital assets and to support the dependent spouse who is unable to maintain herself and the children because of the strained financial conditions, ensuring fairness and dignity between the two Ex-spouses. Alimony is neither

an absolute right nor a charitable right of a woman, but a legal right ensured by law. Therefore, the alimony is granted by the discretion of the court considering many important factors such as the duration of time they were married, financial condition and economic stability, etc. Divorce alimony is issued in order not to burden men by financial restraints but to prevent the spouse with low or no income from suffering a drastic change after the dissolution of the marriage.

The main objective behind the alimony is that the woman should not be in a disadvantageous position because she cannot maintain herself and earn a means of living, and to ease the challenges she has to face, whether it is physically, mentally or financially. Likewise, the woman should enjoy a standard of living similar to the level of living when she was married³.

However, in order to maintain women post-divorce, men are facing many financial difficulties. It is treated as a long-term source of income by women to extort money, which is an abuse of a special provision made for their protection. As men are the only breadwinners of the family and hold major financial responsibility, they are receiving heavy demands in the name of alimony. It is granted by the order of the court to fulfil the financial requirements of food, shelter, clothes and other medical expenses which are necessary for the survival of livelihood.

Alimony can be permanent or temporary. Temporary alimony is granted during the pendency of divorce for meeting the legal expenses and other living costs, whereas Permanent alimony is granted for maintaining the standard of living till the receiving spouse remarries or until the death of either spouse.

Types of Alimony

1. Temporary alimony: It is otherwise known as interim maintenance granted to meet the expenses of the legal proceedings, lawyer's fee during the pendency of the divorce or until the final settlement.

2. Permanent alimony: It is granted after the divorce process is settled and can be in the form of a Lump sum payment or on Monthly instalments, depending upon the circumstances as well as the discretion of the court.

3. Rehabilitative alimony: This kind of alimony is granted and paid for a limited time in order to enable economically weaker spouses to gain economic independence or stability through acquiring education or training so that the spouse becomes capable of earning by herself and gaining a better standard of living.

4. Reimbursement alimony: If one spouse sacrifices a lot of finances and lets go of her career for the marriage, such as a job to look after the family, etc, then this alimony is granted to such spouse.

5. Lump-sum alimony: It involves only a one-time payment instead of paying it in monthly installments.

6. Nominal alimony: It is a very small amount, paid for the spouse who seeks recognition for the marriage and who does not need any financial assistance⁴.

Alimony laws in different religions

1. The **Bharatiya Nagarik Suraksha Sanhita, 2023**: Section 144 of BNSS⁵ [formerly Section 125 of CrPC, 1973], the sanhita deals with the orders of maintenance for dependents who cannot support themselves, i.e., wives, parents and children, for ensuring their livelihood. This section also says that the widowed and separated spouse can get maintenance until they get remarried. Husband, whether employed or not, is entitled to pay the maintenance to the petitioner based on the demands and any other expenditures taken into consideration by the court. This section is applicable to all religious people irrespective of their religion and is gender-neutral. If a person fails to pay the maintenance post-divorce, the magistrate can

issue a warrant and may also sentence the person to imprisonment, and the magistrate may also cancel the maintenance order if the divorced woman remarries.

2. The **Hindu Marriage Act, 1955**: This Act governs marriages of people belonging to Hinduism, Jainism, Buddhism, and Sikhism. Sections 24 and 25 deal with the maintenance.

- **Section 24⁶ of the Hindu Marriage Act, 1955** deals with alimony till the divorce is finalised during its pendency to sustain and meet the financial requirements. It is also known as Interim Alimony or Pendente Lite. It is expressed in a fixed sum per week or month. However, there is no specific formula to calculate the amount of alimony, but it depends upon the various factors affecting such sum, i.e., length of the marriage, financial condition of both the spouses, capabilities, expenses of child education and other requirements essential for the survival of livelihood.

- **Section 25⁷ of the Hindu Marriage Act 1955** mentions the permanent or the long-term Alimony granted on the orders of the court after the divorce process is finalised in order to ensure the same standard of living as before the divorce or as they did during the marriage. It is a continuing debt until the beneficiary remarries or passes away, and over time, it will lead to bigger financial commitments.

3. The **Hindu Adoption and Maintenance Act, 1955**: Under this Act, the wife can solicit financial assistance from the husband if:

- Husband leaves the wife unreasonably, without her knowledge or consent, or wilfully neglects her
- If there is a fear of injury or irretrievable damage to the wife by her husband
- If the husband has a second living spouse or maintains a relationship with the concubine
- If he lost his identity and converted to another religion
- If the valid reasons support the claim that the husband lives separately, etc⁸

4. **Muslim Personal Law:** In Islam, women are the ones entitled to alimony. Man must provide maintenance regardless of any specific formal contract. Kharcha-i-pandan is the special allowances received by muslim Wives for their personal expenses. According to Sharia, Muslim women have the absolute right to maintenance. The husband has to provide maintenance irrespective of his financial conditions, i.e., whether rich or poor⁹.

The Muslim Women (Protection of Rights and Divorce) Act, 1986 lays down the provisions of Alimony /Maintenance that the woman can receive after the divorce. Under this Act,

1. According to Section 3, the woman is entitled to receive the amount (*Mahr*) agreed to pay at the time of marriage.
2. The husband is obliged to provide the maintenance during the *Iddat* period i.e., the waiting period after divorce, to ensure her safety in future.
3. Besides, the woman is also entitled to receive the property, assets or gifts given to her before or after marriage.
4. Women can also claim maintenance when she does not remarry & she is not in a condition to maintain herself and children after the *Iddat* period.

But, in order to claim alimony, the Muslim woman has to make sure she discharges her duties as a chaste and faithful wife.

5. **Under Christian law:** Sections 36, 37 and 38 of the Indian Divorce Act, 1869 deal with the Maintenance of the wife or alimony under Christian Law¹⁰.

- Section 36 deals with the temporary alimony in order to provide financial support until the matrimonial suit is pending for divorce in the court of law.
- Section 37 deals with the permanent alimony which the court may order the husband to pay every week or every other week in every case. Failure to pay may lead to forfeiture of property or assets, etc. The court may also temporarily suspend the

order if the husband can not pay alimony due to some reasonable cause.

- Section 38 deals with rules regarding payment of alimony to whom it should be paid whether through a trust or directly to the wife.

Cases dealing with alimony rights and its misuse

The following case law certainly explains how the provisions of law are misused by women, which are made to safeguard them.

1. **Rinku Baheti vs. Sandesh Sharda**¹¹: The petitioner, Rinku, and respondent Sandesh Sharda were married on July 31, 2021, in Pune. Both were entering into a second marriage. After some days of marriage, due to the husband's responsibilities for his Ex-wife and children from the previous marriage, the marriage between this couple did not last for too long. The husband filed three divorce petitions, of which two were dismissed, and the third petition was filed on the basis of cruelty. The wife also filed multiple cases against the husband, which led to multiple legal proceedings.

In addition to this, the case filed in Bhopal was made transferable by the wife to Pune according to her safety and convenience, and she claimed 500 crore rupees as alimony. Wherein the husband argued for the dissolution of the marriage under Article 142 of the Constitution, citing the irretrievable breakdown of their marriage.

The court emphasised the significance of Article 142 and deemed that there is no hope for reconciliation between the parties, and forcing them to stay together would lead to chaos and dissolve the marriage as an equitable arbitrator and balancing justice with practicality.

Besides, the claim by the wife for Alimony of Rs 500 crores was deemed to be unreasonable and was reduced to 12 Crores by the court, reflecting judgment about ensuring fairness, cautioning against the misuse of laws in marital disputes, which are meant to protect women.

2. **Atul Subhash case:** Popularly known as "Bengaluru techie suicide"¹². A 34-year-old

man who was a general manager at a private firm committed suicide on December 9, 2024. He accused his wife of filing nine false cases against him and demanding a sum of Rs 3 crores to settle the legal dispute and 30 lakhs for visiting his child. He left a 24-page suicidal note alleging that he was harassed by his wife and her family through false legal accusations, with a 90-minute-long video.

He also questioned the justice system and accused the trial court of being biased. In a video recorded by him soon before his death, he also described the physical and mental pressure he had undergone because of these false allegations, which included harassment of dowry, allegations of murder, domestic violence and financial exploitation, etc.

A suicide note consisted of words “JUSTICE IN DUE” alleging the fairness of the judiciary and accusing the judge of seeking bribes and mocking him.

His wife, her brother, his mother-in-law and uncle were arrested and charged under Abetment to Suicide and joint criminal liability. This case sparked outrage after the video was uploaded by Subhash on social media and brought a sharp reaction about the misuse of laws by women and the denial of justice to the victim¹³.

3. Praveen Kumar Jain vs. Anju Jain (2024): This case involves a legal battle between the husband, the wife and a son. A young banker who was married in 1998 was later subjected to cruelty in 2004, when he filed a suit for separation. His wife filed a petition under Section 24 of the Hindu Marriage Act for claiming the alimony; upon deciding the alimony, the wife felt that the amount was too low for her and their child to meet their expenses and wanted more, which took 20 years to settle the case. The reason for such a long battle was to increase the alimony.

A banker who is now the CEO of a Dubai-based company voluntarily in 2015 increased the amount obliged by every court order, i.e., family court, high court and supreme court. However, the banker fought back the case against the demand of alimony by his wife under

Section 26, where he claims that the section was misused by her for the higher amount in the name of child expenses for an adult having B.Tech degree.

Later, this family dispute became a Question of law and the case was heard by the *Honourable Supreme Court*. Justices *Vikram Nath and Prasanna B. Varale* heard the case and analysed its details, and took the existing law into consideration. The Supreme Court also laid out eight factors which can be used to decide whether alimony payment is required to be paid, and, if required, then how much¹⁴.

Factors essential for the grant of alimony

1. Parties' individual qualifications and employment, social and financial statuses -

The education, skills and employment status of both spouses play a crucial role in deciding the amount of alimony. These elements help the court to order a fair amount of maintenance. In the *Rajnish vs. Neha case*, the court highlighted that if the wife left her job and career for the sake of family, special consideration must be made to decide alimony. In modern times, a wife may need retraining to re-enter the workplace and secure a job, which is very difficult after a long absence.

In contrast, *Archana Gupta vs Rajeev Gupta case*, the court denied maintenance to the wife, even though she was educated but unemployed, as the wife failed to prove that she couldn't maintain herself or support her living.

In *Padmaja Sharma vs. Ratan Lal Sharma*, the Supreme Court held that both spouses should contribute to the child's maintenance in proportion to their income.

2. Standard of life enjoyed by the wife in the matrimonial home -

It refers to the social status, living condition and lifestyle of a woman when she was married and lived in her matrimonial home. It includes whether she was habituated to live in Air conditioners, or does the home have a swimming pool, and whether there were any house helpers? If yes, how many? The properties earned and the number of cars owned, how often they used to go to parties, and on a trip, whether to India or abroad.

If a family has a high standard of living, the alimony is granted in order to maintain the same standard of living as enjoyed by the husband or the wife when the wife was married. However, the standard of living of both spouses, age and education, and ability to earn are the essential factors in deciding the alimony.

3. Reasonable needs of the wife and dependent children - Though if the wife is entitled to the same standard of living as the husband, the claim should be reasonable; if a husband owns three cars, it is not reasonable that the wife claims three cars in lieu of the same standard. Therefore, the comparative lifestyle is not about the identical possession but on reasonable grounds.

The court considers the expenses required for the child's growth, maintenance, education and training expenses as the child's welfare is the utmost priority. In granting the custody of the child, the court also considers the child's affection, their emotional bond, intellectual growth and overall environment in making decisions.

The wife's care, well-being, medical and other expenses are considered by the court in deciding alimony so that the child and mother both do not undergo any financial hardships in supporting their livelihood, keeping in view that it does not burden the paying spouse.

4. Any employment sacrifices made for the family responsibilities - If the wife is highly educated and left her employment opportunity in order to take care of the family, the court also considers the sacrifices made to quantify the loss in deciding the alimony. If the wife is earning and sufficient to maintain herself, the court also considers her earnings during decision-making.

5. Reasonable Litigation costs for a non-working wife - The amount of expenses incurred for the legal battle between the spouses in case of a non-working wife is considered and included in alimony as she is incapable of earning and is financially unstable. At times, the legal expenses may certainly rise due to prolonged litigation and multiple proceedings pending before the parties. It is granted at the

time of final judgment, upon proof of payment thereof.

6. Independent Income or Assets owned by the parties or applicants - In the *Rajnish vs Neha case*, the court has introduced a new procedure for determining the alimony. It is required that both parties submit the affidavit containing an enclosure of assets and liabilities during maintenance proceedings. This ensures transparency between the parties, making it harder for either of the parties to manipulate the financial details.

Though the personal assets and properties are the majority considered for alimony, the court also considers if the husband or wife has any share or interest in the family property. The court also considers whether the earnings are made from such property or are due to an inherited amount in family property.

The court also clarified that the permanent alimony may not be appropriate in short marriages, as it is unfair to the other spouse. However, the court said that there is no fixed formula for determining alimony but the primary goal, is not to punish the paying spouse but to provide support to the dependant spouse considering all the factors such as term of marriage, essential requirements, education and sacrifices made during marriage etc., Therefore, the court holds; lights that the alimony, must be a fair amount neither burdening the paying spouse nor causing any financial difficulties to the dependant spouse to earn basic standard of living (i.e neither too high nor too low).

7. Financial capacity of the husband, his income, maintenance obligations and liabilities - In order to provide the wife with the same standard of living, the court assesses the income/assets and liabilities of the husband by a self-declaration made on oath, punishable if found to be wrong.

Even if the husband earns 100 rupees, the court, based on the liabilities and expenses of the husband and requirements of his dependents, such as parents, EMIs, etc, is assessed by the court, while considering alimony.

Besides, the court thoroughly stresses that there is no fixed formula to decide or determine alimony, but it depends upon the facts and circumstances of the case.

Based on the factors laid out above, the court ordered the One-time alimony of Rs 5 crore to the wife and one-time payment of Rs 1 crore to the adult son in *Praveen Kumar Jain v. Anju Jain (2024)* case.

Recent trends and awareness

In Modern times, alimony is the most challenging matter in case of matrimonial disputes. The laws are framed in such a way that they provide and shield mostly the interests of women rather than men, which in turn the misuse of provisions are its result. This brought to highlight after Atul Subhash's suicide, and the need for reforms was the sharp reaction. Now the guidelines are provided that emphasise the factors that are essential to determine alimony due to evolving and changing societal values.

1. Gender neutrality: Alimony now can be claimed by either spouse, regardless of gender, for instance., If the wife is financially independent, then her husband can claim maintenance as he cannot maintain himself due to strained financial conditions. Gender neutral laws are essential in order to render justice and fairness in society.

2. Wife cannot claim alimony to equalise men's wealth: The Supreme Court clarifies the guidelines on alimony that if the husband achieves more success post-separation, then the wife cannot claim alimony due to post-separation conditions¹⁵. It is a success or achievement wherein the wife has no part and is only in an individual and independent capacity.

3. Rehabilitative alimony: The court has introduced this alimony in order to provide financial support to the dependent for a limited time so that the wife can pursue education, training or job opportunities and become financially independent.

4. No permanent alimony granted in short marriages: Granting permanent alimony in short marriages will not be appropriate, as it is very unfair and unjust to the paying spouse to be

punished with huge alimony awards. Courts now consider the duration of marriage, individual capacities, contribution made during the marriage, financial conditions and also safeguard the interest of the paying spouse by determining the assets and liabilities, requirements of their dependents and other payments such as EMIs, etc, while deciding the amount of alimony.

5. Affidavit of disclosure of assets and liabilities by both the spouses: Submitting the affidavit disclosing assets and liabilities during the maintenance proceeding is essential for both the parties, ensuring financial transparency between the spouses and harder to exaggerate financial details by either of the parties. Any false disclosure in income by the parties may invite legal consequences.

6. Judicial activism: Courts are interpreting the statutes in a way that the alimony awards are made based on a reasonable and just outcome in order to ensure fairness and justice in matrimonial disputes, considering various essential factors.

7. Impact of remarriage: The court suspends/cancels the alimony order if the dependent spouse remarries and is not entitled to maintenance further with court approval.

8. Addressing misuse and exploitation: Recently, the Supreme Court has addressed the issues of misuse of laws for extortion, striving for equitable decisions based on specific circumstances of each case and to adhere to justice and fairness.

CONCLUSION

The recent trends in Alimony Laws in India are striving to be more Gender Neutral than wife-centric, so that the aim to ensure and interpret the statute fairly brings it to practical realities. The Supreme Court has already laid guidelines protecting the independent achievement /individual success post-divorce cannot be equalised by the wife. However, equal protection to both husband and wife must be ensured, recognising that either spouse can be entitled to alimony. Greater emphasis towards individual roles than gender roles must be

addressed so that the courts rely on fair assessment between the parties.

In modern times, alimony laws are evolving to reflect changing societal norms and the diverse realities of modern marriages. Sensitisation of men towards changing aspirations of women and society. Coercing the media to attentively look at such issues without any gender bias.

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SIMULTANEOUS ELECTIONS: A DEMOCRATIC REVOLUTION OR A POLITICAL DELUSION?

- Swechha and Usha Shree (1/3)¹

INTRODUCTION

In India, conducting elections is a foundational aspect of its democratic framework, overseen by constitutionally established bodies.

According to Article 324 of the Constitution, the Election Commission of India (ECI) is responsible for conducting elections for both the central and state legislatures, including the offices of the vice president and the President.

According to Article 243K of the Constitution, the state election commission is responsible for conducting elections to the local self-governments, including municipalities, municipal corporations, zilla parishads and Gram panchayats.

Historical background of democracy and elections in India

Ancient India had traces of participatory political systems long before modern democracy surfaced. The *Rigveda* and *Atharvaveda*, two crucial Vedas, mention early assemblies such as the sabha and samiti, where matters were discussed, opinions expressed, and decisions about leadership and administration were made. These assemblies facilitated the people to elect the Rajan (king), suggesting a primitive form of electoral choice in the Vedic society. This practice evolved further during the *Mahajanapada* period (circa 600–300 BCE), a time marked by the emergence of sixteen large provinces or kingdoms. Of these, the *Vajji* Mahajanapada government. The *Vajji* used a Gana-sangha system, essentially a republic in which a council of representatives ruled, and the state head was elected by a process of election by these representatives. This testifies to the presence of structured and institutionalised electoral mechanisms even in the ancient Indian polity. Even the period of the *Cholas* witnessed early democratic practices.

The *Uttiramerur* inscription of Tamil Nadu, during the reign of *Parantaka I* (907–955 CE), presents elaborate bylaws for local elections. It

provides the qualifications to contest, rules for disqualification, and describes the use of the *Kudavolai* system, in which nomenclatures were picked from pots to choose representatives for village panels. This inscription stands as an important substantiation of how deeply rooted democratic traditions were in Indian administration, showcasing not only the evidence of elections but also their fairness and difficulties. Inclusively, these cases illustrate that while monarchies dominated ancient India, election-based governance at various levels was both rehearsed and valued.

India and simultaneous elections after independence

Elections were held in India even before independence in eleven provinces as per the Government of India Act, 1935. The idea of holding simultaneous elections is rooted in the very colonial electoral system under the aforementioned Act, but the voting was only available to less than 10 per cent of the population.

Post independence, India provided all citizens with the right to vote by acknowledging universal adult franchise under Article 326 of the Constitution of India. The synchronised elections were practised in India during the first four general elections, i.e., 1951-52, 1957, 1962 and 1967, but the system got disrupted due to premature dissolution of legislative assemblies.

The Law Commission of India, in its 2018 report, suggested a model for holding simultaneous elections and also suggested amending the Representation of the People Act, 1951. By synchronising the election schedules, the election expenditure will be minimised, and the turnout of voters may increase.

Constitutional provisions dealing with elections

Part XV (Articles 324–329) of the Indian Constitution facilitates the basis for India's electoral framework, ensuring free and fair

elections. It confers the Election Commission with the authority to conduct elections (Article 324), guarantees non-discrimination in electoral rolls (Article 325), mandates elections on the basis of universal adult suffrage (Article 326), and empowers Parliament and State Legislatures to make laws concerning elections (Articles 327 and 328). It also looks over judicial interference in electoral matters (Article 329).

Three-level elections

Elections in India are conducted at three levels:

1. **Local Body Elections:** Local body elections are held to form rural and urban local self-governments, like municipalities, municipal corporations and gram panchayats. They are overseen by the State Election Commissions
2. **State Elections:** In the state elections, the citizens elect Members of the Legislative Assembly (MLAs) to form the State government from constituencies. The ECI conducts these elections in accordance with the federal structure of India.
3. **National Elections:** The Election Commission of India conducts these elections, which decide the strength of the Lok Sabha. People of India directly elect Members of Parliament (MPs), who represent them at the central level and help in the establishment of the Union Government.

The Election Commission of India and the State Election Commissions are responsible for ensuring the democratic process by ensuring free, fair, transparent, and impartial elections. This is achieved through an electoral framework, voter education awareness camps, stringent enforcement of the Model Code of Conduct, deployment of observers, use of electronic voting machines (EVMs), and real-time monitoring mechanisms. The independence and the autonomy of these institutions are key to the health of India's democracy, and ensuring that the will of the people is heard at all levels of governance, from local governments to the national Parliament.

Legal provisions dealing with election processes in India

The Representation of the People Act, 1950, deals with the pre-election processes in India. It describes important areas, including the distribution of seats, delimitation of constituencies, and the preparation and revision of electoral rolls. Important provisions include Section 3 (distribution of seats to Parliament), Section 4 and 5 (number of seats in State Assemblies and state Councils), and Section 6 (delimitation of constituencies). It also provides qualifications for voters' registration (Sections 15 and 16), the meaning of "ordinary resident" (Section 20), provides for reservation of seats for SC/ST (Section 29), gives powers to the Election Commission (Section 30), and prohibits court interference in electoral matters (Section 36).

The Representation of the People Act, 1951, focuses on the conduct of elections and post-election matters. It addresses the administrative machinery, election contests, offences, and by-elections. Some notable sections include Section 8 (disqualification of members on conviction), Section 10A (disqualification on grounds of unsound mind), and Section 29A (registration of political parties). It even clarifies voting rights under Section 62 and enumerates corrupt practices in Section 123. Both these Acts form a legal foundation to the Indian electoral system.

Advantages of the One Nation One Election policy

1. Minimisation of election expenditure: It will decrease the cost burden on the Election Commission of India, political parties and the government. 5 to 7 Indian states, on average, vote every year, leading to an incessant string of election activity. This frequent occurrence affects government operations because the Model Code of Conduct prohibits new policy decisions and developmental work, leading to administrative losses. It also puts a burden on government workers, particularly school teachers, who are frequently sent out for election work, thereby diminishing public participation over time. These interferences are among the main arguments presented in favour

of One Nation, One Election, which seeks to centralise the process and reduce the burden on governance, workers, and voters. The ongoing election cycles are a cost to the state exchequer.

2. Policy paralysis: The Model Code of Conduct (MCC) controls election behaviour to make elections fair, but too frequently disturbs governance while conducting staggered elections. When elections are conducted in various states at various time periods, the Model Code of Conduct is invoked time and again, deterring governments from implementing fresh schemes, approving and allocating funds, or making crucial administrative decisions. It induces excessive delay in development projects and skews the delivery of essential public services like health, education, and infrastructure.

The 79th Parliamentary Committee report highlighted that persistent MCC imposition leads to suspension of government work and policy implementation, impacting effective governance. Implementing One Nation, One Election (ONOE) would reduce the frequency of elections and MCC impositions, enabling governments to operate without constant interruptions. This would allow for better continuity of schemes and timely provision of key services to the people.

3. Internal security: During elections, the election commission has to mobilise forces to conduct elections in a smooth manner. With the implementation of One Nation One Election, the forces can be used for other purposes. The burden of recruitment also decreases.

4. Black money: The implementation of simultaneous elections can help curb the circulation of black money in campaigns by bringing the entire country under the uniform surveillance of the Election Commission of India. Since staggered elections permit repeated and dispersed utilisation of unaccounted money, making enforcement difficult. When all elections are conducted at a single time, monitoring agencies will be able to put extra resources and minimise opportunities for illegal expenditure, increasing transparency and accountability of the electoral process.

5. Voter turnout: In India, most individuals live in locations other than their original constituencies, owing mainly to work. For such individuals, it is hard to return home and cast their votes repeatedly during recurrent elections, resulting in a stark decline in voter turnout of voters. As the final source of power in a democracy, their turnout to vote is essential. The adoption of One Nation, One Election is able to eliminate this issue by reducing the frequency of elections to facilitate voting by citizens and thereby increasing the overall voter turnout in the country.

Drawbacks of simultaneous elections

1. Effects on federal structure: National issues could overshadow state-specific concerns during synchronised elections, potentially weakening the focus on regional priorities. Additionally, if a Chief Minister seeks early elections due to loss of majority or political instability, ONOE could restrict that flexibility. This undermines the autonomy of states, as the Constitution emphasises the separation of powers and distinct electoral processes for the Centre and the states. Therefore, ONOE may adversely affect the foundational principle of federalism in India.

2. Regional parties: One Nation, One Election is a great hindrance to regional parties, as national parties can hijack the election agenda and shape voter action throughout the nation. Regional parties lack the resources and scope to fight an election on the same level, which makes it more difficult for them to get represented. Due to this, issues at a regional level tend to be overshadowed or overlooked in national politics and can fail to get proper attention at Parliament.

The possibility of the same party winning at the centre and state is significant, and this results in domination. Regional parties are likely to be disadvantaged more. The national issues can overshadow the regional ones. West Bengal, Punjab, Tamil Nadu, Andhra Pradesh, Telangana etc, are states having strong regional political parties, but their political manifestos can get overshadowed by national party manifestos.

3. Constitutional challenge: Having One Nation, One Election would necessitate constitutional amendments, specifically to Part XV that addresses elections. There could be collisions between Article 83 and Article 172, which prescribe the terms of the Parliament and State Legislatures, respectively, and the provisions regarding dissolution. ONOE might also interfere with the working of the anti-defection law, potentially defeating its purpose. In all, these changes could result in a compromise of the norms of parliamentary democracy by restricting the autonomy and flexibility of elected institutions.

4. Logistical challenge: The Election Commission of India would require additional Electronic voting machines and VVPATs in order to implement ONOE. This will result in one-time high expenditure. For simultaneous elections enormous technological infrastructure is needed. Efficient Electronic Voting Machines (EVMs) and VVPATs must be deployed. The cost of each EVM is estimated to be ₹10,500 (in 2014), and the lifespan of a single EVM is 15 years. In 2019 polls, the government spent 60% of ₹9,000 crore merely on purchasing EVMs and VVPAT units. Therefore, in the case of synchronised polls, both the number and quality of infrastructure have to be high.

5. Voter turnout: The ONOE effect on the voters' behaviour, where they will confuse between the national and regional parties. Regional party candidates may not participate in the elections due to national parties' competition, where the voters' interests may not align with their votes.

6. Basic structure: Free and fair elections are the basic structure of the constitution, as held in the case of *Indira Gandhi Nehru v. Sri Raj Narain*. And as held in the case of *Keshavananda Bharati vs. Union of India*, the basic structure of the Constitution cannot be amended, and the imposition of One Nation One Election violates this doctrine.

7. Cutdown President's powers: The President is empowered to dissolve the Lok Sabha on the advice of the Prime Minister according to Article 85 of the Constitution. Thus, imposition of

simultaneous elections may change the power equation between the legislature and the executive.

8. Security Personnel: When installing ONOE, the personnel requirement will be exceedingly high. India, being a country with vast areas of land the personnel may be short there. And the logistical problems may also arise.

9. Obstacles to local body polls: The high-level committee suggested conducting local body polls within 100 days of the first phase of elections. This will contradict the state legislation dealing with the local bodies. Also could breach the terms of decentralisation and 73rd & 74th constitutional amendments, which give power to panchayat raj institutions.

High-level Committee recommendations

A high-level panel led by former President Ramnath Kovind supported the exercise of simultaneous elections. Members of the panel include Union Home Minister Amit Shah, former opposition leader (Rajya Sabha) Ghulam Nabi Azad, and former chairman of the finance commission N.K. Singh and others. Almost 47 political parties have shared their views on the One Nation One Election policy, and 32 of them have endorsed the concept. But these 32 parties are the constituents of the National Democratic Alliance. It is an 18,626-page report and 191 days of research work. The committee suggested holding the elections in two phases simultaneously, whereby the elections to the Lok Sabha and state assemblies would be conducted simultaneously in the first phase and the local body elections would be conducted within 100 days from the date of the first phase. When new elections are conducted for the house, the term would be only for the balance period.

Article 82A to enable the elections. The President gives notice of the appointed date on which the provisions shall come into force. As per the bill, the simultaneous elections will formally begin in 2034 after the general elections of 2029. And the term will be 5 years from the appointed date. The Election Commission can arrange things in advance, like buying EVMs, deploying staff, etc.

Other significant suggestions on the ONOE policy are

- **By-elections:** Consolidated by-elections to be conducted once annually. And for this provision, an amendment to the Representation of the People Act, 1951, is required.
- **Amendments in terms of ONOE:** Any no-confidence motion should be followed by a confidence motion for the setup of an alternative government.
- **Election cycles:** To hold the Lok Sabha and half of the state assemblies; elections within one election cycle, and the other half of the state assemblies' elections within another cycle.
- **Anti-defection:** The Law Commission working paper (2018) suggested changes in anti-defection law and amendments to the Representation Act.
- **NITI Aayog on ONOE:** The NITI Aayog working paper, 2017, endorses the theory of simultaneous elections.

Constitutional provisions which can be amended

The following are the potential constitutional amendments to make One Nation One Election a possibility;

1. **Article 82A:** The Constitution (129th Amendment) Bill introduced a new article, Article 82A(1-6), that deals with the appointed date, term, ECI conducting simultaneous elections, etc.
2. **Articles 83 & 172:** There is a need for an amendment in Articles 83 and 172 for the ONOE policy.

These provisions necessarily get modified in a manner that, if there is an earlier dissolution of Lok Sabha, the subsequent Lok Sabha elections shall be conducted for an unexpired term, i.e., from the date of dissolution to 5 years from the date it began. The amendment to Article 172 also becomes necessary, in case of the state legislatures. These amendments assist in keeping the sync.

Nations adopting One Nation One Election

Sweden conducts national, regional and municipal elections on a single day, once in four years. In Indonesia, presidential and parliamentary elections are conducted along with the local elections from 2024. South Korea conducts the local and presidential elections separately, though legislative polls could coincide with local elections based on the year. But India, being a densely populated country, will be an enormous task to implement.

CONCLUSION

The concept of "One Nation, One Election" (ONOE) offers a revolutionary solution to India's electoral process with a view to minimising frequent disruptions, election spending, and administrative hassles.

The historical record of early experiments in democratic participation in India, such as the Chola period *Kudavolai* system and ancient mentions in Vedic writings, indicates that the idea of collective involvement in governance has strong roots in Indian civilisation. After independence, India initially accepted the simultaneous elections but slowly stepped away because of the premature dissolution of legislative assemblies. ONOE, if implemented, can bring about considerable benefits like checking black money in elections, alleviating logistical burden, reducing policy paralysis, and enhancing voter participation. Yet, issues involving federal prerogatives, regional representation, logistical practicability, legal disputes, and the danger of central control raise valid concerns. India's federal character necessitates protecting the interests of states and regional parties, and maintaining the political diversity of voices nationwide.

The suggestions of the Ram Nath Kovind-headed high-level committee, such as phased rollout, new Article 82A, and amendments to crucial Articles like 83 and 172, try to overcome structural challenges. Although nations like Sweden and South Africa have introduced such systems, India's size and diversity make ONOE particularly challenging.

Finally, though the intent of streamlining the electoral process is noble, any attempt at holding simultaneous elections has to be done with due constitutional, political, and administrative planning. It has to maintain the democratic spirit, guarantee representative fairness, and protect the Constitutionally enshrined principles, especially the basic structure doctrine. Political party consensus all over, legal clarity, and awareness among the people are prerequisites for ONOE to become an effective reform within India's democratic system.

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EUTHANASIA: THE CONVERGENCE OF ETHICAL AND LEGAL DILEMMAS

- *Kurella Hari Krishna and Mendikar Teja (1/3)*¹

ABSTRACT

This paper aims to provide a comprehensive and insightful understanding of the concept of euthanasia, popularly known as mercy killing. Euthanasia comes into play in situations where a diseased individual is allowed to end his life voluntarily, where there's no hope of getting better through treatment. Despite the advances in modern medicine, there are still innumerable illnesses and situations where the probability of recovery is next to none. In those instances, euthanasia or mercy killing offers a way out of unnecessary suffering and puts a stop to the physical and mental anguish. This paper aims to delve into the historical perspectives and various religious' views on voluntary suicide while venturing into the current perspectives on euthanasia by looking into landmark judgements like *Common Cause vs. Union of India* where the right to die with dignity was recognised as a Fundamental Right under Article 21, Government policies, arguments both for and against this doctrine of respectful and dignified death. This paper aims to distinguish between active and passive euthanasia, evaluate the legal status of the same in other countries and recent developments in Karnataka regarding the implementation of guidelines for withdrawal of life-sustaining treatment for terminally ill patients. This paper will shed light on both the ethical and legal dilemmas surrounding euthanasia.

Keywords: Mercy Killing, Euthanasia, Living Wills, Article 21, and Right to Die with Dignity.

INTRODUCTION

Human life is considered the highest form of creation. In our life, we can't decide two things: one, when to be born; and two, when to die. For the first question, we don't care to find the answer. For the second question, we are curious to find the answer, and we want that answer to be the biggest number possible. We live a life

between these two extremes, and we give utmost importance to such a beautiful life. At any given point in time, we want to live a long and happy life. Unfortunately, if we are suffering from some unrecoverable medical condition, instead of going through unbearable pain and suffering through treatment, we wish to end our life with dignity, but the questions here are, can we end our life through such great suffering, wouldn't it be considered as suicide, and did our courts legalised euthanasia in India and follow many other questions. This situation leaves us with legal and ethical dilemmas. At this juncture, the concept of euthanasia arises under which human life can be ended when there is no hope of recovery from terminal diseases or other critical medical conditions. As humans, it is our responsibility to find a balanced approach which can give an equal place for both life and death.

Fundamental understanding of Euthanasia

• Definition of euthanasia

The term "Euthanasia" was coined by the English philosopher Sir Bacon in the early 17th century. Euthanasia is derived from a Greek word 'Eu', meaning "good or easy", and 'Thanatos', meaning "death". Euthanasia is referred to as the administration of a lethal agent to a patient or the withdrawal of the life-supporting system of a patient for the purpose of relieving the patient's intolerable and incurable suffering. In common words, Euthanasia means intentional killing of a person, whose life is at the edge of life, by act or omission.

• Types of euthanasia

Based upon the method by which they are performed, euthanasia is classified into two types as mentioned below².

1. Passive euthanasia – this method of euthanasia involves an act of omission, which means not doing an act which is supposed to be done. In other words,

fastening the death by removing the life support and letting the death occur by natural phenomenon. Passive euthanasia is practised where the chances of living are none and where there is an irreparable situation. Passive euthanasia involves removing the life support system, stopping food and water and allowing death by dehydration or not allowing CPR (Cardio-Pulmonary-Resuscitation).

2. **Active euthanasia** – this method of euthanasia involves an act of commission, which means doing an act which is not supposed to be done. In other words, administration of a lethal agent to hasten the death of a patient whose recovery is uncertain. Active euthanasia is done through administering an external source to the patient. For example, the administration of a lethal injection, such as sodium pentothal, to hasten the death.

Based on the consent, euthanasia is classified into three types mentioned below.

- **Voluntary** – when it comes to voluntary euthanasia, the person themselves seeks the euthanasia. The person makes a request orally or in writing, preferring euthanasia rather than to live in suffering. Under this voluntary plea, both active and passive euthanasia can be performed.
- **Involuntary** – in this type, the person will be in a position where they cannot give consent regarding euthanasia. This method of euthanasia includes brain-dead, coma patients etc.,
- **Non-voluntary** – regarding non-voluntary euthanasia, one thing is clear to us that this method is considered homicide since a person is competent yet does not give consent to euthanasia.

Other relevant terms with respect to euthanasia, which require some sort of understanding

- **Physically assisted suicide (PAS)** – It is also known as aid-in-dying. PAS is basically done by a medical practitioner,

and it is a semi-passive form of euthanasia. The medical practitioner prescribes or introduces the right amount of lethal dose for the termination of life at the request of the patient themselves. This can be done by a medical practitioner himself, or it can be made available to the patient.

- **Permanent vegetative state (PVS)** – In this state, a person cannot manage or perform their own functions like eating, bathing or walking, etc. The person cannot sustain himself. So, he needs the support of doctors or other individuals, including family, relatives, medical staff, etc.
- **Terminal disease** – it is referred to as an incurable and irreversible disease or condition that has been medically confirmed.
- **Advanced medical directive** – it is also termed as “living will”, which is given by a person. In the case of terminal illness, that person will not be given medical treatment which is desired by that person in the living will, and such a directive must be legal, voluntary, competent and in advance

Euthanasia: The Debate on Ethics and Morals

- **Arguments for Euthanasia**

Respecting Individual Autonomy

Euthanasia fundamentally upholds the right of individuals to make decisions about their own lives³, even in their final moments. This principle of self-determination is central when facing terminal illness or unremitting pain. When a person is overwhelmed by a terminal condition or debilitating suffering, the decision to choose the time and manner of one’s death is profoundly personal. It reflects a deep evaluation of one’s values, priorities, and quality of life. Empowering patients in this way recognises that no external authority should force someone to continue living in a state they consider intolerable.

Freedom from Coercion:

Providing euthanasia under strict, well-defined conditions ensures that the decision is voluntary and informed. Robust safeguards such as multiple medical evaluations and psychological assessments are designed to protect against external pressures, whether from family, societal expectations, or economic concerns.

Compassion and the Alleviation of Suffering

At its core, the argument for euthanasia is driven by the imperative to relieve unbearable suffering. Compassion in this context means recognising when medical interventions can no longer provide relief, and choosing to end pain in a humane manner. For patients whose pain remains unmanageable despite exhaustive palliative measures, euthanasia offers a way to spare them from relentless agony. This is not an endorsement of death itself, but rather an affirmation that prolonged suffering can be countered by compassion. By enabling an escape from continuous distress, euthanasia prioritises quality of life over mere biological survival. When all available treatments have failed to reverse or significantly alleviate a terminal condition, euthanasia can be seen as a final therapeutic intervention.

Maintaining Dignity in End-of-Life Care

Dignity is an intrinsic aspect of human existence that should be preserved even as life comes to a close. Euthanasia allows individuals to avoid the dehumanising consequences of severe illness, such as loss of independence and personal integrity. Terminal illnesses often strip individuals of their ability to care for themselves, leading to feelings of humiliation and worthlessness. By opting for euthanasia, patients can retain control over their final moments, ensuring that their exit from life is consistent with their self-image and personal values. This choice protects their dignity by allowing them to say goodbye on their own terms rather than through a prolonged, degrading decline. Euthanasia facilitates a peaceful and controlled transition from life to death, often in a supportive environment surrounded by loved ones.

Ethical Consistency and Compassion

A compassionate society must apply its ethical principles uniformly. Many practices—such as the humane euthanasia of animals to end suffering—are already accepted as morally justified. Extending similar compassion to humans in intractable pain is both ethically consistent and morally imperative. Society routinely accepts measures that alleviate suffering in other contexts. For instance, the use of palliative care or even animal euthanasia to end extreme suffering is seen as an act of mercy. Consistently applying these values to humans ensures that the decision to end life under unbearable conditions is not an aberration but a logical extension of our commitment to compassion and humane treatment.

Moral Duty

There is a profound moral responsibility to minimise suffering wherever possible. When a patient's condition has irreversibly deteriorated and all other treatments have been exhausted, assisting in their death can be viewed as an act of mercy—a final duty to prevent unnecessary pain.

• Arguments against Euthanasia

Upholding the Sanctity of Life

Opponents of euthanasia maintain that human life possesses an inherent sanctity that must be respected and preserved at all costs. This perspective is supported by both secular moral philosophies and various religious doctrines. From a secular viewpoint, the intrinsic value of human life implies that every effort should be made to protect it, irrespective of circumstances⁴. Religiously, many traditions view life as a sacred gift from a higher power—one that should not be prematurely curtailed by human intervention.

The Ethical Line Between Killing and Letting Die

Critics argue that there is a fundamental moral difference between actively ending a life and allowing a natural death to occur by withholding treatment. They maintain that when treatment is withdrawn, death is the result

of an already advancing disease rather than a directly caused action. In contrast, active euthanasia involves a deliberate intervention that causes death, which many equate with murder.

Concerns Over the Erosion of Autonomy

While autonomy is championed by supporters of euthanasia, detractors argue that the decision to end one's life may actually undermine the broader principles of self-governance and human dignity. Some philosophers contend that by opting for euthanasia, individuals may inadvertently deprive themselves of the opportunity for personal growth or the possibility of future improvement—even in the face of terminal illness. They worry that vulnerable patients, overwhelmed by suffering or external pressures, might not be in a position to make fully rational and self-determined choices regarding the end of life.

The Promise and Limits of Palliative Care

A significant argument against the legalisation of euthanasia is the potential for enhanced palliative care to provide relief from suffering without resorting to ending life. Opponents assert that modern palliative care has advanced sufficiently to offer comprehensive support—managing pain, reducing anxiety, and addressing the emotional and spiritual needs of patients. They argue that many requests for euthanasia diminish or disappear once patients receive effective palliative care.

Safeguarding the Vulnerable

Another major concern centres on the potential risks for vulnerable populations if euthanasia is widely accepted. Critics caution that legalising euthanasia may create situations where patients who are elderly, disabled, or suffering from mental health issues might be subtly coerced into ending their lives. There is apprehension that the availability of euthanasia could lead to abuse—where societal, familial, or economic pressures push individuals towards a decision that is not entirely voluntary. Ensuring robust safeguards to protect these individuals is seen as a major challenge, one that might ultimately

compromise the very principle of protecting life.

Impact on the Medical Profession and Doctor-Patient Trust

A final critical argument against euthanasia is its potential to fundamentally alter the role of physicians and damage the doctor-patient relationship. Traditionally, medical professionals are entrusted with the duty to heal, alleviate suffering, and preserve life. Involving doctors in the active termination of life can create a conflict between their role as healers and the act of ending life. This dual role may erode the trust that patients place in their caregivers, as the fundamental objective of care shifts from curing or providing comfort to facilitating death.

Suicide vs. Euthanasia

Before the enactment of BNS, 2023, Section 309 of the IPC dealt with the attempt to commit suicide⁵. Which was punishable with simple imprisonment. After many committees' recommendations and judicial interventions, the attempt to commit suicide was decriminalised. Even in BNS's attempt to commit suicide was not retained.

The major distinction between suicide and euthanasia is their scope of reasons. When it comes to suicide, the reason can be anything. Whereas, when it comes to euthanasia, the reason is mainly restricted to one, that is, unrecoverable medical problems.

Euthanasia	Suicide
Medically assisted death to relieve suffering	Self-inflicted death, often due to mental distress or crisis
To end unbearable suffering, often due to terminal illness	Escaping pain, hopelessness, or distress is often linked to mental health struggles that may be treatable
Often involves doctors, family, and legal/ethical review	Usually, a deeply personal and often impulsive act

Conducted by healthcare professionals under strict guidelines	Generally carried out alone, without medical supervision
Often a last resort when all other treatments fail	Stigmatised in many societies, often seen as preventable
Legal in some places under strict conditions	Illegal or discouraged in most societies

Position of euthanasia in different religions

● **Christianity**

The most followed religion in the world regards suicide as self-murder, and therefore physician-assisted suicide and euthanasia as forms of assisted self-murder or direct murder⁶. Verses from the Bible are referenced when arguing against euthanasia, such as “*You shall not murder*” from *Exodus 20:13*

Most Christians oppose euthanasia⁷, believing that life is a sacred gift from God. Since human beings are created in God's image, life has inherent dignity and should be preserved. Birth and death are part of God's plan, and no one has the right to intentionally end an innocent life, even if that person wishes to die.

● **Islam**

Throughout history, Sunni scholars—from influential figures like Al-Ghazali in the 10th century to modern Islamic bodies behind the Islamic Medical Code of Ethics—have firmly opposed practices such as euthanasia and physician-assisted suicide⁸. These practices, collectively referred to as EPAS (Euthanasia and Physician-Assisted Suicide), involve hastening a person's death either directly by a physician or by providing the means for a patient to end their own life. Today, many Sunni advisory and judicial councils worldwide, including organisations like *Dar al-Ifta al-Misriyyah* in Egypt and the National Fatwa Committee of Malaysia, continue to issue fatwas that strictly prohibit EPAS. It is important to note that the *Quran* explicitly prohibits suicide in Nisa (4:29): “*O believers, do not kill yourselves [or one another]. Surely, Allah is ever Merciful to you.*”

In the Shia tradition, even though there might be some diversity in legal opinions among religious jurists, top-ranking clerics have consistently expressed their disapproval of EPAS.

● **Hinduism**

Hinduism's perspective on euthanasia is complex and deeply rooted in its spiritual and philosophical beliefs. Central to Hindu thought are the concepts of karma (the moral law of cause and effect) and dharma (duty), which suggest that ending a life prematurely through euthanasia could interfere with one's karmic journey and the responsibilities they must fulfil in this lifetime⁹. The principle of *ahimsa* (non-violence) is also fundamental in Hindu ethics, making the act of taking life—even to alleviate suffering—morally questionable. Hinduism teaches that suffering may be a result of past karma and that enduring it can serve as a form of spiritual purification¹⁰. Euthanasia, in this context, is seen by many as an unnatural interruption of life's cycle, preventing the soul from resolving its karma in a natural way. However, Hindu traditions do recognise certain practices, such as *Santhara* or *Sallekhana*¹¹, where a person voluntarily fasts to death in cases of extreme old age or terminal illness, believing it to be a means of achieving spiritual liberation rather than an act of euthanasia in a medical sense. While orthodox interpretations lean toward opposition to euthanasia, Hinduism does not have a single, definitive stance on the issue, and some interpretations, particularly in more liberal or reformist circles, may allow euthanasia under compassionate grounds. Ultimately, Hindu views on euthanasia are diverse, reflecting the religion's pluralistic and interpretative nature, with perspectives ranging from strict prohibition to cautious acceptance in exceptional cases.

Judicial interpretation

In the case of *P. Rathinam vs. Union of India*¹², P. Rathinam, facing severe personal and emotional turmoil, attempted to take his own life, an act that led to his immediate arrest under Section 309 of the Indian Penal Code, which at that time criminalised attempted

suicide. Following his distress-induced suicide attempt, Rathinam was detained by the authorities and subsequently initiated legal proceedings. He challenged Section 309 of the IPC as being unconstitutional.

The Supreme Court held that Section 309 of the Indian Penal Code, which criminalises attempted suicide, is unconstitutional because it violates the right to life under Article 21 of the Constitution. The Court interpreted the right to life broadly to include the right to live with dignity, noting that a person driven to attempt suicide is often in a state of severe mental distress. Therefore, instead of criminal punishment, the state has a duty to provide care and rehabilitation, effectively decriminalising the act of attempted suicide.

In the case of *Smt. Gian Kaur vs. State of Punjab*¹³, the petitioner, Smt. Gian Kaur, along with her husband Harbans Singh, was accused and subsequently convicted under Section 306 of the Indian Penal Code for aiding and abetting the suicide of their daughter-in-law, Kulwant Kaur. The background of the case reveals that the appellants had allegedly encouraged or assisted the suicide with the ulterior motive of forcing their son to marry another woman who could provide a dowry. The trial court sentenced both Gian Kaur and Harbans Singh to six years of rigorous imprisonment and imposed a fine of Rs. 2,000 each, with an additional nine months of imprisonment in default of payment. On appeal, the High Court upheld the conviction but reduced Gian Kaur's sentence from six years to three years of rigorous imprisonment. Dissatisfied with these outcomes, the appellants subsequently filed a Special Leave Petition before the Supreme Court, challenging the constitutional validity of Section 306 (as well as Section 309) on the grounds that it violated their right to die with dignity under Article 21 of the Indian Constitution.

The Supreme Court held that the "right to life" guaranteed by Article 21 of the Indian Constitution does not extend to a "right to die." The Court rejected the argument that assisting or abetting suicide—which the appellants claimed was merely helping to enforce a

fundamental right—could be constitutionally protected. Instead, it affirmed that life must be preserved with dignity until its natural end. In other words, while every individual has the right to live with dignity, this does not imply that one has the right to terminate one's life or that others can facilitate that termination. Consequently, the Court upheld the constitutionality of Sections 306 and 309 of the Indian Penal Code, thereby rejecting any claim that these provisions violate Articles 14 or 21 of the Constitution. The judgment underscored that euthanasia, in the sense of actively ending life (whether directly or by abetment), is not recognised as a fundamental right under Indian law.

In the case of *Aruna Shanbaug vs. Union of India*¹⁴, a petition for euthanasia was filed on behalf of Aruna Shanbaug, a nurse who had been in a persistent vegetative state for over 37 years after being sexually assaulted in 1973 by a hospital sweeper at KEM Hospital in Mumbai. The petition, brought forward by journalist Pinki Virani, sought to have her life support withdrawn so that she could die with dignity. The Court constituted a medical board, which concluded that while Aruna was not brain dead, she had indeed entered a state where recovery was impossible, thereby meeting the criteria for a persistent vegetative state.

The Supreme Court held that active euthanasia—that is, deliberately ending a patient's life—is not permitted under Indian law. However, it recognised that passive euthanasia, defined as the withdrawal of life-sustaining treatment, is acceptable under strict guidelines. The Court clarified that any decision to withdraw treatment must be taken in consultation with a medical board and by the patient's close relatives or legal representatives, under judicial oversight, as a measure to allow a dignified death in cases where recovery is impossible.

In the case of *Common Cause vs. Union of India*¹⁵, the facts presented in the writ petition were that terminally ill patients and those in a persistent vegetative state were forced to continue receiving life-sustaining treatment,

despite the absence of any hope of recovery and in a manner that compromised their dignity. The petition, filed by the NGO Common Cause under Article 32, argued that the right to life under Article 21 of the Constitution must be interpreted to include the right to live with dignity. It was contended that in cases where medical intervention only prolongs suffering without any reasonable prospect of improvement, patients should be allowed to create advance medical directives or living wills, enabling them to refuse further life support. The petition highlighted that the existing legal framework did not provide for passive euthanasia—a process that involves the withdrawal or withholding of treatment that sustains life—which, in turn, compelled patients to endure prolonged indignity and suffering. The petitioners sought a judicial recognition of the right to die with dignity so that individuals could exercise their autonomy by making informed decisions about ending their lives under conditions where death was inevitable and the continuation of treatment only served to extend suffering.

The Supreme Court held that the right to die with dignity is an integral part of the right to live with dignity under Article 21 of the Indian Constitution. The Court ruled that terminally ill patients or those in a persistent vegetative state, who face prolonged suffering without hope of recovery, have the constitutional right to refuse life-sustaining treatment by executing an advance medical directive or living will. However, the Court made a clear distinction between active euthanasia—which remains illegal—and passive euthanasia, which is permitted under strict guidelines. The judgment set out detailed procedures to ensure that any decision to withdraw treatment is voluntary, informed, and made with due medical and judicial oversight, thereby safeguarding against abuse while protecting the patient's autonomy and dignity.

Guidelines laid down by the SC:

- **Advance Medical Directives (AMD):** Terminally ill or permanently incapacitated patients can create an AMD—a “living will”—which specifies the medical

treatments they wish to refuse, including life-support measures.

- **Consent and Documentation:** The AMD must be executed voluntarily by the patient in the presence of independent witnesses, with a simplified process that allows notarization or attestation by a gazetted officer instead of the more cumbersome requirement of a Judicial Magistrate's (First Class) countersignature.
- **Two-Tier Medical Board Review:** A Primary Medical Board, consisting of the treating physician and at least two specialists (with a minimum experience of five years), is tasked with reviewing the patient's condition and AMD. If the decision to withdraw life support is not unanimously agreed upon or is in doubt, a Secondary Medical Board, comprising three independent experts, is to review the case. Both boards are required to provide their opinions, preferably within 48 hours of their formation.
- **Judicial Oversight:** The decision of the medical boards must be communicated to the Judicial Magistrate (or an appropriate judicial authority), whose approval is necessary before life-sustaining treatment can be withdrawn. This judicial oversight is intended to prevent any potential misuse or abuse of the directive.
- **Notification and Record-Keeping:** The patient's next of kin or legal guardian must be informed, and a digital record of the AMD and the decisions taken must be maintained for accountability and transparency.

These guidelines were further streamlined by the Supreme Court in January 2023¹⁶.

Euthanasia in other countries

Colombia

Colombia is the first Latin American country to legalise assisted medical suicide under strict judicial supervision, extending the "right to dignified death" even beyond terminal illnesses.

Spain

Spain has legalised both euthanasia and assisted suicide for those with incurable, debilitating conditions, with robust safeguards ensuring voluntary, well-considered requests.

Netherlands

The Netherlands pioneered legal euthanasia and physician-assisted suicide (2002), permitting these practices for patients suffering unbearable pain from incurable conditions, with stringent procedural requirements—even allowing minors with parental consent.

Belgium

Belgium's framework mirrors the Dutch model, permitting active euthanasia and assisted suicide under strict criteria and independent medical review to protect patient autonomy.

Luxembourg

Luxembourg permits both euthanasia and assisted suicide for adults experiencing constant, intolerable suffering from incurable conditions, requiring informed consent and careful oversight.

Canada

Canada's MAID allows terminally ill adults to request assisted dying under strict conditions, with provincial guidelines ensuring thorough assessments and informed, voluntary consent.

Australia

In Victoria, voluntary euthanasia laws (2017) enable terminally ill residents with decision-making capacity to choose death, provided they meet defined eligibility criteria and procedural safeguards.

Switzerland

Switzerland does not legalise euthanasia *per se*, but permits assisted suicide provided the assistance is altruistic, allowing organisations like Dignitas to help eligible, suffering patients.

United States¹⁷

In the U.S., several states—including Oregon, Washington, and California—allow physician-assisted suicide for terminally ill, mentally

competent adults, while active euthanasia remains illegal nationwide.

Recent Developments in Karnataka

Key Provisions of the Karnataka Order

The order mandates the establishment of both primary and secondary medical boards¹⁸ across all hospitals in Karnataka. Key elements include:

- **Appointment of Medical Experts:** District Health Officers are directed to nominate registered medical practitioners for the secondary medical boards. These boards are responsible for certifying whether life-sustaining treatment should be withheld or withdrawn in terminal cases.
- **Certification Process:** The boards will review requests for Withdrawal of Life-Sustaining Therapy (WLST) following strict guidelines, ensuring that only patients with no prospect of recovery or those in a persistent vegetative state are considered.

Advance Medical Directive (AMD) and Living Wills

A central component of the new order is the introduction of an Advance Medical Directive (AMD), also known as a living will. This document allows patients to pre-record their treatment preferences for future medical care. According to the tweet, AMD gives individuals the power to decide the course of their treatment well in advance, ensuring that their wishes are respected even if they lose decision-making capacity later on.

CONCLUSION

Euthanasia continues to be a complex and highly debated issue, shaped by legal, ethical, and medical considerations. Advocates emphasise the importance of individual autonomy, arguing that terminally ill patients should have the right to choose a dignified death rather than endure prolonged suffering. Opponents, however, raise concerns about the sanctity of life, the potential for misuse, and the moral responsibilities of healthcare providers.

In India, the legal landscape surrounding euthanasia has evolved significantly. The

Supreme Court, in the landmark *Aruna Shanbaug vs. Union of India* (2011) case, recognised passive euthanasia under strict guidelines. Later, in *Common Cause v. Union of India* (2018), the Court reaffirmed this stance, legalising passive euthanasia and upholding the right to die with dignity under Article 21 of the Indian Constitution. This ruling also introduced the concept of advance medical directives or "living wills," allowing individuals to outline their end-of-life preferences in advance. However, active euthanasia remains illegal, reflecting the country's cautious approach to balancing compassion with ethical safeguards.

While nations like the Netherlands, Belgium, and Canada have legalised euthanasia under strict regulations, concerns persist about the expansion of eligibility criteria and the potential for abuse. Religious and cultural perspectives further influence the debate, with many traditions opposing euthanasia based on the sanctity of life, while others argue for alleviating suffering as a moral duty. The role of medical professionals remains central, as they navigate their obligations to both preserve life and respect patient autonomy.

As medical science and societal attitudes continue to evolve, further discussions are necessary to refine legal and ethical frameworks. In India and beyond, the challenge lies in crafting policies that uphold individual rights while ensuring adequate safeguards against coercion or misuse. The debate over euthanasia will persist, but a balanced approach prioritising compassion, ethical integrity, and patient welfare remains essential in shaping future policies.

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MISUSE OF WOMEN-CENTRIC LAWS: THE UNINTENDED CONSEQUENCES

- *Mahathi Sangannagari (2/5)*¹

INTRODUCTION

“The soul has no gender, then why should the law?” This quote accurately points out the idea of gender equality.

India has an extensive history. Over the years, its legal system has changed to match the shifting social and cultural trends. However, women have historically faced many challenges because patriarchy has always been deeply rooted in Indian society. It is a social evil that has been prevalent since time immemorial. This can be seen from incidents like sati, dowry deaths, sexual harassment, domestic violence, etc.

In order to protect the rights of women, the government has taken steps to empower women economically, socially and politically. It includes the enactment of women-centric laws.

Women-centric laws in India

The following are a few examples of women-centric laws in India.

1. **The Protection of Women from Domestic Violence Act, 2005** - The purpose of the act is to protect women who are victims of domestic violence.
2. **The Dowry Prohibition Act, 1961** - The purpose of the act is to protect women from harassment and violence related to dowry.
3. **The Commission of Sati (Prevention) Act, 1987**² - The purpose of the act is to provide effective prevention of the commission of sati.
4. **The Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013**³ - The main object of the act is to protect women from sexual harassment in the workplace and to create a safe and respectful work environment for them.
5. **The Hindu Adoption and Maintenance Act, 1956** - This act aims to provide legal rules for adopted children and ensure maintenance for dependents like wife, children, unmarried daughters and aged parents.

The main concern here is whether the laws made to protect women possess the right to punish an

innocent person. As the situation has evolved, the existing gender-biased laws, which are enacted to extend justice to underprivileged women, are now being misused by some privileged, manipulative women to exploit men.⁴ There are a number of cases that prove the misuse of women-centric laws.

Flaws in women-centric laws

The Protection of Women from Domestic Violence Act, 2005 assumes that only women can be victims of domestic violence. The major drawback of the act is that it does not include husbands within the ambit of domestic violence. Also, according to Section 32(2) of the Act, a woman's statement as a victim is taken as true without requiring supporting evidence. This raises the risk of the act being misused.

In the case of *Major Singh & Anr. vs. Sarbjit Kaur*,⁵ a wife made a false accusation against her husband because she was involved in an affair. She tried to threaten her husband, but her husband filed for divorce. The judgement passed by the Punjab and Haryana High Court stated that the Protection of Women from Domestic Violence Act is being misused to frighten spouses, their families and distant relatives, and this phenomenon has now acquired the name of ‘Legal terrorism’.⁶

Dowry laws

The anti-dowry law, specifically Section 498A,⁷ was introduced as part of the Dowry Prohibition Act, 1961, with the intention of safeguarding married women against cruelty, domestic violence and dowry-related abuse. But it is now being misused for blackmail and harassment against husbands and their families. Some educated women are using this law inappropriately, which is leading to negative consequences. This section gives certain women excessive power in resolving marital conflicts, which can severely affect the lives of the husbands and their parents.

For instance, in a recent incident, a 34-year-old man named Atul Subhash, a resident of Bengaluru and originally from Uttar Pradesh, ended his life due to false accusations made by his wife. She accused him of torturing her and her family for dowry, leading her to file a case against him under Section 498A of the IPC, which deals with cruelty. Atul left a 24-page suicide note and an 81-minute video explaining the

difficulties he encountered in his marriage and the legal battles that followed. He mentioned that his wife asked him for money to drop the case and also sought financial help to visit their child. In his death note, he also alleged that a family court judge in Uttar Pradesh was favouring his in-laws.⁸

The Sexual Harassment of Women at Work (Prevention, Prohibition and Redressal) Act, 2013

It has been observed in the past that the number of women facing harassment at work is quite high. Therefore, this Act intends to protect women from sexual harassment in the workplace. But some men also undergo similar experiences. Unfortunately, men who experience sexual harassment at the workplace cannot seek help under this Act, as it only protects female workers. There is no specific Act that provides protection to men from sexual harassment.

According to a 2022 National Commission for Women study, 1.4% of men in India experienced sexual harassment, and 3000 cases of sexual assault on men were reported in India in 2022. This marks a significant increase from the 2,500 cases documented in 2021. There is no specific legal provision to safeguard adult males who experience sexual harassment. Because in India, it is often thought that “*a man can never be raped by another man or woman*”. This mindset exists because society has nurtured an image of men as mighty and dominant beings, and atrocities such as rape and molestation can only be committed against women.⁹

And, in some other circumstances, women falsely file sexual harassment cases against men to exploit them. For instance, in Gurugram, a 30-year-old transporter from the Farukhnagar area allegedly died of suicide after being “framed” in a fake rape case by a family in Rajasthan’s Alwar.¹⁰ Police on Monday booked four members of the accused family for abetment to suicide. Sandeep, his family members said, had lent Rs 3 lakh to Sahab Singh, a resident of Alwar. For the past several months, Sandeep had been demanding his money back. Instead of returning the same, the accused kept on demanding more money and got a fake rape case registered against Sandeep at Fulbagh women's police station in Alwar on July 29. Unable to bear the mental harassment, Sandeep allegedly hanged himself from a tree on Sunday inside the premises of a primary school in Farukhnagar. In his suicide note, Sandeep held Saheb and his family responsible for his death. “Sandeep was harassed by Saheb and his family members. Sandeep was framed in a fake rape case

due to which he committed suicide”, his uncle said. Sandeep is survived by his wife and six children.

Based on the suicide note and a complaint from Muneesh (his uncle), an FIR was registered under Section 306¹¹ (abetment to suicide) and Section 34¹¹ (common intention) of IPC at the Farukhnagar police station against Sahab Singh and his wife and their 2 sons.

Maintenance laws

Maintenance laws are enacted to provide financial support to individuals who are unable to support themselves. However, there are many instances where laws are misused. Some women misuse these laws for money by filing false cases against their husbands, even though they are financially capable of maintaining themselves.

Also, we need to recognise that while some men do have money but ignore court orders, others genuinely cannot afford to pay each month due to other family responsibilities. Their struggles should also be taken into account, as they often bear a heavy financial burden.

According to a September 2016 report, 33-year-old Amrut Tare, a resident of the male village, Vikramaditya in Maharashtra, died by suicide in the Wada court premises, after failing to pay monthly maintenance arrears to his wife, who had filed for divorce.¹²

Amrita was supposed to pay Rs 60,000, which had accrued over the past 5 months. While the divorce case was pending, he visited the court for a hearing of the case, where his estranged wife complained to the judge about his failure to pay up. Humiliated by the judge’s questioning, Amrut left the courtroom and hanged himself from a tree with a nylon rope.

Equality for all: A fundamental right

The Constitution under Article 15(1) prohibits discrimination based on sex and other similar grounds. Article 15(3)¹³ allows the state to create special provisions for women. These special provisions aim to protect women, who are often viewed as disadvantaged when compared to men.

However, in some cases, these provisions may negatively impact men’s rights. There is nothing wrong with creating such laws, except in the circumstances where women misuse these Acts to harass men.

Impacts of False Accusations and Legal Harassment

1. Depression and anxiety: The experience of false allegations or legal intimidation can cause severe psychological distress, developing feelings of betrayal, helplessness and chronic anxiety.
2. Social stigma: Men who face false allegations and legal harassment are perceived as guilty and not trustworthy by society. It results in social isolation from family, friends community networks.
3. Suppressed Emotions: Society often expects men to be strong and unemotional, which prevents them from showing vulnerability or asking for help, which leads to increased internal struggles and worsening mental health.
4. Financial Burdens: Many men face financial problems due to legal expenses and the risk of job loss, which can lead to severe economic hardship.
5. Damage to Reputation: The individuals facing false accusations may suffer harm to their reputation. An individual's reputation holds significant importance, as it is primarily earned through hard work. However, false allegations can lead to its rapid downfall. Once a reputation is lost, regaining it can be a challenging endeavour.
6. Loss of Dignity and Honour: Those individuals facing allegations may experience a loss of dignity and honour, affecting their self-worth and social identity.
7. Disturbance of Law and Order: False allegations can disrupt legal and social order, leading to negative consequences within the community.
8. Marital suicide rates: Data from the National Crime Records Bureau (NCRB) shows that men have a higher suicide rate when compared to women because of various legal and social pressures. The NCRB report states overall numbers for the past five years (2018- 2022). Unfortunately, this number has been increasing year on year. A total of 1,70,924 suicides were reported in the country during 2022, which marked an increase of 4.2% compared to suicides in 2021. The rate of suicides increased by 3.3% in the year 2022 vs 2021. If we look at just the actual numbers, the gender-wise number of suicides accounted for in 2022 is given below.

Male: 1,22,724

Female: 48,172

Transgender: 28

When it comes to married individuals specifically, "married men die by suicide 1.73 times more than married women".¹⁴

Impact on women

Women who are genuinely facing dowry harassment, domestic violence and sexual harassment often do not receive timely justice due to some women misusing the law for their personal gain. The efforts to create laws that protect women are undermined by the irresponsible acts of a few individuals.

Suggestions for improvement

To prevent the misuse of women's protection laws, it is essential to adopt a balanced strategy that maintains justice while preserving the fundamental purpose of these laws. Here are some suggestions:

1. Examination of Women-Centric Laws: It is essential to thoroughly review women-centric legislations that exhibit inflexibility in order to identify and address any potential flaws.
2. Strengthened Legal Sanctions Graded Imprisonment: Implementing different degrees of imprisonment based on the severity of the misuse can create a strong deterrence.
3. Support for Genuine Victims: It is essential to implement safeguards against misuse of laws without deterring genuine victims from seeking help. Free Legal aid and counselling should be provided to those in need.
4. Public Awareness Campaigns: For women: Initiate awareness campaigns to inform about legal statutes, their intended purpose and consequences of misuse. Educate women on the broader social impact of false accusations. For society, promote gender sensitivity and legal awareness within society to enhance public understanding of the objectives behind these laws.
5. Gender Equality in Laws: It is necessary to formulate legislation that ensures gender equality, safeguarding all individuals from abuse, irrespective of their gender identity.
6. Establishment of Gender Neutral Helplines and Support Sources: Set up gender-neutral helplines and support systems for individuals,

irrespective of gender, who have been wrongfully accused of criminal activities.

Judicial decisions by the Indian Judiciary

1. In the case of *Rajesh Sharma & Ors. vs. State of Uttar Pradesh*,¹⁶ the court laid down certain directions to stop the misuse of Section 498-A of the IPC. The Supreme Court instructed the district legal services authority to form a family welfare committee in each district, which would investigate cases of violence reported under section 498-A¹⁷ for a period of one month prior to any arrests being made. The committee would consist of paralegal volunteers, social workers and retired individuals who have received military training to effectively carry out this responsibility.

2. Recently, the Karnataka High Court dismissed a woman's appeal for alimony of over Rs. 6 lakh per month. The judge Lalith Kanneganti refused to entertain the request, saying, "If she wants to spend, let her earn".¹⁸ The main object of the alimony is to provide financial support to lower-earning spouses. However, it is essential that this support does not impose a burden on the other spouse. This case shows that courts are focusing on fairness in alimony decisions. And it highlights the importance of realistic maintenance claims, ensuring fairness for both parties.

3. Recently Karnataka High Court has emphasised the need for a gender-neutral society that eliminates dividing roles based on sex or gender and ensures equal treatment of men and women in both domestic and workplace settings. Justice Dr. Chillakur Sumalatha stated, "Equality should be in its truest sense and not at the expense of either gender". This observation came while dismissing a wife's request to transfer a divorce case filed by her husband from a court in Narasimharajapura to Husanagara taluk. The wife argued that the 130 km distance to the court caused her significant inconvenience. However, the husband opposed the transfer, citing his responsibilities as the sole caregiver for their children. He stated that transferring the cases would create immense difficulties.¹⁹ The court ruled that the husband's Inconvenience outweighed the wife's and noted that granting a transfer solely because it was requested by a woman would not align with principles of equality.

CONCLUSION

Women-centric laws play a crucial role in safeguarding women's rights and promoting equality. These laws helped to create a safer and fairer society by addressing issues like

discrimination and violence. However, their true impact depends on proper implementation and fair enforcement. At the same time, it is important to ensure that these laws do not negatively impact men.

Justice should be balanced, protecting the rights of everyone while preventing misuse. The ultimate goal is to build a society where equality is so natural that special laws are no longer needed. Until then, these laws will continue to empower women while ensuring fairness for all.

Ensure both psychological and legal support for victims of misuse.

Create awareness about NGOs that support men's rights and safeguard their interest.

Example: **Save Indian Family Foundation (SIFF)** is the most prominent organisation in India focusing on the protection of men's rights.

Numerous individuals fail to recognise the need for such organisations and helplines. Certain people remain uninformed about the existence of organisations dedicated to supporting men.

Helpline: SIFF operates a helpline for men to report cases of alleged abuse and seek guidance.

Helpline number: +91 9278978978²⁰

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HONEY TRAP: A THREAT TO NATIONAL SECURITY AND SOCIAL STABILITY

- *Deepika Gadagottu (2/5)*¹

INTRODUCTION

Imagine being in a situation where someone is trying to gain your trust just because they want something from you. When you know that the care, love, and affection that they show are to get benefits or to grab a valuable thing from you. How do you feel? Will you feel betrayed? If yes, you might have just fallen into the world of honey traps.

A honey trap is a covert technique that involves using seduction or sexual appeal to manipulate someone. The intentions are far from pure. A honey trap is like a spider's web designed to induce a person to reveal secrets or surrender control. A person who is carrying out the operation is called a honey pot or honey trap agent. It is used for seeking valuable information, financial gain, or to take control of the targeted person. It is difficult to differentiate between the original connection and a trap. The person who is manipulating may be trained. They might make you feel important, valued, or loved, but these are only manipulating tactics to exploit the person in all the ways possible. Their ulterior motives are different from what they are exhibiting.

Honey traps can be used for political, monetary or interpersonal purposes. It plays with human emotions, where they make the target believe and depend on them emotionally. When they think and clarify that the target believes them completely, they extract information or money from them for which they plan to use to form a trap.

History of Honey Trapping

Honey trapping has its roots in the history of the Cold War. Female agents called "Mozhno girls" or "Mozhnos" were used to spy on foreign officials by seducing them. The word "Mozhno" is derived from Russian, which means "it is permitted". These agents were allowed to breach regulations restricting Russian contracts with foreigners.

Agencies like Komitet Gosudarstvennoy Bezopasnosti (KGB) of the USSR used honey traps (sex and seduction) to extract information from enemies.

One of the well-known honey traps in spy history involves Mata Hari, whose real name was Margaretha Zelle. She is a Dutch woman who spent some years as a dancer. During World War I, she was accused of passing French military secrets to Germany. She was arrested by the French on charges of spying for the Germans. She was put on trial in 1917. She was found guilty and executed by firing squad on October 15, 1917.

The concept of using seduction for gathering information was a practice that started centuries ago in India. During the Mughal era, Emperor Akbar reportedly employed female spies to gather information about his rivals. Similarly, the British East India Company used honey trapping to gain insights into local politics and social movements.

India also experienced honey trap cases. In a case involving a woman named Madhuri Gupta, who worked as a second secretary at the Indian High Commission in Islamabad, used her position to disclose confidential information to ISI handlers. Later, she was caught and arrested by Indian authorities in 2010. During the interrogation, she revealed that she was approached by a man who had seduced her and used her romantic relationship to get classified information. She got to know that the man works for ISI.

Acts which deal with honey trap in India

1. Bharatiya Nyaya Sanhita, 2023
2. Official Secrets Act, 1923
3. Information Technology Act, 2000
4. Army Act, 1950
5. Defence of India Act, 1971
6. Navy Act, 1957
7. Air Force Act, 1950

- **Bharatiya Nyaya Sanhita, 2023**

A honey trap agent is liable to punishment under the Indian Penal Code 1860 in the following sections.

1. Section 308: Extortion - If a person threatens to disclose some compromising information or images to extort money or any other thing from the victim are liable under this section.
2. Section 351: criminal intimidation - If someone scares another person by threatening to hurt them, their reputation, their property, or someone close to them just to make them afraid, or to force them to do something they don't have to do, or to stop them from doing something they have a right to do that is called criminal intimidation.
3. Section 318: Cheating - Deceiving the victim by using a false relationship to gain information or any other benefit from the victim.
4. Section 77: Voyeurism - A honey trapper is liable for voyeurism if they capture compromising images or videos secretly without their consent.

- **The Official Secrets Act, 1923**

1. Section 35: penalties for spying - This section imposes imprisonment and criminalises acts such as accessing prohibited or forbidden areas, collecting confidential information, and creating plans or drawings which are useful to the enemy with the intention to cause harm to the nation's security.
2. Section 46: communication with foreign agents to be evidence of communication of certain offences - Under this section, if any foreign agent is contacted regarding confidential information is considered to be a violation of the Act.
3. Section 57: wrongful communication, etc., of information - Under this section, a person is liable for 3 years imprisonment or fine or both if the person possesses any secret codes, sketches, plans, documents or any information in unauthorised places in such a manner that helps enemies or brings a threat to the nation's sovereignty.

- **The Information Technology Act, 2000**

This Act covers various aspects of information technology in India. About the honey trap, this act specifically deals with online harassment and unauthorised access to computer systems.

Due to the growth in technology, in recent times, most of the honey trap cases involve online interactions where the honey trap agent creates a fake profile to trap the targeted person by building a relationship. This can fall under the purview of cyber stalking.

- **The Army Act, 1950**

This Act applies to persons in service or employed in the Indian Army. Spying, leaking of classified information, aiding the enemy, etc., are covered under section 34 of this Act.

- **The Navy Act, 1957**

This Act applies to the persons employed in the Indian Navy. Section 35 of this act covers espionage and betrayal of military secrets. This act punishes the person involved in creating a threat to national security.

- **The Air Force Act, 1950**

This Act applies to persons in service or employed in the Indian Air Force. This Act is also similar to the Army Act and the Navy Act.

The above mentioned Acts try to control honey traps. Many cases were observed in the defence sectors. These Acts make a person liable for the disclosure of any classified or confidential information.

The impact of Honey traps on social stability

India is a country with a rich heritage and cultural diversity. It has many customs, languages and religions. Though there is diversity, India follows the principle of unity in diversity. To bring that sense of unity, we need social stability. Unfortunately, this social stability is being impacted by various factors. The honey trap is one of those factors.

- **Blackmail and exploitation:** Honey traps often include blackmail and exploitation, which leads to social instability by increasing mistrust and fear.
- **Emotional distress:** The victim of the honey trap faces emotional distress, which affects their mental health and daily living. This causes social instability.
- **Diminishes trust:** Honey traps can undermine the trust in institutions such as government, law, military, etc., which leads to social instability.

The honey traps have a strong negative impact on society. They exploit one of the important core human traits, i.e., trust. Trust plays a crucial role in human life. To build a relationship, trust is needed. In honey traps, they create fake emotional connections with a hidden motive. It deeply affects people. From the point of view of the victim, it will destroy the victim in all ways when they discover that they have been manipulated. It's not about embarrassment or career damage; it's a betrayal. The victims lose their confidence. They question their judgment and decision-making. They struggle to rebuild their self-esteem. Honey traps reveal how vulnerable people can be when trust is exploited.

Recently, in Vizag, a honey trap gang was arrested. Police arrested a 27-year-old woman on October 5, 2024, in Vishakhapatnam. A woman named Koruprolu Joy Jamima and her accomplices ran a racket by promising love and marriage to men. They have contacted men through social media to exploit them. An NRI filed a complaint at the Bheemunipatnam police station, stating that she had cheated him with an excuse of love and marriage. Police found that this is not the 1st case of Joy Jamima regarding extracting money. A case was filed earlier at the Kancharapalem police station. The number of victims was yet to be confirmed. This woman and her accomplices approach wealthy individuals, specifically men, through social media. She befriends them and offers love or marriage. Then they invite Target to the guest house, where they will sedate him with a spiked drink. Joy Jamima completes her task by taking unusual photos which are compromising nature

with her and the men. She uses those pictures to blackmail and threaten men that they will upload on social media if the money is not paid.

In the case of NRI, after befriending him, she invited him to her house in Muralinagar. She sprayed perfume, which was mixed with sedatives and later offered a drink. She demanded money and threatened him. She even locked him in the house and asked him to pay money or else marry her.

Impact of Honey trap on national security

Honey traps are the biggest threat to national security. They use sensitive, confidential information that concerns the security of the nation.

Consequences:

- A Honey trap can be used to get sensitive information, including confidential documents, plans or other things related to national security secrets.
- Honey traps can also lead to economic consequences due to the disclosure of compromised information regarding finance or intellectual property, or any other things that cause huge economic losses.
- Honey traps decrease the trust between the people and government institutions. It is difficult to build trust again.

The Press Information Bureau, the Government of India, under the Ministry of Defence, has released statistical data on honey trapping in the armed forces. The honey-trapping cases in the armed forces for the years 2015, 2016 & 2017 are as follows.

Year	Army	Navy	Air Force
2015	O2	NIL	O1
2016	NIL	NIL	NIL
2017	O2	NIL	NIL

Cases related to honey trap

The following are a few honey trap cases.

- In July 2022, an Indian army soldier named Shantimay Rana was arrested for leaking military information to Pakistan. It was

confirmed that he was honey-trapped, and the honey-trap agent posed as a woman and interacted through social media. With Gurnaur Kaur, alias Ankitha & Nisha, Shantimoy Rana shared classified information about his regiment and videos of army exercises. A woman, Ankitha, told him that she was posted in the military engineering services in UP, and a woman named Nisha told him that she was from the military nursing services. He shared secret information and also videos of army exercises. He also received money for that.

- In February 2023, Baburam Dey, a senior technical officer at the Defence Research and Development Organisation (DRDO). At Integrated Test Range (ITR) in Odisha was arrested for leaking classified sensitive information to a Pakistani agent. It was reported that a honey trap agent who posed as a woman was met online. He passed sensitive information like the details of missile tests and photographs of prohibited areas in exchange for monetary benefits. He was charged under sections 120-A & 120-B of the IPC and sections 3,4,5 of the Official Secrets Act.
- Another high-profile espionage incident in India is the Nishant Agarwal case. He is a senior systems engineer at Brahmos Aerospace. It is a joint venture between DRDO and Russia's NPO Mashinostroyeniya. This company produces the Brahmos missile, which is one of the world's fastest cruise missiles. Nishant Agarwal interacted with 2 women, namely Neha Sharma and Pooja Ranjan, through the Facebook account. He leaked sensitive defence information and disclosed sensitive technical information related to the Brahmos missile project to suspected Pakistani intelligence. He faced charges under the Official Secrets Act of 1923.
- On May 3, 2023, Dr Pradeep Kurulkar was arrested by the anti-terrorism squad of Maharashtra. He is the head of the Defence Research and Development Organisation's Research and Development Engineering Laboratory. He is a member of several

significant defence projects, including the Asmi missiles. He was accused of sharing sensitive information with a woman named Zara Dasgupta who was a Pakistani intelligence agent. He shared information related to defence projects in exchange for nude pictures and sexting. He was in contact with the woman from June 2022 to December 2022 through email, Instagram and also connected through video calls using two applications suggested by the woman.

- Recently, Karnataka Cooperation Minister KN Rajanna alleged in the state assembly that he and at least 48 other politicians were targeted by honey trap attempts. The issue has now been brought to the Supreme Court through a public interest litigation (PIL). Rajanna said strangers tried to trap him, with different women accompanying the same man in different incidents. One woman falsely claimed to be a High Court lawyer.

Chief Minister Siddaramaiah stated that no one would be protected and guilty parties would be punished. Rajanna submitted a formal representation to the Home Minister. Meanwhile, a PIL seeking a CBI investigation has been filed in the Supreme Court.

Measures to prevent honey traps

To tackle the increasing number of cases of honey traps, the Indian army developed an AI-based technology. It was developed by Indian territorial army soldiers to help commanders determine which soldiers are most easily affected by such espionage tactics. The technology operates on WhatsApp and starts a conversation with the soldiers. It brings various honey-trapping situations to see who will fall into the trap. The soldier being tested is expected to block the messages immediately from an unknown number. The people who are continuing the conversation are being monitored. The AI bot learns from itself, and new scenarios can be easily added for effective training.

Other methods to prevent honey traps: Creating awareness and educating people about

the consequences of honey traps can help prevent them.

- **Stronger enforcement of laws:** The stringent laws and enforcement create deterrence among the people from committing or engaging in such activities.
- **Support for victims:** Provide support and counselling for the victims of honey traps, so that they can recover and restart their lives as before.
- **Intelligence gathering:** Gathering and analysing intelligence on honey trap cases can help in identifying and preventing threats to national security.
- **Reporting the incidents:** The victims should give a quick response to the incident that happened. Reporting the trap can ease the identification of the person who has fallen in the honey trap, which will make it easier for rescue operations to be carried out.
- **Background checks:** Background checks have to be conducted on individuals who have access to sensitive information to help prevent honey traps.

CONCLUSION

In today's world, in the digital age era, where social media and online platforms have made it easier to interact and connect with individuals, there is every chance for a Honey trap to reach all corners of the world. Honey traps are manipulative tactics that raise serious concerns in both ethical and legal senses. There is no specific international law that talks about honey traps, but there is some guidance in the form of diplomatic rules, human rights protection and cyber laws. Beyond the legal aspects, honey traps cause emotional harm, reputation damage and sometimes even cost a life. They increase the mistrust between nations. Governments must uphold both security and ethical standards.

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ARTIFICIAL INTELLIGENCE: A REVOLUTIONARY TOOL IN THE LEGAL FIELD

- Harika (4/5)¹

ABSTRACT

Artificial Intelligence is revolutionising the legal sector by streamlining tasks such as contract drafting, legal research, case prediction, translation, and client interaction. Tools like SCC Online, Manupatra, and Kanoon.ai are helping professionals and students save time and enhance accuracy. In India, despite the absence of specific AI laws, initiatives such as the AI Governance Guidelines Report 2025 and NITI Aayog's Responsible AI Principles signal progress toward regulation and inclusivity, particularly with tools like SUVAAS and BHASHINI AI promoting multilingual access to legal content.

Globally, countries such as the EU, China, the UK, and the US are implementing varied approaches to integrate AI into their legal systems, striking a balance between innovation and risk management. However, challenges such as data privacy, bias, ethical concerns, and unresolved IP rights highlight the need for strong governance, legal reforms, and continued human oversight.

The article concludes that while AI can enhance legal efficiency, it must be used responsibly. Key recommendations include developing localised AI laws, integrating AI education in legal studies, digitising case records, and fostering global collaboration.

Keywords - Artificial Intelligence, Legal Technology, AI Legislation, and Legal Risk Management

INTRODUCTION

Artificial Intelligence (AI) has emerged as a revolutionary force, impacting various sectors by mimicking human intelligence to perform tasks like research, summarisation, and decision-making. From healthcare and education to cybersecurity and robotics, AI simplifies complex processes. This article

focuses on the legal field, showing how AI is transforming legal research, contract drafting, and case analysis, while also raising challenges like data breaches, lack of transparency, ethical dilemmas, and potential misuse. It examines whether India needs specific legislation, highlights government initiatives such as AI Governance Guidelines, and compares them with global approaches in the EU, China, the UK, and the US.

AI enables computers to think, learn, and make decisions by using machine learning, deep learning, NLP, and Gen AI. Trained on data, it gives analysis, predictions, and decisions, identifying patterns through statistical models, neural networks, algorithms, and reinforcement learning. It draws from datasets, social media, synthetic inputs, and real-time sensors. In general, AI helps in summarisation, personalised guidance, fraud prevention, and risk assessment, but must be used responsibly to support legal practice without undermining ethics or human judgment.

Meaning of Artificial Intelligence

AI is a technology that enables computers to think, learn, and make decisions. AI is trained on pre-existing data to give detailed analysis, predictions, and decisions regarding a specific topic that the individual poses. "AI will be the most transformative technology of the 21st century. It will affect every industry and aspect of our lives."- by Jensen Huang (CEO at NVIDIA, 2021). It is also crucial to know who trains the AI? Data scientists and organisations such as Google, OpenAI, and developers build and train AI systems. AI is trained using different methods such as machine learning, deep learning, NLP, and Gen AI.

As humans, we read, analyse, identify the issues, and come to a decision. Similarly, AI can also read, identify, and make decisions and is humanly understandable. AI systems give predictions by identifying statistical patterns,

using neural networks, algorithms, and reinforcement learning. AI derives its data from public datasets (Wikipedia, academic repositories), user-generated content (social media, posts, reviews, interactions), synthetic data, and real-time data such as cameras and sensors. In general, AI helps in summarisation of any topic and personalised guidance, gives predictions, identifies patterns, prevents fraud, and provides risk assessment.

How AI is specifically helpful in the Legal Field

As law students, lawyers, advocates and judges, we are aware of the hurdles faced by the judiciary. Whether it is contract drafting, contract analysis, negotiation, legal research and representation in court, we must spend hours together to find and analyse accurate case laws and topics. We can ease our hurdles with the help of AI for specific routine tasks. It allows legal professionals to spend their valuable time enhancing their physical and mental well-being rather than taking time for mundane tasks.

AI can draft contracts, perform contract reviews, provide legal research with case laws, summarise legal topics, and give conclusions based on precedents.

1. Contract Drafting, review and analysis - Legal professionals often draft multiple contracts daily, which consumes their valuable time. To overcome these routine tasks, AI aids them in not only drafting contracts but also in reviewing them. AI can draft and review the contracts once you upload all the related contract documents, or you can just give a prompt to make a contract specifying your requirements. It reads, understands the documents, and drafts a contract just like a legal professional.

AI systems can update you on probable risks associated with contracts. In other words, it can check for specific clauses that are fraudulent, contradictory, or illegal in the contract, helping legal professionals to avoid legal repercussions in future litigations. Moreover, it makes sure that the contract is in compliance with regulatory standards according to the Act.

Some of the free, limited and subscription-based prominent AI legal tools, helpful in contract drafting, reviewing, are:

Legal Robot, **Kira Systems** (highlights significant clauses and extracts relevant information), **LEGAL FLY** (predicts sensitive information, also offers individuals to train AI models on their own legal documents coupled with Microsoft Word), **Spellbook** (useful for contract drafting, reviewing, ensuring compliance with general practices and comes with MS word + Chat GPT-4o and other large language models[LLM], identifies risk and missing clauses and also conducts legal research), **Legal book** and **Law simpl** (offers legal research, contract drafting, summarising, and answering questions). **Robin** (provides templates, answers legal queries), **Juro**, **Evisort**, **Luminance**, **black boiler**, **Doc Juris**, **Verify AI**, and **co-counsel AI** are also beneficial.²

2. Legal Research - We need to do in-depth legal research for relevant case laws to support our case in the courts and for students to score better results in their academic exams. The popular websites for finding Indian judgements are the Judgement search portal (managed by the Department of Justice), AIR Online, Indian Kanoon, SCC Online, e-courts and separate judgements of each HC on its website.

Even though, Indian judiciary has digitised to a certain extent, legal professionals should go through various judgements, which sometimes span over 100 to even 1000 pages, consuming excess time of legal professionals compared to the time spent in other areas.

AI is remarkably helpful in legal research. AI systems can collect all the relevant information across the web, including judgments, articles, and news, within seconds, transforming manual research. Specific AI tools can read and understand several legal judgements, aiding legal professionals in quick summarisation, grasping key takeaways, identifying facts, issues and judgments in precedents. Moreover, AI can justify through its reasoning capability as to why the specific case law guides one individual in winning or losing the case.

Although there is no certified legal AI tool by the Indian judiciary or the GOI to provide accurate precedents as of now.

Some of the prominent legal AI tools for legal research are: -

a. SCC Online: SCC Online now has AI features like **SCC Mind Matrix**, which helps in legal research, explaining concepts, discovering case laws, and statutes.

b. Manupatra: one of the popular legal research platforms with integrated AI, summarises legal judgements, offers tools for drafting and consulting on legal documents, provides information retrieval m-para (allows users to identify repeated paragraphs referred in SC judgements), and Case Map (provides a visual view of the top 20 cases, relating to the subject case). It also splits the information into mentioned, discussed, and dismissed, using different colours, and provides daily updates on legal news and developments.

c. Kanoon.ai:- provides legal research with citations to the most relevant sections. It simplifies legal responses in plain language, offers case summaries, highlights relevant paragraphs, and suggests similar cases, making legal research more accessible and efficient.

d. Legit Quest: facilitates Legal research, specific Gen AI tools, legal news, contract analysis, and identifies potential risks and compliance issues. Its unique '**IDRAF**' technology (Issue, Decision, Reasoning, and Facts) splits judgments into structured formats.

e. AILAWYER- offers legal research, summarisation of any topic, fast and reliable.

f. Casemine- finds precedents, **ICite** feature provides detailed information on how a specific judgment has been treated (followed, overruled, distinguished).

3. Data Visualisation - As AI can go through case laws, statutes, rules and regulations, through data visualisation, AI can process and streamline all the relevant information and convert it into charts, graphs, diagrams, and mind mapping, hence improving the grasping power and memory capabilities of humans quite

well. AI tools like **Manupatra**, **CaseMine**, and **Legit Quest** offer data visualisation. **4. Translation** - Translation can be a tedious task for legal professionals. Translation of legal documents into regional languages helps clients to understand their case and reduces regional disparities. Specific AI tools can translate judgments and case diaries, wills, and contracts in regional languages to English and vice versa.

a. SUVAAS (Supreme Court Vidhik Anuvaad Software) developed by the Indian judiciary, translates legal documents into various regional languages such as Telugu, Hindi, Tamil etc.

b. BHASHINI AI: provides free translation over 35 languages, several AI models catering for specific needs such as text-to-speech, person audio and entity recognition etc, by breaking language barriers across India.

c. ANUVAADINI – provides translation of over 18 Indian languages, mainly developed to translate English books into regional languages to overcome regional disparities in education in India.

5. Predicting Judgments or outcomes - One should anticipate the outcome of a case to prevent vexatious and frivolous lawsuits. Even though we sometimes predict the case outcomes, we often lack sufficient reasoning or cannot recall the reasoning.

As AI is already equipped with similar precedents, it can predict judgments/verdicts of a given case with sufficient reasoning coupled with relevant case laws, statutes, and common principles of law. Furthermore, it runs a comparative analysis of issues presented in your case and precedents, paving the way for better clarity and rapid consumption of knowledge.

6. Virtual client assistant and Case file maintenance - Legal professionals are busy in their hectic legal work, often assigning less time for client interactions. Due to time constraints with their advocates, clients often lack knowledge or are confused about the updates to their case.

AI can solve this problem. Ex- AI-powered chatbots, which are specifically trained on law firms' cases, can aid clients in getting updates

on case status and other legal information related to their case. These chatbots can help regain trust and transparency in the legal profession and judiciary.

AI chatbots can schedule client meetings, set reminders for court dates, and notify of upcoming tasks. It manages client files, tracks billable hours, and creates invoices.

Some legal AI chatbots can communicate with individuals who visit the law firm's website, responding to their general queries about the firm's expertise, services and giving limited legal information. This paves a new way for legal professionals to grab potential clients with the help of AI, further enhancing their income and reputation.

7. Reducing Legal Costs - Lawyers and clients sometimes search for eminent legal professionals for their legal advice on petty issues, and it sometimes comes with huge consideration. Considering the necessity, certain AI tools can give you free legal advice with detailed explanations for small issues without specifically running after legal professionals.

NYAYGURU, NIYAM.AI (provides instant legal insights), LAWFYI AI, AI LAWYER, LAWBOT PRO etc. are effective for legal advice.

8. E-Discovery - Short for electronic discovery, some AI tools provide insights into electronically stored information (ESI), i.e., social media accounts, messages, emails, documents, or any other valuable data that could potentially increase the likelihood of discovering hidden and accurate evidence, contributing to serve the ends of justice.

Some of the prominent legal AI tools are: EY DISCOVERY SERVICES, EVERLAW, RELATIVITY, REVEAL, etc.

9. Legal evidence analysis and segregation - AI can analyse large volumes of data, which consists of crucial evidence. It detects and segregates crucial evidence in the data, aiding legal professionals in finding loopholes, potentially transforming future complex and voluminous cases. AI can explore electronic data, audio, and video recordings, significantly

helpful in digital forensics. Luminance AI and Harvey AI are moderately favourable in this field.

10. Compliance and risk management - Knowledge of compliance standards is what distinguishes a normal individual from a legal professional. With evolving legal trends, AI can comply with various existing compliance standards and give updates about future compliance with regulations to mitigate the risks.

Challenges and Risks with AI

Although AI revolutionises the legal field, it also comes with certain risks.

1. Data Breach and privacy - AI can collect personal and confidential information of individuals without their express or implicit consent, a breach of this data can reveal personal information into the public domain or usually to hackers to commit various cybercrimes.³ AI systems may be prone to adversarial attacks by cybercriminals, which exposes clients' sensitive information. For instance, if an individual intends to upload clients' documents for any legal advice, they need to be aware of the chances of data breaches and cyberattacks.

With regard to privacy, AI behaves contrary to privacy principles, such as collection limitation, purpose specification, which compromises the privacy of individuals, such as name, email address, mobile number, family details, etc. To mitigate data breaches and ensure privacy, one should check whether the AI is collecting only necessary information for its purpose, consent compliance, time of data storage, several encryption practices, robust access controls such as multi-factor authentication (MFA), and regular security audits to address potential vulnerabilities in the AI system.

2. Bias - There arises no problem in training AI on datasets unless the data itself is biased in nature. The data which the AI relies on can include social and historical imbalances stemming from race, caste, gender and ideologies. If AI is trained on that biased data, it produces biased and discriminatory outcomes,

influencing public perceptions and hurting their sentiments.

- AI can be biased towards the party to a suit if the data you provide is biased and malicious.

- As AI is trained on historical data, it cannot handle new legal issues in a case necessitating legal professionals' practical knowledge and expertise.

3. Lack of transparency - It is difficult to understand how AI comes to a decision. Nowadays, although AI can cite the information it is collecting across different websites, which supports it to reach a decision, it sometimes gives an ambiguous or unjustified reason due to complex situations or its complex design model. Lack of transparency prevents legal professionals from relying entirely on AI because non-transparent decisions can significantly change one's life and reputation in the legal field.

4. Limited Data and incompleteness - With the emerging legal landscape, legal professionals need to stay updated with case laws, statutes, etc. Some AI tools are trained only for a specific period of time, i.e., cutoff knowledge of AI. For instance, if the AI's last update is 2024, it cannot provide new information or events that happened after 2024, pushing legal professionals to confine themselves to legal news separately.

- Due to the incompleteness of data, it can give you false, incomplete, and outdated legal information, resulting in the spread of misinformation.
- Moreover, Emerging Legal data is not readily accessible to legal professionals because of the delay in training AI on the specific data while complying with data privacy standards.

AI systems need continuous maintenance, updates, and retraining to provide accurate and relevant information, which can be resource-intensive.

5. Over-reliance - Although there's a need for AI to simplify the tasks and relieve the stress and burden of legal professionals, over-reliance on AI inevitably reduces their critical thinking,

reasoning ability. Legal professionals should strike a balance between their AI use cases and practical knowledge of law.

6. Malfunction of AI - AI systems may be prone to errors and unexpected behaviours. AI can make mistakes by the reason of intricate interactions within its system.

7. Legal Issues of AI in Intellectual Property (IP) - Intellectual property refers to any property which involves the creation of the mind, such as literary, musical, and artistic works. In general patent law, a patent is granted to a human rather than for AI or AI-generated content. The recently revised CRI (computer-generated Inventions) guidelines 2025 allowed granting patents to CRIs with conditions such as technological effect or contribution.

In general, the recent copyright law confers copyright only to humans. The Indian Copyright Act, 1957, defines the author of a computer-generated work as the person who caused the work to be created, excluding AI as an author. In the EU Copyright Act, Copyright is created in favour of AI only if it has a human personal touch.

There are similar legal personhood issues with trademarks, trade secrets and designs, etc.

8. Ethical considerations of AI - Implies competent representation, i.e., legal professionals must represent their clients competently through drafting and presenting arguments in the court; they should be aware of AI benefits and challenges, check uninterrupted monitoring of AI tools, verify current and future regulatory compliance, any misinformation, and adversarial attacks. It is pertinent to understand that AI only leverages or enhances the efficiency of legal professionals' mundane tasks; it cannot replace legal professionals as the latter are experts at negotiation, advocacy and legal experience, a loophole which the current AI systems now face.

Development of AI in India and other countries

India

Currently, India lacks specific legislation on AI. However, the GOI has issued several guidelines

and principles to regulate AI activity. In addition, there are other existing legislations that implicitly govern the AI legal framework in India.

GOI and its ministries have issued several guidelines and advisories recently, including AI governance Guidelines report in 2025, issuing advisories, India AI mission in 2024, #AI for all in 2018, and principles of responsible AI separately issued by NITI Aayog. We will now see a gist of all these guidelines: -

1. AI Governance Guidelines Report: - The Office of the Principal Scientific Advisor (“PSA”) formed an advisory board and a sub-committee named ‘**AI Governance and Guidelines**’ to deliver **actionable recommendations** for AI governance in India.

The report suggests the establishment of 3 offices, namely the **Inter-ministerial AI coordination committee** (monitors and strengthens the development of AI), the **Technical secretariat** (offers technical solutions from various personnel and AI incident databases dealing with malfunctions, privacy and safety concerns) and the **AI Sub-Group** (supervises cyber issues and malfunctions of AI).

- The report highlights certain key principles for responsible and trustworthy AI, such as Transparency, Accountability, Safety, Reliability & Robustness, Privacy & Security, Fairness & Non-Discrimination, Human-Centred Values & “Do No Harm”, Inclusive & Sustainable Innovation, and Digital-by-Design Governance.
- The report further discusses AI legal issues such as Copyright law, Intermediary law, deepfakes, cybersecurity, bias, and discrimination.
- The report describes AI actors as data principals, data providers, AI developers (including model builders), AI deployers (distributors and app builders), and end-users.

2. Advisories - Ministry of Electronics and Information Technology (MeitY) prior to the release of the report, has issued advisories

related to AI on March 1 and March 15 2024.⁴ The first advisory was targeted at platforms using under-tested or unreliable AI models, Generative AI, and Large Language Models (LLMs) to necessarily comply with three key directives: No Bias and Discrimination of AI models, Under-Tested AI Models: Any AI model deemed under-tested requires explicit permission from MeitY before deployment. Users must be warned about potential inaccuracies in the AI's output. Labelling of AI-Generated Content: AI-generated media (text, audio, video) must be labelled. The directives also urged intermediaries to restrict or prevent the hosting, display, or sharing of unlawful content through AI tools, complying with due diligence obligations enshrined in the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. MeitY issued a revised advisory on March 15, 2024. This revised advisory withdrew the requirement for prior government permission for untested AI models. Instead, it was replaced with a stipulation that AI models should be made available only after clearly labeling their potential dangers to users, possibly through a consent pop-up mechanism or its equivalent.

3. The India AI Mission - In the AI race with other countries, the Union Cabinet approved the India AI Mission on March 7, 2024, allocating **₹10,300 crore** for the development and implementation of AI for **five** years.⁵

The India AI Mission is based on seven key driving forces, each assigned to manage particular aspects of AI development and deployment such as increasing the Compute Capacity with 10,000+ GPUs via public-private partnerships, focus on developing and deploying indigenous LLMs and domain-specific foundational models, to facilitate AI innovation by making high-quality and non-personal datasets more easily accessible, promotes impactful AI solutions for large scale socio-economic transformation, aims to expand AI education at all academic levels and establish Data and AI Labs in Tier 2 and 3 cities, India AI startup financing and Safe & Trusted AI.

4. National Strategy for AI - developed by NITI Aayog, specifically focusing on inclusive AI growth and societal transformation.

- The strategy identifies three main pillars:- Economic Impact in labour, capital and intelligent automation, AI for Greater Good (focuses on Social development and inclusive and AI Garage for 40% of the World (India wants to establish itself as a global centre for creating AI systems that are flexible and applicable in other developing and emerging markets).
- Key Sectors for AI Intervention- The strategy focuses on five key sectors where AI can create notable results, like in Healthcare, Agriculture, Education, Smart Cities and Infrastructure, Smart Mobility and Transportation and also mentions some challenges.
- Recommendations- NITI Aayog recommends several steps to overcome challenges and enhance AI efficiency: -

a. Promoting AI Research through Establishing Centres of Research Excellence (COREs) emphasised research and International Centres for Transformational AI (ICTAIs) for specific task research.

b. Skilling and Reskilling: launching various skilling and reskilling programs to help acquaint the workforce with future AI jobs.

c. Data Neutralisation and Ethical and Responsible AI

5. Principles for Responsible AI (2021)
#AIFORALL- NITI Aayog released the Approach document, consisting of Part 1- Principles of Responsible AI. The principles align with ethical considerations of AI due to its rapid boom. Principles like safety and reliability, inclusivity and non-discrimination, equality, privacy and security, transparency, accountability, and the protection and reinforcement of positive human values were mentioned.

Development of AI in other countries

A. European Union

EU AI Act, 2024 - The European Union (EU) becomes the primary organisation to adopt the AI Act. The Act promotes the development and deployment of AI within the EU. This Act distinguishes AI systems according to their risk. The Act mandates that AI systems be **safe, transparent, traceable, non-discriminatory, and environmentally friendly**, and requires **human oversight** of AI systems.

The AI Act outlines different rules for different risk levels:

- **The Act prohibits AI systems that pose unacceptable risks to the public.** Where AI systems violate fundamental rights, manipulate human behaviour, and use social scoring systems, certain biometric applications are prohibited under the Act.
- **High-risk AI systems-** AI systems that are used in critical infrastructure, education, employment, essential private and public services, and law enforcement are considered high-risk AI systems. Entities which provide the above services should comply with certain stipulations.
- The Act prerequisites the disclosure of content generated by AI, like deepfakes, publishing summaries, etc and prescribes the implementation of a testing domain for AI systems by national authorities for the benefit of start-ups and SMEs to foster AI innovation in the EU.

The Act establishes authorities like National market surveillance to be set up in each member state and the European Commission's EU AI office. The AI Act was enforced on 2 August 2024; however, will be fully enforceable from 2nd August 2026.

B. China

China has integrated AI in **Courtroom Assistance and Case Processing**. AI models like Xiao Zhi 3.0, used in one of the courts in the city of Hangzhou, assist judges through analysing case materials, verifying data, automating repetitive tasks, recording testimony via voice recognition, which has promoted the quick resolution of small and felony cases.

1. Xiao Baogong, an AI predictive model, suggests penalties relying on previous cases and analysis of the present case, aiding judges and prosecutors in the criminal legal system.
2. In a significant step towards automation, people in China can file a case, track case status, generate documents, etc through their smartphones using one-stop stations, efficiently rendering availability of enhanced justice delivery.
3. China has also adopted further guidelines in the development and regulation of AI and recently, DeepSeek and Manus AI models gained significant global attention, surpassing ChatGPT and other rivals with its cost-reduced intelligence.

C. United Kingdom (UK)

The paper titled **Law Society of England and Wales' Low-tech and Ethics report and Generative AI**: provides different use cases of AI tools and its design model, which is helpful in the legal arena. The report guides legal professionals to analyse opportunities and risks associated with AI for better results.

There has been enhanced use of Gen AI by legal professionals, rising from 11% in July 2023 to 41% in September 2024. Moreover, lawyers are intending to use AI which has increased from 28% to 41% in the same period.

The UK has introduced the AI Opportunities Action Plan, published in January 2025, with the aim of training 'tens of thousands of additional AI professionals'. and made 50 recommendations discussing how the UK can best shape the future of AI. In February 2025, the UK issued a notification about the replacement of the AI Safety Institute into the AI Security Institute.

D. United States (US)

The US is currently relying on existing federal laws like **the California Privacy Protection Act (CPPA)**⁶ and guidelines to regulate AI across various sectors, including the legal field. However, there is an aim to introduce AI legislation and a federal regulatory authority in the future.

The **Colorado AI Act**⁷, **Utah Artificial Intelligence Policy Act**⁸, **The California AI Transparency Act**⁹ will take effect from 2026.

Proposed Federal Legislation: The US Congress has considered numerous AI bills, including the **American Privacy Rights Act, 2024** If enacted, such legislation could have significant implications for the use of AI in legal decision-making processes.

E. Paris AI Summit 2025

This is the recent summit held in Paris with key objectives of AI development for socio-economic benefits, responsible and sustainable AI, and global AI governance.

The key takeaways from the summit: - Joint Statement on **'Inclusive and Sustainable Artificial Intelligence for People and the Planet'** was signed by **58 countries**, including India, China, the EU, except the US and the UK, launching of Public Interest AI Platform and Incubator, Ethical and safe AI.

The summit corresponds with several international AI initiatives, including UN General Assembly Resolutions, the Global Digital Compact, UNESCO AI Ethics Recommendations, the African Union AI strategy, and frameworks by OECD, G7, and G20.

India co-chaired the summit and emphasised open-source and sustainable AI.

Recommendations for greater implementation of AI in the legal field:-

1. To render legal services to the general public or assist the judiciary, technical data availability is mandatory. Countries should transform their legal handwritten documents digitally using digital servers to enhance the availability of data, and promote justice delivery systems.
2. A comprehensive AI legislative framework clears the ambiguity in AI related risks such as deepfakes, data breach and privacy etc and enhances the efficiency. It rebuilds reliability and public trust in the general public, fostering innovation. The countries can either choose to legislate upon territorial

or transboundary framework of AI legislation.

3. One of the notable considerations should be taken, while legislating on AI w.r.t legal field, is ethical considerations. The legislation should lay emphasis on better client representation, continuous monitoring and fine-tuning of AI etc.
4. Instead of technology-based entities, developing AI models and launching them into public, AI models (chat bots or LLMs) developed by the Government would significantly ensure data protection and redressal mechanisms in the country.
5. A separate establishment of a legal AI ministry supervised by the judiciary, with the objective of informing and launching courses on AI in the legal field to legal professionals enables them to come up with new technological advancements.
6. Judiciary of every country must adapt to technological advancements to reduce their over-burden of cases, amplifying legal research using AI tools, helping legal professionals to acknowledge and implement the potentials of AI in their advocacy.
7. Law Educational institutions and universities should include legal AI topics in their curriculum, contributing to AI-knowledgeable legal professionals to the society.
8. The countries should take collaborative approaches to conduct international conferences and summits to discuss the AI competence and implementation in the legal field, promoting inclusive AI global improvement in rendering justice.

CONCLUSION

We have acknowledged the potential of the AI legal field whether it is contract drafting, legal research, translation etc. coupled with risks and challenges such as data breach and privacy, ethical considerations. The existing specific AI systems, such as Manupatra, SCC online and other AI tools, though not always reliable however can aid legal professionals to

streamline their mundane tasks and better client representation.

India's approach towards AI legislation has been showcased by issuing guidelines, advisories and other existing legislation; however, it can be said that the lack of specific legislation retains ambiguity and can hamper techno-legal solutions. Foreign states' approach towards AI, such as the EU AI Act, 2024, can be viewed as a significant step for future endeavours in unlocking enhanced intelligence and, at the same time, restraining AI potentials in the legal field. China's advanced integration of AI in the legal field stands as an inspiration to fellow countries to robustly adopt AI in the legal field.

In conclusion, recommendations such as comprehensive country-specific AI legislation, international collaborations and inclusive AI topics in curriculum guides legal professionals, entities, and countries while developing and implementing AI in the legal field.

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A CALL TOWARDS ENVIRONMENT PROTECTION

- Jay Nayan Mopur (1/3)

The environment we have,
And its resources we crave,
They help us to thrive,
And facilitate us all to survive.

Then, it is our duty,
To maintain its beauty,
But what are we doing?
We are causing its plundering.

Climate is changing, the globe is warming,
Trees are cut down, causing nature lovers to frown
As a result came into being various legislations,
For the environment's protection, preservation and conservation.

The Forest Act aims to protect the forests,
The Environment Protection Act strives to protect the rest,
The Biological Diversity Act intends to promote biodiversity,
And to foster among all living beings harmony and inclusivity.

Likewise, international laws came into force,
With various countries coming together to endorse,
Laws like the Stockholm Declaration and the Ramsar Convention,
To seal the deal for the Earth's protection.

Thus, with all the legal frameworks in place,
We ought to protect the environment with grace,
The Earth is the only planet that sustains life,
Hence, we must preserve it well and not put our descendants in strife.

BEYOND THE BORDERS: THE REALITIES OF IMMIGRATION IN AMERICA

- *Mansi Singh (2/5)*¹

INTRODUCTION

Deportation of immigrants from the United States to other countries has been a highly controversial matter since January 2025, as Donald Trump held the office of the President of the United States again and announced a national immigration crackdown. Immigration refers to individuals moving to another country for better opportunities, but many enter illegally or overstay visas, leading to mass deportation. Trump's aggressive crackdown has raised global concerns over humanitarian violations and mental trauma faced by deportees. While deportation is a common legal practice, the U.S. faces criticism for the harsh methods used. This essay explores the legal, social, and humanitarian dimensions of the current U.S. deportation policy.

Issue of immigration in the United States

Immigration is the process by which an individual moves from their hometown to another country in search of better opportunities, for better living standards and for education, either permanently or temporarily, and the person who does this is called an Immigrant. Immigrants fall under two categories: first are legal immigrants who enter the foreign country with proper authorisation, i.e., with a visa, residence permit, or passport, and the other are illegal or undocumented immigrants, who enter the country without legal permission or overstay their visas. Now, what happens is that the country sends illegal immigrants back to their home. This is called deporting. As the United States is a developed country, most of the citizens from developing countries move to the United States on a visa and overstay there, and this creates a huge problem for United States citizens in social, economic as well as political aspects. Hence, Donald Trump, being the President of the United States, came up with a national immigration crackdown.

The immigration policies in the USA: How it started

Joe Biden, the former President of the United States, took the administration in January 2021 after defeating Donald Trump in the 2020 presidential elections. And has a drastically different approach regarding immigration policy than Donald Trump. While critics have accused Joe Biden of adopting an open border policy, he ended Title 42 in May 2023. Title 42 is a policy implemented by Donald Trump during COVID-19, which allowed quick expulsions of migrants at the border under public health reasons and also stopped and restricted asylum seekers from Mexico from entering. But Joe Biden stopped forcing asylum seekers to wait in Mexico, allowing them to enter the United States, while their cases were processed. But the Joe Biden administration has pursued a more nuanced strategy, balancing humanitarian concerns with border security. One of the key aspects of Joe Biden's approach was the expansion of humanitarian parole, allowing over a million migrants, particularly from Venezuela, Cuba, Haiti, and Nicaragua, to enter the United States.

Despite these efforts, Biden's policies faced criticism from multiple fronts. While deportation reached its highest level since 2014, contradicting claims of Max enforcement. Reports indicated that inadequate tracking led to the disappearance of approximately 3,20,000 migrant children. Additionally, progressive figures like Senator Bernie Sanders admitted that Biden failed to adequately address illegal immigration. Meanwhile, the issue of migrants accessing public housing sparked further controversy, as critics argued that such policies strained resources meant for low-income United States citizens.

As the presidential elections of 2025 have come up. Donald Trump, in his campaign, promised the United States citizens that he would remove the illegal immigrants from the United States

and following his return to office in January 2025 as Donald Trump quickly moved to reverse Biden-era policies, issuing the executive order titled 'Protecting the American people against invasion'. This is the order which expanded the enforcement of immigration and the mass deportation of illegal immigrants.

Trump's decision of mass deportation from the United States

Donald Trump is assuming the presidency for the second time as the 47th President of the United States. On Monday, January 20, 2025, Donald Trump declared a national emergency at the southern border, and authorities shut down the border of Mexico as soon as the executive order passed and Donald Trump launched the "largest mass deportation operation in history" with the signing of an executive order on January 22, 2025. This action was a component of his campaign, as he promised the United States citizens in his election campaign to free the United States from illegal immigrants. On Sunday, January 26, 2025, there was a mass arrest of 956 people, who were undocumented from all corners of the United States and were arrested. After this, they will be processed and sent back to their home countries by C-17 military transport aircraft used by the United States Air Force (USAF). Most of the countries, like India, Guatemala, and Venezuela, had agreed to accept their citizens.

While so many countries agreed, some denied. Donald Trump said "As you saw yesterday we've made it clear to every country that they will be taking back our people that were sending out the criminals that the illegal aliens coming from their countries will taking them back and they're going to take them back fast and if they'll pay a very high economic price and we're going to immediately install massive tariffs". Here, Donald trump was talking about showdown with Colombia as Colombia refused to accept United States military deportation planes. So, he threatened them with tariffs but soon Colombia backed down and did not take US military planes; Instead, it says it wants to bring back its citizens with dignity similar objections were raised by Brazil and Mexico.

Response by various countries and human rights organisations

Guatemala was the first country to welcome back its citizens with open arms on January 31, 2025. There were 80 Guatemalans, of which 31 were women and 48 were men, and one was an unaccompanied teenager, and they were restrained with handcuffs shackled at their wrists and ankles, which raised humanitarian concerns. After seeing this, Mexico, India, Brazil and human rights organisations have criticised the act. And questioned the United States government on who said these immigrants are criminals and should be treated as it, but seeing the deportees, it does not seem like all are criminals.

As of March 31, 2025, the office of the United Nations High Commissioner for Human Rights (OHCHR) has not issued specific statements regarding the treatment of deportees by the United States in 2025. However, various human rights organisations and international bodies have expressed concerns about U.S. deportation.

Amnesty International has criticised the US government's mass deportation campaigns, highlighting potential violations of multiple human rights, including protection against return to countries where individuals face real risks of torture and other serious harms. They call to halt all plans for a mass deportation campaign, including plans for national emergency, raids, mass detention and deportations without due process. Human Rights Watch has also raised issues regarding U.S. immigration enforcement, pointing out racially discriminatory practices and the disproportionate impact on black and Latin migrants. While these organisations have documented and criticised various aspects of U.S. deportation practices, a direct statement from the OHCHR specifically addressing the treatment of deportees by the United States.

Official Response from the Indian Government

The Centre government, responding to a question regarding the treatment of Indian deportees from the US, said in the parliament that the Ministry of External Affairs (MEA) has

“strongly registered its concerns with the US authorities on the treatment meted out to deportees on the flight that landed on February 5, particularly for the use of shackles, especially on women”. The US, however, assured India that no women or children were restrained on the deportation flights that arrived on February 15 and 16. The US officials have confirmed that no women or children were restrained on the deportation flights that landed in India on February 15 and 16, respectively. This was verified by Indian agencies after interviewing the deportees upon arrival. The US authorities have mentioned that the policy of restraints is followed to ensure the safety and security of the mission. While women and minors are generally not shackled, the flight officer in charge of a deportation flight has the final say on the matter.

The government has also registered its concerns regarding the need to accommodate the religious sensitivities and food preferences of the deportees. In this regard, the US officials have conveyed to the Ministry of External Affairs that detainees on the three deportation flights were not instructed to remove any religious head coverings and that the detainees did not request any religious accommodations during the flights aside from requesting vegetarian meals. The videos of deportees shackled and handcuffed were shared by opposition leaders. Opposition leaders in the Parliament expressed deep concerns over the alleged mistreatment, stating that the deportees were subjected to degrading treatment, raising serious questions about their dignity and human rights. They called on the government to take immediate action to address these violations and ensure the safety and dignity of Indian citizens abroad.

Deportation in India

India and the United States have had good relations for many years. And, to maintain this relation, India agreed to take back their citizens from the United States, and our External Affairs Minister S. Jaishankar himself went to the United States to agree. On Wednesday, February 5, 2025 aircraft carrying 104 Indians landed in Amritsar, Punjab, from San Antonio, Texas. The passengers aboard the C-17 aircraft included nationals from various Indian states,

including Haryana, Punjab, Chandigarh, Gujarat, Maharashtra and Uttar Pradesh. The highest deportees were from Gujarat and Haryana. Punjab has 30, Maharashtra has 3, Uttar Pradesh and Chandigarh have 2. On this, Punjab Chief Minister Bhagwant Mann said that the government will receive deported Indian nationals and organise a dedicated counter for them. He also assured that the Punjab Government is in contact with the Central Government and will share information as it becomes available. Chief Minister Bhagwat Mann made these remarks after a meeting with Punjab police officials, including commissioners and senior superintendents, to discuss. Meanwhile, DGP Dhaliwal described the deportation of Indians from the United States as a very serious issue. And deportees from Punjab and Haryana were taken to their respective hometowns in police vehicles after completion of all formalities, and some of the deportees shared how badly they were treated as criminals and were handcuffed and chained.

Anguish expressed by deportees

Mr. Jaspal Singh, a deportee, said, “*We were handcuffed, and our legs were chained. These were opened at Amritsar airport,*” he recounted. At first, they were unaware they were taken to India. “*We thought we were being taken to another camp. Then a police officer told us that we were being taken to India.*” He claimed that he was deceived by a travel agent who had promised him legal entry into the United States, and the deal was finalised at Rs 30 lakh. Later, he reached Brazil by air in July last year and promised that the next leg journey to the US would be by air too; however, he was cheated and was forced to cross the border illegally. After staying for 6 months in Brazil, he crossed the border and was arrested by the US border patrol and was kept there in custody for 11 days and then sent back home.

About the deportation, he said, “*These are issues of the government. When we go abroad for work, we have a big dream for a better future for our families. Those have been shattered.*”

The second aircraft from the United States also arrived at Amritsar airport at night on Saturday,

February 15, 2025. This aircraft carried 119 deportees, of which 67 were from Punjab, 33 from Haryana, 8 from Gujarat, 3 from Uttar Pradesh, 2 each from Goa, Maharashtra, Rajasthan and one each from Himachal Pradesh and Jammu and Kashmir. As the aircraft landed late at night at 11:30 pm, many families of deportees eagerly waited for their family members and shared how the deportee entered the United States.

Mangal Singh of Jandali guru, who waited for his deported grandson, said that he crossed the US border on the intervening night of January 29 and 30 via the US-Mexico border. *“He left India nine months back. We paid Rs. 46 lakh to send him. An agent told us he would send him legally, but later he sent him via the ‘Dunky route’. We took a loan and sold land to send him. We will file a complaint with the police if the agent does not return our money,”* he added. Meanwhile, Punjab Chief Minister Bhagwant Mann on Friday questioned the move to land another plane at the Amritsar airport, as he accused the Centre of trying to defame Punjab. He also asked the Central Government under what criteria the Amritsar airport was chosen to land the second aircraft.

The third US plane carrying 157 deportees landed on Sunday, February 16, 2025, at Sri Guru Ramdas International Airport in Amritsar, Punjab. These 44 deportees from Haryana, 33 from Gujarat, 31 from Punjab, 2 from Uttar Pradesh and one each from Uttarakhand and Himachal Pradesh. Some reports indicated that male deportees were handcuffed, and some Sikh individuals had their turbans removed during the deportation process. This action drew criticism from various quarters, including the Shiromani Gurdwara Parbandhak Committee, which condemned the removal of turbans as disrespectful to religious sentiments. After the huge criticism, the US authorities confirmed no women and children were restrained on the deportation flights that arrived on 15 and 16 February 2025.

External Minister on US Deportations

On 6 February 2025, External Affairs Minister Dr. S. Jaishankar addressed the Lok Sabha on

the deportation of Indians from the US, stressing that while people-to-people exchanges strengthen bilateral ties, India must encourage legal mobility and curb illegal migration, which often exposes citizens to crime, exploitation, and even fatalities. He clarified that all nations are obliged to take back their verified nationals, and deportation from the US is not a new phenomenon, citing year-wise data since 2009. He noted that deportations are carried out by US Immigration and Customs Enforcement (ICE) under a 2012 procedure allowing restraints during flights, though women and children are not restrained and basic needs are attended to. Assuring Parliament that India is engaging with the US to prevent mistreatment of deportees, he emphasized cracking down on illegal migration networks while facilitating legitimate travel.

CONCLUSION

The issue of deporting illegal immigrants is not inherently controversial; sovereign nations across the globe exercise this right routinely. However, the United States finds itself at the centre of intense scrutiny not merely for enforcing deportation, but for the scale, speed, and manner in which it is being carried out. The use of military aircraft, shackling of deportees, including women and minors in some reported cases – and violations of religious and cultural sensitivities have raised serious humanitarian and ethical concerns. The treatment of deportees, many of whom were victims of exploitation by human trafficking networks, further compounds the problem.

The Indian government’s active response through diplomatic channels, including direct engagement by External Affairs Minister Dr. S. Jaishankar, demonstrates an important assertion of national responsibility for its citizens abroad. However, this situation has also revealed the need for stricter regulation of illegal immigration rackets within India, especially those deceiving individuals with false promises of legal U.S. entry.

While the Office of the United Nations High Commissioner for Human Rights (OHCHR) has not yet released a formal statement as of March 31, 2025, international watchdogs such as

Amnesty International and Human Rights Watch have highlighted the alarming aspects of the U.S.'s deportation strategy. These organisations emphasise the potential for violations of international human rights laws, especially concerning the dignity, health, and legal rights of migrants.

In a globalised world, immigration is no longer just a national issue; it is a humanitarian and legal challenge that calls for transnational cooperation, policy reforms, and empathy. Mass deportations executed under the guise of law and order must not come at the cost of human dignity. It is imperative that the international community, including India, the United States, and multilateral organisations, work collaboratively to create legal migration pathways, enforce anti-trafficking mechanisms, and ensure humane treatment of all individuals, regardless of their immigration status.

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KAUSHAL KISHOR vs. STATE OF UTTAR PRADESH & ORS. (2023)

- *Pujari Dharani (4/5)*¹

INTRODUCTION

It is pertinent to mention a Sanskrit text, which was cited by the Hon'ble Supreme Court of India at the beginning of its judgement. The Sanskrit verse says:

सत्यं ब्रूयात् प्रियं ब्रूयान न ब्रूयत् सत्यम् अप्रियम् ।

प्रियं च नानृतं ब्रूयाद् एष धर्मः सनातनः ॥

satyam brūyāt priyaṃ brūyān na brūyāt
satyam apriyam |

priyaṃ ca nānṛtaṃ brūyād eṣa
dharmāḥ sanātanaḥ ॥

It means “*speak what is true; speak what is pleasing; Do not speak what is unpleasant, even if it is true; And do not say what is pleasing, but untrue; this is the eternal law.*”

The Constitution of India guarantees fundamental rights, including the freedom of speech and expression under Article 19(1)(a). While this right allows free exchange of ideas, it is subject to reasonable restrictions under Article 19(2) to prevent misuse. A key concern arises whether these restrictions are sufficient to protect dignity and privacy, particularly when controversial speech is made by public functionaries, and whether the State can be held liable for such harm. These issues came before the Supreme Court in *Kaushal Kishor v. State of Uttar Pradesh* (2023), where the Court examined the scope of free speech, its limits, and the State's responsibility in safeguarding citizens' rights.

DETAILS OF THE CASE

The following are the details of the case-

1. **Case Name-** Kaushal Kishor vs. State of Uttar Pradesh & Ors.
2. **Equivalent Citations-** (2023) 4 SCC 1; 2023 INSC 4.
3. **Court-** Supreme Court of India

4. **Bench-** Hon'ble Justice S. Abdul Nazeer, Hon'ble Justice B.R. Gavai, Hon'ble Justice A.S. Bopanna, Hon'ble Justice V. Ramasubramanian, and Hon'ble Justice B.V. Nagarathna.

5. **Petitioner-** Kaushal Kishor

6. **Respondents-** State of Uttar Pradesh & Others

7. **Judgement Date-** 3rd January, 2023

FACTS OF THE CASE

On 29 July 2016, a young girl and her mother were gang-raped on National Highway 91 in Uttar Pradesh. They travelled from Noida to Shahjahanpur with other family members to attend a relative's last rites, the said gang robbed cash as well as jewellery which were in their possession. The men who were travelling with them were tied up in the field and beaten harshly. The First Information Report (hereinafter referred to as “FIR”) was registered on 30 July 2016 at the Bulandshahr Police Station for the offences of gang rape under Sections 395, 397 and 376-D of the Indian Penal Code, 1860 (hereinafter referred to as “IPC”) read with the Protection of Children from Sexual Offence (POCSO) Act.

Following this, the media got involved with this incident, and it made it to the headlines all over newspapers, television channels and social media. Azam Khan, who was a minister for urban development in Uttar Pradesh, while addressing the public, described this alleged gangrape incident as a “*political conspiracy*” because “*elections were near, and the desperate opposition could stoop to any level to defame the government*”. Thereafter, an FIR was registered against the said minister under charges of Sections 395, 397, 376-D, and 342 of the IPC.

In 2016, the husband and father of two gangrape survivors filed a writ petition under Article 32 before the Supreme Court seeking three key reliefs: monitoring of the criminal investigation

by the CBI, transfer of trial proceedings outside Uttar Pradesh due to Azam Khan's prejudicial statement affecting a fair hearing, and registration of a complaint against him for allegedly making remarks outrageous to the modesty of the victims.

They argued that Azam Khan's public Statement adversely affected the reputation of the victims. Following this petition, the Supreme Court Bench made Azam Khan a respondent to the case. He later presented an unconditional apology before the Supreme Court and offered his sincere remorse to the petitioner.

The Court accepted Azam Khan's apology but proceeded to examine larger constitutional questions. On 5th October 2017, a three-judge bench referred the matter to a five-judge Constitution Bench to decide whether free speech on sensitive matters under investigation could undermine an individual's right to a dignified life. Alongside, the Supreme Court also considered an SLP from the Kerala High Court involving two PILs against the State's Electricity Minister, who had allegedly made derogatory remarks against a female principal, a student's mother, and women labourers. The Kerala High Court had dismissed these petitions for lack of jurisdiction. In the SLP, the petitioner sought directions to the Chief Minister to frame a Code of Conduct for ministers, to take action against ministers violating their oath, and to act against the derogatory statements made by the minister.

Because a few questions to be decided by the Supreme Court in the said SLP and the writ petition were the same, though the facts and circumstances of the case were different, the Court decided to hear the matter together by tagging them.

QUESTIONS RAISED IN THE CASE

1. Whether the Court can impose restrictions on the right to freedom of speech and expression beyond the existing reasonable restrictions provided under Article 19(2) of the Constitution of India by invoking any other fundamental rights.

2. Can a fundamental right under Article 19, i.e., the freedom of speech and expression, or Article 21, i.e., the right to life and personal liberty, be enforced against anyone other than the 'State' or its instrumentalities?
3. Whether the State is under a duty to affirmatively protect the rights of the citizens under Article 21 of the Constitution even if it is against a threat to the liberty of the citizen by the acts or omissions of another citizen or private agency.
4. Whether the statement of a minister, traceable to any affairs of the State or for protecting the Government, should be attributed vicariously to the government itself, especially by following the principle of collective responsibility.
5. Whether a statement made by a minister, which is inconsistent with the rights granted to the citizen under Part III of the Constitution, i.e., the fundamental rights, constitutes a violation of such fundamental rights and is actionable as 'constitutional tort'.

ARGUMENTS PRESENTED BY THE PETITIONER

Arguments presented by the petitioner:

Senior Counsel Ms Aparajita Singh acted as *amicus curiae* and gave her assistance to the Supreme Court for this case. The written submissions for the said questions made by the learned counsel before the Supreme Court are briefed below.

• Question No.1

The reasonable restriction to the freedom of speech and expression under Article 19(1)(a) is provided under Article 19(2). And, whenever two fundamental rights are in conflict with each other at a particular instance, the courts always try to strike a balance between the two and are successful in enforcing both in a meaningful way. To highlight various instances, the learned counsel cited many cases, including *R. Rajagopal vs. State of Tamil Nadu (1994)*, *People's Union of Civil Liberties (PUCL) vs. Union of India (1996)*, and *Sahara India Real*

Estate Corporation Ltd. vs. Securities and Exchange Board of India (2012), among other cases.

- **Question No.2**

Fundamental rights are generally enforceable against the State under Article 12, as the State bears the duty to protect and uphold them. However, certain rights—such as those under Articles 15(2), 17, 23, 24 and aspects of Article 21 like the right to a clean environment—can also be enforced against private individuals or entities, since these provisions use the term “person.” The State thus has a constitutional obligation not only to respect rights itself but also to prevent their violation by private actors. Courts have recognised this in cases like *Bodhisattwa Gautam v. Subhra Chakraborty (1995)*, where compensation was imposed on a private individual, and *M.C. Mehta v. Kamal Nath (1996)*, where damages were awarded for environmental harm caused by non-state actors.

- **Question No.3**

The fundamental rights are both negative as well as positive rights. Those are positive rights because the State is under an obligation to protect the rights from being violated or infringed. Such a positive obligation of the State is clearly explained by the Supreme Court in the case of *Justice K.S. Puttaswamy vs. Union of India (2018)*. The State cannot take a defence stating that they are not in a position to implement the fundamental rights due to the reasons which are not in their hands, as decided in *S. Rangarajan vs. P. Jagjivan Ram (1989)*. The learned counsel also cited the case of *Pt. Parmanand Katara vs. Union of India & Ors. (1989)*, where the Court held that the doctors in Government hospitals are also obligated to enforce the constitutional duty of the State under Article 21.

- **Question No. 4**

The counsel argued that a cabinet minister, while acting in an official capacity, represents the State and therefore the State can be held liable for their actions. It was contended that it would be unjust if a minister violates Article 21 rights yet escapes liability, as the State is duty-

bound to protect such rights. The Court, it was urged, must assess whether the statement was made in a personal or official capacity, in public or private, and in relation to public or private matters. Reliance was placed on *Amish Devgan v. Union of India (2020)* regarding the influence of public officials, *State of Maharashtra v. Sarabgdharsingh Chavan (2010)*, where the State was held liable for a CM’s interference, and other cases like *Daulat Mal Jain (1996)* and *Manoj Narula (2014)*, highlighting ministerial duties. The amicus curiae emphasised that ministers, whether at the Centre or State, must act in line with constitutional obligations.

- **Question No.5**

The State is an imaginary entity and, hence, requires a human agency to function in a society. Therefore, a group of persons, bodies and other instrumentalities constitute a state. Similarly, the State Government is said to function through its cabinet ministers and other public servants. With this analogy, the learned counsel argued that the State would be held liable under the constitutional tort for the wrongs committed by its agencies, including ministers and cannot escape its liability by resorting to the principle of sovereign immunity, as it is inapplicable in matters of infringement of fundamental rights of the citizens. In this regard, the counsel referred to cases, *Smt. Nilabati Behera alias Lalita Behera (Through the Supreme Court Legal Aid Committee) vs. State of Orissa & Ors. (1993)* and *Common Cause (A Registered Society) vs. Union of India (2018)*, where the principle of state liability is discussed.

Arguments presented by the respondents:

The Attorney General of India, R. Venkataramani, along with the Solicitor General of India, Tushar Mehta, represented the respondent - Union of India. Their brief submissions for the said questions are given below.

- **Question No.1**

The Attorney General stated that the existing reasonable restrictions provided under clauses (2) and (6) should always be considered exhaustive, and a court has no authority to add

more rules or criteria to impose any restriction other than those mentioned in the said clauses, as it is a legislative function. Such a thing cannot be done by the court even with the help of another fundamental right because, in a constitutional scheme, one fundamental right or freedom cannot come into conflict with the other. Although if two fundamental rights are conflicting in a particular case and come before the court to decide which fundamental right is greater or more important to be protected, the court always tries to balance both the fundamental rights and exercise both of them simultaneously.

- **Question No.2**

The Attorney General said that, in the Constitution of India, a few fundamental rights can only be exercised against the State and/or its agencies, whereas a few other fundamental rights are available even against persons or bodies other than the State or its agencies such as Articles 15(2), 17, 23 and 24 of the Constitution. Any addition to this arrangement would amount to ‘constitutional change’, which has the effect of endless constitutional litigation. He further said, “*Claims against persons other than the State, either through enacted law or otherwise, must be confined to constitutionally enacted subjects or matters.*”

- **Question No.3**

The Attorney General firmly stated that there is no obligation on the part of the court to provide additional protection to the citizen under Article 21 if it is infringed by any person, especially if the citizen adequately has the protections such as constitutional and legal remedies. If a citizen wants to enforce fundamental rights on the grounds of their infringement, the constitutional remedies can be availed by the citizen under Article 32 of the Constitution of India by approaching the Supreme Court of India, and Article 226 by approaching the High Courts in India.

- **Question No.4**

The Attorney General submitted that the conduct of public office holders, including ministers, is subject to judicial review, and they

can be punished if misconduct, including statements made under the colour of office, is proved. However, the government cannot be held vicariously liable under the principle of collective responsibility if such misconduct is not a statutory violation or breach of public duty, as it would then amount to an individual wrong. He referred to *Kasturilal v. State of U.P.* (1964) and *Rudul Sah v. State of Bihar* (1983), where compensation was awarded for violations of constitutional rights by public officers, and emphasised the need for a clearer conceptual framework, preferably through statutory enactment.

- **Question No.5**

The principle of constitutional tort emerged in the case of *Smt. Nilabati Behera alias Lalita Behera (Through the Supreme Court Legal Aid Committee) vs. State of Orissa & Ors.* (1993) and was made applicable in various matters to provide constitutional remedies. The Attorney General raised a concern regarding the need to bring an appropriate legal framework so that the principles and procedures are unambiguously provided with no room for vagueness.

JUDGMENT BY THE SUPREME COURT

On 3rd January 2023, a constitution bench comprising Justice S. Abdul Nazeer, Justice B.R. Gavai, Justice A.S. Bopanna, Justice V. Ramasubramanian and Justice B.V. Nagarathna answered all the questions that came before it and clarified all the ambiguity as to the constitutional provisions raised by the parties to the petition. The exact answers given by the Supreme Court to the questions are given below.

The Supreme Court’s holdings for the respective questions are given below.

- “*The grounds listed in Article 19(2) for restricting the right to free speech are exhaustive. Under the guise of invoking other fundamental rights or under the guise of two fundamental rights staking a competing claim against each other, additional restrictions not found in Article 19(2), cannot be imposed on the exercise of the right conferred by Article 19(1)(a) upon any individual.*”

- “A fundamental right under Article 19/21 can be enforced even against persons other than the State or its instrumentalities.”
- “The State is under a duty to affirmatively protect the rights of a person under Article 21, whenever there is a threat to personal liberty, even by a non-State actor” and “the importance of the right to personal liberty over and above all the other rights guaranteed under Articles 19 and 14 need hardly to be over-emphasised.”
- “A statement made by a Minister, even if traceable to any affairs of the State or for protecting the Government, cannot be attributed vicariously to the Government by invoking the principle of collective responsibility.”
- “A mere statement made by a Minister, inconsistent with the rights of a citizen under Part III of the Constitution, may not constitute a violation of the constitutional rights and become actionable as Constitutional tort. But if, as a consequence of such a statement, any act of omission or commission is done by the officers resulting in harm or loss to a person/citizen, then the same may be actionable as a constitutional tort.”

CONCLUSION

The Constitution of India grants fundamental rights to all citizens while imposing reasonable restrictions to maintain balance in society. Article 19(1)(a) guarantees the freedom of speech and expression, but this right is subject to the limitations under Article 19(2). Expanding these restrictions through other provisions like Article 21 risks diluting free speech. The judiciary’s role is to safeguard rights and strike a balance, but it cannot create new restrictions—that task belongs to the

legislature. The Supreme Court thus held that Article 19(2) is comprehensive enough to cover even derogatory remarks against a rape victim.

Besides this, the Supreme Court also answered many crucial questions. The Court held that the obligation to protect and preserve one’s fundamental rights is cast upon the State and can be enforced against the State as well as non-state actors. The Court also ruled that the State cannot be made liable for every utterance made by a minister; however, if such speech causes harm or injury, then it may be considered a constitutional tort, and an action against the State would lie.

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SHILPA SAILESH vs. VARUN SREENIVASAN (2023)

- *Chennjou Shanmukha Priya (2/5)*¹

INTRODUCTION

This case involves critical legal questions regarding the scope of the Supreme Court's powers in relation to Article 142 of the Indian Constitution. The Supreme Court examined whether it could utilise its discretion to grant a divorce by mutual consent, bypassing the six-month waiting period required under Section 13B of the Hindu Marriage Act, 1955. This waiting period was intended to provide spouses time to consider and reconcile before the dissolution of the marriage.

The Bench ruled that the Hindu Marriage Act's six-month cooling-off period could be waived in certain cases, allowing a divorce to be granted if one party does not agree to the order. However, the bench reaffirmed a rule stating that parties cannot seek dissolution of marriage directly from the High Court or the Supreme Court.

DETAILS OF THE CASE

1. **Case name:** Shilpa Sailesh vs. Varun Sreenivasan (2023) 1 4 SCC 231
2. **Appellant:** Shilpa Sailesh
3. **Respondent:** Varun Sreenivasan
4. **Citation:** MANU/SC/0502/2023; (2023) 1 4 SCC 231; (2023) 5 SCR 165
5. **Court:** Supreme Court of India.
6. **Decided on:** 1st May 2023.
7. **Bench:** Constitutional Bench comprising Hon'ble Chief Justice of India Sanjiv Khanna, Hon'ble Justice Sanjiv Kishan Kaul, Hon'ble Justice J.K. Maheshwari, Hon'ble Justice Vikram Nath and Hon'ble Justice Abhay Sreenivas Oka.

FACTS OF THE CASE

- In this case, both the plaintiff and the defendant filed for a divorce under Section 13B of the Hindu Marriage Act, 1955
- The parties had been living separately for more than six years and had sought divorce through legal means.

- The first case filed was under the Domestic Violence Act, and another under Section 125 of the Code of Criminal Procedure, 1973 (CrPC).
- The trial court failed to analyse the marital grievances between the parties, prompting them to move to the High Court for redress.
- The High Court failed to provide any definite solution, and the parties appealed to the Supreme Court.

ISSUES INVOLVED IN THE CASE

The Supreme Court majorly dealt with the scope and ambit of power and the jurisdiction of the Supreme Court under Article 142(1) of the Indian Constitution and answered the following questions of law.

1. Whether the Supreme Court has the power under Article 142(1) of the Indian Constitution to dispense with the six-month waiting period as mentioned under Section 13B of the Hindu Marriage Act, 1955 and grant a decree of divorce by mutual consent, and quash the pending civil and criminal proceedings?
2. Whether the Supreme Court can grant a decree of divorce under Article 142(1) of the Indian Constitution when the marriage is irretrievably broken and the other spouse opposes the prayer?

CONTENTIONS BY THE PARTIES TO THE CASE

• *Petitioner's arguments*

The petitioner, Shilpa Sailesh, in the case contended for divorce based on a few fundamental grounds.

1. Article 142(1) of the Indian Constitution allows the courts to make changes in existing regulations of marriage if necessary.
2. The petitioner requested the court to grant a divorce, even if it is a violation of Section 13

of HMA, but urged fairness in delivering the judgment.

3. The petitioner prayed to the court to grant a divorce, asserting that waiting for both parties to agree might only exacerbate the situation.

The petitioner further argued that the court should focus on doing what is right, fair and reasonable if some traditional procedures are deviated from. She also requested the court to evaluate the emotional and practical issues of the marriage.

- *Respondent's Arguments*

Varun Sreenivasan, the respondent in the case, had distinct thoughts regarding the divorce. He contended against a few of the Appellants' points.

1. The respondent contended that Article 142(1) ought to be in practice to keep the regular rules as same and of nature.
2. The respondent disagreed with the idea of ending a marriage without mutual consent under Section 13B of the Hindu Marriage Act. This was essential to ensure that both parties were in agreement about the dissolution of the marriage.
3. The respondents believed that divorce is not solely based on irretrievable breakdown. The court rules specified in the law are neutral and fair.

The main argument of the respondent was that it was crucial to adhere to the existing norms and procedures with minimal charges. He believed this would ensure fairness and justice in divorce proceedings. His perspective was to follow the legal framework and processes as they are pre-existing, even if it meant implementing a stronger procedure.

JUDGEMENT BY THE SUPREME COURT

The judgment of *Shilpa Sailesh vs. Varun Sreenivasan* is a landmark Judgement marking a new beginning of the judiciary in the matters of marriage, divorce, and family law in India. This judgment highlights interpretative grounds for divorce, the acknowledgement of irretrievable

breakdown as a valid and legal reason for dissolution or ending a marriage, and it invokes Article 142(1) of the Indian Constitution to dissolve a marriage.

Irretrievable Breakdown of Marriage

The judgment holds significance in relation to traditional legal norms, including a deep understanding of the institution of marriage in Indian society. The court emphasises the emotional toll of a failed marriage and its acknowledgement of the irretrievable breakdown aligns with relevant legal frameworks. The judgment emphasises the court's commitment to protecting marital relations through mediation and alternative dispute resolution in the promotion of social and family harmony.

Article 142(1) for Dissolution of Marriage

The innovation of article 142(1) of the Indian Constitution is used to dissolve the marriage, underscoring its role as a custodian of justice, prioritising the mental well-being and autonomy of the parties involved in a marital dispute. This legal approach encompasses various aspects of fundamental rights, such as the right to life and personal liberty. Furthermore, the judgment's reliance on Article 142(1) mainly addresses legislative gaps and adapts to contemporary social needs. The court's discretionary power demonstrates a commitment to a progressive approach to divorce proceedings and its status of social change and progressive legal reform.

DEFECTS IN LAW

Legislative Intent

The judgment may undermine legislative intent, especially in Section 13B of The Hindu Marriage Act. Allowing divorce without strict judicial oversight undermines the legislature's role and disrupts the separation of powers. (directly, which is opposed to Section 14 of the Hindu Marriage Act)

Lack of Objective Criteria

Article 142(1) of the Indian Constitution provides for discretionary powers. While the court acknowledges certain factors to be considered as economic and social status, the

absence of a legal framework creates inconsistencies in the application of the law. This may further lead to disparities in judgment and application of law across cases, undermining the principles of legal certainty and predictability.

Discretionary Powers

The interpretation of the judicial discretion provided by Article 142(1) of the Indian Constitution raises further concerns about the misuse and abuse of power. Without safeguards and checks, there is a risk that judicial discretion may lead beyond leading to arbitrary decisions and create a possibility for manipulation and favouritism. which further conflicts with the Doctrine of Rule of Law.

Established Legal Procedure

The judgment highlighted a legal procedure, including the requirements which are specified under the Hindu Marriage Act, has the potential to affect the sanctity of legal precedent. By setting aside the prescribed timeline and procedure, the court may be weakening the foundation of legal certainty and predictability that was previously followed. This precedent can create confusion, uncertainty and unpredictability in the application of law, which is most essential for ensuring justice and fairness in the legal system. As justice is primarily concerned with equity, fairness and good conscience.

Burden of the Judiciary

The Judgment has established the case-specific evaluation and consideration of various factors in marital disputes, but an already overburdened judiciary, due to delays in the resolution of cases. This potential strain on the judiciary raises concerns about the efficiency and effectiveness of the legal system in delivering timely justice to all litigants.

Analysis of the case

In this judgment, the Supreme Court ruled that it has the power to dissolve a marriage if it is irretrievably broken down. The Supreme Court can bypass the six-month waiting period for the divorce under Section 14 of the Hindu Marriage Act. This ruling allows parties to bypass the waiting period mentioned under Section 14 of the Hindu Marriage Act, 1955 and approach the Supreme Court directly for the irretrievable breakdown of marriage as a ground of divorce. No possibility of reconciliation dissolves such a marriage, even if one party agrees, as they are incapable of living together and mutually agree that the marriage ought to be dissolved.

This judgment signifies an irretrievable breakdown of marriage. No such ground for divorce was mentioned under HMA. Even today, there is no codified law for the irretrievable breakdown of marriage. It becomes an additional ground for divorce, which was recommended by the Law Commission in its 71st report in 1978 and 2009.

It was also held that no party can file a writ petition before the Supreme Court under Articles 32 and 226 of the Indian Constitution to seek a remedy regarding the dissolution of a marriage which was ended by the irretrievable breakdown of the marriage.

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ALUMNI TESTIMONIALS

Swami Vivekananda, the illustrious son of Mother India, once said, “*Education is the manifestation of perfection already in man*”. Education is an important aspect of any person’s life as it transforms, rather than transcends, a human being into a more distinguished and elegant individual. It provides the fundamental foundation required for any individual to excel in life. The human thirst for excellence and perfection can only be quenched by developing inquisitiveness, i.e., the enthusiasm or urge for learning, and it can only be achieved through education. Earlier, when I first started preparing for the Civil Services Examination, my urge for learning helped me in gaining knowledge of and understanding various dimensions of the nation and human development, and during this process, I truly understood the importance of Law in nation-building. Hence, I needed an institution that could teach me various subjects of Law and also help me in understanding the various intricacies involved in its enforcement. It is with great pride and honour that I state that I was fortunate enough to get admitted into LL.B., 3YDC (2021-2024) batch in an august institution like Pendekanti Law College. The Principal, faculty members and all other staff of the college were very encouraging and always had a positive attitude of helping the students academically and also encouraging the students to develop a proper personality in order to become promising lawyers. The professional expertise and the level of knowledge of the teachers at Pendekanti Law College were truly astounding, which helped me in understanding various subjects of Law like Constitutional Law, Law of Contracts, Law of Crimes and Torts, ADR, Company Law, etc., which are very essential in building the professional acumen required for an Advocate. This journey with the College helped me acquire a completely different perception of Law and also helped me in understanding the importance of the legal profession, along with the true character and the professional ethics required for becoming an Advocate. It is pertinent to note that the alumni of Pendekanti Law College got into the Judicial services as well and are serving as Judges, Magistrates and even High Court Judges. In this context it is apposite to mention a quote of Kofi Annan, former Secretary-General of the United Nations that "Knowledge is power. Information is liberating. Education is the premise of progress, in every society, in every family" and I sincerely acknowledge that Pendekanti Law College has helped me in progressing further by liberating me from the clutches of ignorance by enlightening me with the knowledge of Law giving me the required confidence, knowledge and education and I also believe that the future alumni of this college will also be on the road of achieving higher echelons of human excellence and development. I sincerely thank this august institution for imparting quality education and making me realise the importance of this profession.

- *Nallamalli Divya Sree*
(2021-2024 batch)

Pendekanti Law College has been the foundation of my journey, instilling in me discipline, knowledge, and integrity. I am particularly grateful for the profound impact of my professors, Dr. P. Rajagopal Sir for the insightful teaching in Criminal Laws, Dr. A. Venkata Syam Prasad Sir for Jurisprudence, Dr. D.T. Mohan Krishna Sir for the guidance in understanding Bare Acts, and the warmth and mentorship of Dr. G. Vaishnav Kumar Sir (our Teddy Sir), Dr. P. Aravinda Madam, and Dr. V. Shobha Rani Madam who significantly molded my perspective in law. To my juniors, I encourage you to stay dedicated, strengthen your grasp of the basics, make the most of every opportunity and always remember that pursuing law is not merely for livelihood, but for contributing to justice and the betterment of society.

- ***Mahesh Munagapati***
(2021-2024 batch)

It is, for me, an unexpected journey at Pendekanti Law College.

I was determined to pursue a law degree soon after my Intermediate. However, due to a lack of mentorship, I opted to pursue a B.Com from Badruka and an M.Com from Koti Women's College. Nevertheless, the idea of studying law lingered, and I applied for TSLAWCET 2020 during my final semester of M.Com. With a rank below 200, I listed only Osmania University Law College and Pendekanti Law College (PLC) as my preferred options, given my financial constraints.

My journey at PLC was unexpected, as I had never heard of the college before. However, things began to unfold slowly, and I am grateful to everyone I connected with through PLC. During my time there, I developed a fascination with the teaching styles of some faculty members, who left a lasting impression on me as both educators and mentors.

As a law student at PLC, I balanced multiple responsibilities. I self-funded my education as a home tutor, attended classes regularly, and participated in various college activities. I also represented the college and won the 5th Edition of the Telangana State Legal Quiz competition in 2022.

Although circumstances became challenging, and I considered discontinuing the course, I drew courage from the people around me and persevered. Ultimately, my three years at PLC were fruitful, and I will always cherish the experience. I have immense respect for the entire teaching and non-teaching staff at PLC.

I am grateful for the opportunities, experiences and the peer group that I had at Pendekanti Law College. My time there shaped me into a stronger individual, and I see myself pursuing a career in academia in the future. Thank you.

- ***Ramchander Sonali Yadav***
(2020-2023 batch)

A nurturing and supportive environment with emphasis on practical readiness. A platform for personal and academic excellence with a robust faculty that leaves no stone unturned in shaping the students. As an alumnus of Pendekanti Law College, my experience was ineffable, and I take this opportunity to convey my profound gratitude to the faculty who have been our support system since the very beginning, always encouraging and motivating us to do better. My journey has been a truly transformative one, both personally and professionally.

- G Varsha
(2019-2024 batch)

It is with great pride and gratitude that I address the students and faculty through this esteemed law magazine. My years at Pendekanti Law College were not just about learning statutes and precedents, but about developing the discipline, curiosity, and resilience that form the backbone of a legal career. The moot courts, spirited debates, late-night research sessions, and the camaraderie of peers all shaped not only my understanding of the law but also my character.

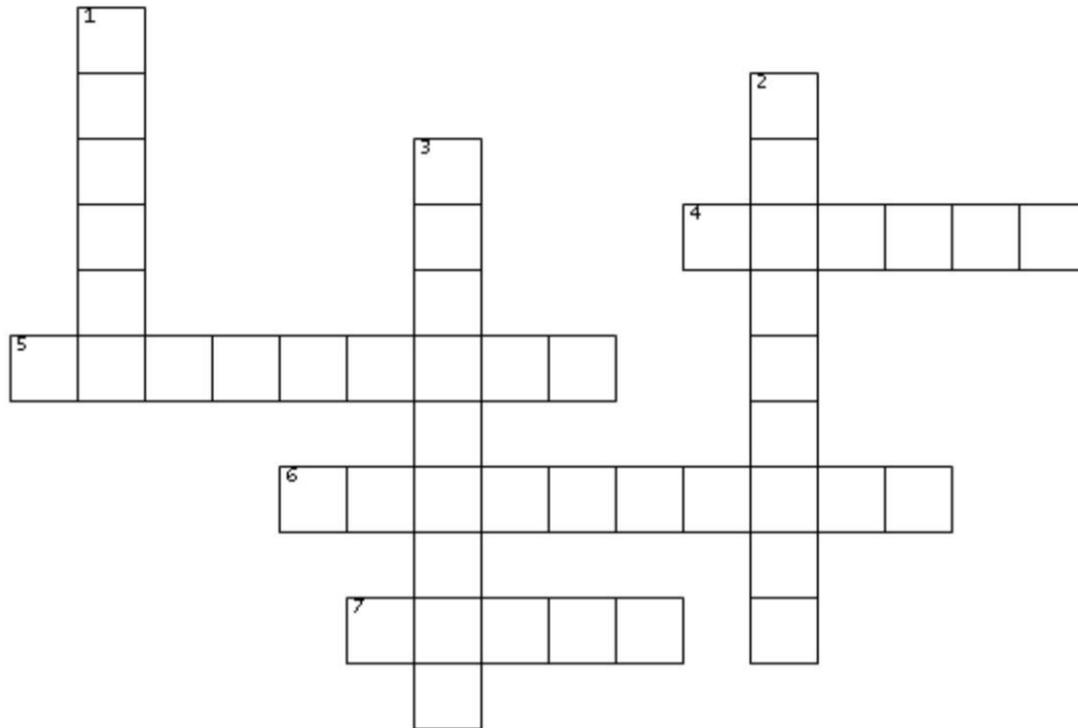
To the current students, I would say embrace every challenge as an opportunity to grow. Enjoy your college life to the fullest, for these are the years that will give you friendships, memories, and experiences you will cherish forever. Once you step into the professional world, challenges will come in abundance, and it is this blend of knowledge, skills, and happy memories that will give you the strength to face them.

As alumni, we carry forward the legacy of our alma mater into courtrooms, boardrooms, and communities. Let us continue to uphold its values, inspire future batches, and contribute to the ever-evolving landscape of justice. May this magazine continue to be a forum that bridges generations, fosters dialogue, and celebrates our shared journey in law.

- Radhika Agarwal
(2019-2024 batch)

Pendekanti Law College (PLC) is an institution which provides quality legal education at very reasonable fees. Being a student of PLC has aided me in becoming what I am today. It has given me two friends for life. I had various experiences which I will never forget. There were ups and downs in PLC, but never have I ever regretted my decision to choose PLC for my Graduation. Everything that I experienced in PLC only made me a stronger person. Not only legal studies, but I was also encouraged to participate in cultural events and competitions in PLC, which is really appreciable.

- Dandina Raghunandana Rao
(2019 - 2024 batch)

CROSSWORD- *Ramveer Mehra (2/3)***CLUES****Down:**

1. A formal accusation of a crime or wrongdoing (6 letters)
2. The act of breaking a law or regulation (9 letters)
3. A written statement made under oath (9 letters)

Across:

4. A legal system based on previous judicial decisions (6 letters)
5. A method of resolving disputes without litigation (8 letters)
6. A record of legal proceedings, often from court hearings (10 letters)
7. A legal document showing ownership of property (5 letters)

KEY LESSON FROM MY JOURNEY AS A LAW STUDENT

- *Fayza Unnisa (4/5)*

Being a student teaches you many things, and the learning of all students is somewhat similar. However, I want to share my experiences and lessons as a law student. It is important to remember that learning is a continuous process, and we grow every day.

As a law student who has actively participated in various competitions and engaged in multiple internships, I have not only enhanced my professional skills but also experienced significant personal growth. Participating in competitions has taught me the importance of research, public speaking, and drafting skills. Moot courts, in particular, have been my favourite activity, as they have helped me improve my argumentative skills and handle the grilling of judges with composure. I have gained a great deal of confidence, which has further refined my abilities. Mooting has taught me how to present a case effectively before judges and respond to their questions without nervousness. Competitions have also taught me how to work in a team and coordinate with people, even when I may not always get along with them. They have helped me learn how to handle situations professionally, which has been particularly useful during my internships.

Through my internships, I have learned not just to be a law student but to think like one. Beyond acquiring practical knowledge, I have realised the importance of approaching any topic or discussion from a broader legal perspective rather than being swayed by popular opinion. Internships have also taught me how to frame arguments based on an understanding of judicial reasoning. As a person, I have always been very impatient, but this profession—where cases take decades to be decided—has taught me the importance of patience.

One of the most important lessons I have learned is to never hesitate to engage with people in a professional setting. Everyone has their own journey, and by listening to their experiences, we can learn valuable lessons and avoid

repeating their mistakes. However, it is equally important to remember that what happened to others may not necessarily happen to us, as each individual handles situations differently. With time and experience, we, as students, will learn how to navigate challenges, so there is no need to be overly stressed.

As interns, we have the advantage of not being entirely responsible for cases, as we are still in the learning phase. However, this should never be taken for granted. Competitions like client counselling and my internship experiences have given me the opportunity to learn how to interact with clients empathetically. I have also understood the significance of handling their cases with the utmost sincerity, as their lives may be impacted by a single case we work on. When I interacted with clients, I learned the art of patiently listening to them, giving them space, and making them feel comfortable enough to open up. My very first client interaction was with a woman for whom I had to take a brief for filing her divorce case. I remember she was quite nervous initially, but after my senior made her feel at ease, she gradually opened up. From that experience, I learned the importance of showing empathy while maintaining professionalism. It also taught me not to get carried away by emotions, as clients may sometimes have very intense or emotionally charged cases.

I have also learned the art of diplomacy and how to manage situations that do not go in my favour. There were times when I was held responsible for situations beyond my control, but I realised that it is important not to panic or lose my composure. Instead, staying true to myself and having confidence in my abilities helped me navigate such situations.

At one point, I started taking my internship a little too lightly and, as a result, made some silly mistakes. Once I was made aware of them, I realised that work should never be taken for granted.

Now, coming to the most important parts, from my court visits, I learned the importance of being thoroughly prepared and disciplined while appearing before a judge. I realised that advocacy is not about aggressively convincing the judge that you're right, but rather about presenting your arguments in a way that appears logical, factual, and compelling, leaving little room for an alternative interpretation. It also became clear to me that one must be well-versed

in the Act relevant to the case, as a deep understanding of the law is essential for effective and persuasive arguments.

I wish to keep learning and sharing my experience with others, because even if it helps a single person, I would be more than happy. Happy learning to all.

ECHOES OF THE BLIND LADY OF JUSTICE

- *Fayza Unnisa (4/5)*

*I see what you make me see,
You say I am blind, but shouldn't everyone be like me?*

*You tied that black cloth over my eyes,
Which is more than that, a principle that helps me see all those lies,*

*It makes me see- all of you as the same,
Regardless of how much you have earned this world's fame,*

*This blindness makes me treat everyone equal,
But shouldn't this be the case with all the people?*

*You- with your knowledge, try to twist things,
By using your power and blurring my vision with all your strings,*

*My home is open for all,
Where some might rise, while others fall,*

*Depending upon art,
Of the chosen ones who stand with them with their heart,*

*Because of which I must take the blame,
And have to see my people burn in flames,*

I strive hard to serve people with justice,

*Yet they blame me, as they failed to see your capability of creating those crises,
Maybe, this is where I lack, as my vision is limited,*

But you are free, you can help to erase the label of me being unfitted,

*Free from all the malice that is in your heart,
Which will help me to see things clearly with your art,*

*Now, they say I am no more blind,
Giving me the power to analyse things with an open mind,*

*But haven't I always been this way?
For years, because of your art, I had to pay,*

*This makes me realise I was never blind,
You were- with your worldly things that made you look so fine.*

*Now you believe me, when I say I only see,
whatever they try to show me?*

EVENT ROUND-UP**For the Academic Year 2024 - 2025**

10-02-2024 - As a part of "The Invicta Club", an orientation program on "Mock Trial" was conducted for the students of LL.B 3YDC and 5YDC.

23-02-2024 - As a part of "PLC Talks", 1/5 LL.B. students spoke about the importance of the legal profession.

24-02-2024 - As a part of the Literary Club, Judgment Writing Competition for the students of LL.B 3ydc and 5ydc.

29-02-2024 - As a part of "The Invicta Club", an Inter-Class Quiz Competition was conducted for LL.B 3YDC & 5YDC.

07-03-2024 - The Annual Merit Festival was celebrated in the college.

12-03-2024 - As a part of "The Invicta Club", Intra-Class Mock Trial Competition-Semi-finals were conducted for LLB. 5YDC and 3YDC.

23-03-2024 - As a part of "The Invicta Club", Screening for Moot Court was conducted for students of LLB. 5YDC and 3YDC.

30-03-2024 - A Guest Lecture by Smt. Susheela Saradhi on "Mediation Advocacy" was conducted for LLB. 5YDC and 3YDC.

06-04-2024 - As a part of "The Invicta Club", Inter-Class Mock Trial Competition-Finals were conducted for LLB. 5YDC and 3YDC.

20-04-2024 - A Guest Lecture by Mr. Y.N. Vivekanada, Advocate of the High Court, on the topic 'GST- An overview' for the final year students of LL.B 3YDC and 5YDC.

22-04-2024 - A Guest Lecture by Mr. K.T. Ramesh Singh, Income Tax Officer, on the topic "Direct Tax- An Overview" to the final year students of LL.B 3YDC and 5YDC

03-07-2024 - Guest Lectures on the new Criminal Legislations - 'The Bharatiya Nyaya Sanhita, The Bharatiya Nagarika Suraksha Sanhita & The Bharatiya Sakhsya Adhiniyam' by Sri. G.V. Subrahmanyam Retd. District & Sessions Judge and Prof. Y.F. Jayakumar, Retd. Prof. MNLU.

05-07-2024 - Guest Lecture on "IPR- an overview" by Mr. S. Chakravarthy Naik, Asst. Prof., Alliance University, Bengaluru.

06-07-2024 - Students of 1/5 conducted an exhibition on the Rights of the Consumer under the Consumer Protection Act.

12-07-2024 - A movie, "Inside Out", which depicts the emotions of a young girl, was shown to the students of 1/5 as a part of their subject Psychology.

27-07-2024 - Inter-class moot court competition conducted for 1/5 students.

30/31-07-2024 - Two-Day Symposium on 'Emerging Trends in Law (Online mode).

09/10-11-2024 - Pendekanti Venkatasubbiah Memorial National Moot Court Competition was conducted by the college.

26-11-2024 - On the eve of Constitution Day, the college conducted a legal exposition '*Lex Lumina*' in the college premises.

10-12-2024 - On the occasion of International Human Rights Day, a lecture on "Fair Investigations and Protection of Human Rights" was delivered by Dr. G. Vasanth Kumar, retired DGP.

01-03-2025 - Guest lecture (online) on the topic "Legal Research Process and Influence of AI Technology" by Dr. Avinash Gosami, Sharadha University, New Delhi.

15-02-2025 - Faculty discussion on the topic "Power of Courts for ordering DNA tests in Civil cases.

22-02-2025 - Lecture on the Art of article writing, case study, case analysis and judgment writing by Dr. L. Padmavathi, Dr. Padma and Ms. Deepathanisha.

07-03-2025 - International Women's Day was celebrated in the college. Smt. K. Shilpavalli, IPS, Dy. Commr. Of Police (Social Media & IT) addressed the gathering.

15-03-2025 - On the eve of World Consumer Rights Day, the students of 1/5 LL.B. conducted a consumer exhibition in the seminar hall.

15-03-2025 - Faculty discussion on the topic "Power and Profit – Nexus between State and Corporate Sector".

18-03-2025 - An orientation session on Legal Aid was conducted for the students of 3YDC and 5YDC.

04-04-2025 - Guest lecture on the topic "Art of Pleadings" by Sri. Y.V.Kishore, Advocate, High Court of Telangana, to the final year students of LL.B.

25/26-04-2025 - Screening of Moot Court was conducted for all the students of LL.B 3YDC and 5YDC. The selected students will be trained and sent for various moot court competitions

CROSS WORD

ANSWERS:

DOWN :

- 1. Charge
- 2. Violation
- 3. Affidavit

CROSS :

- 4. Common
- 5. Mediation
- 6. Transcript
- 7. Title

The crossword puzzle grid contains the following words:

- Down 1:** CHARGE
- Down 2:** VIOLATION
- Down 3:** AFFIDAVIT
- Across 4:** COMMON
- Across 5:** MEDIATION
- Across 6:** TRANSCRIPT
- Across 7:** TITLE

GRADUATING BATCH OF PLC – 2024



B.A.LL.B. 5 years Course



LL.B. 3 years Course

REMINISCENCES

Sri Pendekanti Venkatasubbaiah Memorial National Moot Court Competition - 2024



Chief Guest for Inaugural Session - Prof. V. Balakista Reddy, Chairman of the Telangana Council of Higher Education (TGCHE)

Guests of Honour - Prof. Dr. N. Venkateshwarlu, Dean, Faculty of Law, Osmania University and Telangana University, and Dr. N. Ram Prasad, Chairman, Board of Studies in Law, OU and Principal, University College of Law, Osmania University, Hyderabad.



Chief Guest for Valedictory Session - Hon'ble Sri Justice Anil Kumar J, Judge, High Court of Judicature for the State of Telangana

Special Guest -Prof. (Dr.) Nimushakavi Vasanti, Professor of Law & Registrar, NALSAR University of Law

Guest of Honour - Prof. Dr. B. Vijaya Laxmi, Head, Department of Law, Convener Lawcet 2025, Chair Professor, IPR Chair, Osmania University, and CBOS Mahatma Gandhi University.

REMINISCENCES

Sri Pendekanti Venkatasubbaiah Memorial National Moot Court Competition - 2024



Inaugural Session of the National Moot Court Competition - 2024



Valedictory Session of the National Moot Court Competition - 2024



Final Round of the Sri Pendekanti Venkatasubbaiah Memorial National Moot Court Competition - 2024

REMINISCENCES



Ganapati Vignesh, Rishi and Fayza Unnisa (4/5) - Winner at Kaka Venkat Swamy National Moot Court Competition 2024



Karthik, Ruchir and Ramveer (2/3) - Runner-up at Alwardas National Moot Court Competition 2024



Sai Shriya (4/5) - Best Researcher at 4th Reva National Moot Court Competition 2024



Haripriya (3/3) - Best Mooter at Greater Hyderabad Moot Court Competition 2025



Rithika, Nishat and Rishika Singh (3/5) - Best Memorial at Greater Hyderabad Moot Court - 2025

REMINISCENCES



Dharani and Ushaswi (4/5) - Winner at Justice B. Subhashan Reddy Memorial Drafting Competition 2025



Ragini (5/5) - Best Mediator at Inter-Collegiate Mediation Competition 2025



Dharani and Sai Shriya (4/5) - Winner at 6th Telangana State-level Quiz Competition 2024



K Sravani and Nabila Khanam (1/3) - Special Prize at Inter College Video Competition on Creating Awareness on Significant Changes in New Criminal Laws.



Sai Shriya, Ushaswi, Sindhuja and Dharani (4/5) - First Prize at Lex Inquizitive (Legal Quiz Competition 2025)

REMINISCENCES

- First Prize at AMS College of Law - Essay Writing Competition: Mohammed Rashed Hussain (1/5)
- Second Prize at Telangana State-Level Essay Writing Competition: Erukala Smruthy (3/3)
- La Mintage Legal and Dispute Resolutions Hub - National Mediation Competition: Best Mediator - Aouti Ragini (5/5), and Third Prize - S Jatin Teja and S Pragha (5/5)
- Winner in Writ Petition Drafting Competition at Nyayostav, Auro University: Ganapati Vignesh (4/5)
- First Runner-up at KMCL Legal Quiz Competition 2024- Dharani, Sindhuja, Ushaswi and Sai Shriya (4/5)
- Second Prize in Poster-Making Competition at Dr. B. R. Ambedkar Law College Jurifest Justice and Unity: Mansha Tuteja and Megha Ladda (5/5)

WINNERS OF INTRA COLLEGE MOCK TRIAL COMPETITION 2024

- **1st Prize** - Jatin, Mahesh, Yaseer, Ashmith Singh, Ragini, Ishaq (4/5)
- **2nd Prize** - Chetana, Ushaswi, Akshitha, Dharani, Sindhuja, Satvika Ramya (3/5)
- **Best Counsel I** - Vaishnavi. ch (3/3)
- **Best Counsel II** - Sri Varshini (2/5)
- **Best Witness I** - Malvika (1/3)
- **Best Witness II** - Zaheeda (2/5)
- **Best Cross-Examination** - Shushruth G (2/3)

WINNERS OF INTRA-COLLEGE LEGAL QUIZ COMPETITION 2024

- **1st Prize** - Kritika & Haripriya (2/3)
- **2nd Prize** - Rajashekar & K. Narasimha Reddy (1/5)
- **3rd Prize** - Nishat Fatima & Rishitha Singh (2/5)

WINNER OF INTRA COLLEGE ARTICLE WRITING COMPETITION 2025

- Gangadin Rishika (2/5)