Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

20th - 27th July 2025

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1.'State Must Uphold Rights Of Prisoners With Disabilities' : Supreme Court

The Supreme Court recently in L. Muruganantham v. State Of Tamil Nadu & Others | SLP (C) No. 1785 Of 2023, issued guidelines for prisoners with disabilities across all prisons in Tamil Nadu, including that all prisons must be equipped with disability-friendly infrastructure such as accessible toilets, ramps, and there must be dedicated spaces for physiotherapy etc.

The directions, issued in the larger public interest to uphold the dignity and the healthcare rights of the prisoners with disabilities, also direct the State to amend the State Prison Manual within 6 months to make it in compliance with the Rights of Persons with Disabilities Act, 2016 (RPwD Act) and the 2006 United Nations Convention on the Rights of Persons with Disabilities.

A bench comprising Justice JB Pardiwala and Justice R Mahadevan issued these guidelines in a special leave petition filed by an advocate, a person with disability, who was arrested in connection with a civil dispute, but during incarceration, suffered due to the lack of proper and essential food, medical care and infrastructure and facilities such as accessible sanitation facilities, ramps, a law sensory environment for rest available in the prison for persons with disabilities.

The Supreme Court observed that while the State has moral and constitutional obligations to ensure that prison facilities are as the Rights of Persons with Disabilities, 2016, the right to reasonable accommodation does not extend to creating an obligation on authorities to ensure personalised or costly food items to prisoners with disabilities.

2. Death of a Partner Doesn't Dissolve Multi-Partner Firm If Deed Ensures Continuity

In *Indian Oil Corporation Ltd. & Ors. v. M/s Shree Niwas Ramgopal & Ors.*, the Supreme Court of India delivered a judgement, clarifying the application of **Section 42 of the Indian Partnership Act, 1932**. The Court ruled that **a partnership firm comprising more than two partners does not automatically dissolve upon the death of one partner**, if the partnership deed explicitly provides for the firm's continuity.

The case arose when Indian Oil Corporation Limited (IOCL) unilaterally discontinued the supply of kerosene to the respondent-firm upon the death of one of its three partners. IOCL contended that the partnership stood dissolved by operation of law. However, the partnership deed contained a specific clause stating that the firm would continue in the event of a partner's death, with surviving partners empowered to induct an heir to reconstitute the firm.

The Calcutta High Court had directed IOCL to resume supplies. IOCL appealed to the Supreme Court, which affirmed the High Court's decision. Justice Pankaj Mithal, writing for the bench with Justice Ahsanuddin Amanullah, held that while **Section 42(c)** provides for dissolution on the death of a partner, this rule applies **only to firms with two partners** or **where the deed is silent on continuity**.

The Court emphasized:

"*Where there are more than two partners and the deed of partnership provides for continuity of business upon the death of a partner, the firm does not dissolve.*"

This decision reiterates the **primacy of the partnership deed** in determining the firm's continuity and underscores the necessity for firms to have explicit clauses to avoid statutory dissolution.

Additionally, the Court criticized IOCL for acting arbitrarily and upheld the High Court's direction to continue kerosene supply until proper reconstitution of the firm.

3. ECI Declares Aadhaar, Voter ID & Ration Cards Unreliable for Bihar Electoral Roll Revision

In *pending petitions challenging the Special Intensive Revision (SIR)* of electoral rolls in Bihar, the **Election Commission of India (ECI)**, through a counter affidavit dated July 21, 2025, clarified before the Supreme Court that **Aadhaar cards, Voter ID (EPIC), and Ration Cards cannot be treated as reliable standalone documents** for inclusion in the electoral roll under the Representation of the People Act, 1950.

The ECI emphasized that the SIR process, initiated under **Section 21(3)** of the RP Act, 1950, is a **de novo (fresh)** revision requiring independent verification. EPIC cards, the Commission argued, are based on pre-existing rolls, which themselves are under revision. Thus, using EPICs to validate entries in a fresh roll would "undermine the conceptual and procedural integrity" of the process.

Regarding Aadhaar, the ECI cited **Section 9 of the Aadhaar Act, 2016**, which clearly states that **possession of an Aadhaar number does not establish citizenship**. Citizenship being a precondition for voter eligibility under **Article 326**, Aadhaar alone is inadequate. However, the Commission conceded that Aadhaar may be submitted *in addition to other documents* to supplement eligibility.

As for Ration Cards, the ECI justified their exclusion by referencing the **March 7, 2025 government press release** announcing the cancellation of over 5 crore fake ration cards. The Commission argued that the prevalence of fraudulent cards makes them unreliable as proof of eligibility.

Significantly, the ECI clarified that its prescribed list of 11 acceptable documents in the enumeration forms is **indicative, not exhaustive**. The final decision to accept or reject any document lies with the **Electoral Registration Officer (ERO)** or **Assistant ERO**, under **Section 22 of the RP Act, 1950** and **Rule 21A of the Registration of Electors Rules, 1960**, on a case-by-case basis.

In an earlier hearing on July 10, the Supreme Court had orally observed that **determination of citizenship is not within ECI's purview** but rests with the Union Government, urging ECI to reconsider its position on Aadhaar, EPIC, and Ration Cards. The matter is next listed for hearing on **July 28, 2025**.

4. Advisory Opinion of the ICJ on Climate Change

In a landmark advisory opinion delivered on **23 July 2025**, the **International Court of Justice (ICJ)** unanimously declared that addressing climate change is not merely aspirational, but a **legal obligation** for all States under international law. Recognizing climate change as an "urgent and existential threat,"

the Court held that States must limit greenhouse gas emissions and cooperate in good faith to protect the climate system, drawing on an integrated framework of **climate treaties** (such as the UNFCCC, Kyoto Protocol, and Paris Agreement), **human rights law**, **environmental treaties**, and **customary international law**.

The opinion rejected arguments that climate treaties alone govern State obligations, reaffirming that broader legal duties—such as the no-harm rule, the duty to cooperate, and due diligence—remain fully applicable. Importantly, the Court affirmed that failure to regulate emissions, incentivize fossil fuel production, or control corporate activities may constitute an **internationally wrongful act**, triggering **State responsibility** and potential **reparation obligations**, including restitution, compensation, or satisfaction, where there is a clear causal link to harm.

The ICJ also affirmed that a **clean, healthy, and sustainable environment** is a fundamental human right intrinsically tied to rights such as life, health, food, housing, and water. Vulnerable and future generations, especially from small island States, were recognized as owed especial protection.

The Court also addressed **sea-level rise implications**, confirming that a State's legal status persists even if its territory becomes submerged. Although advisory opinions are non-binding, this ruling is expected to carry profound **persuasive authority**—influencing climate litigation, policymaking, and international negotiations, and empowering climate-vulnerable States to hold major emitters legally accountable.

5. SC Upholds Article 20(1) Bar Against Retrospective Punishment in POCSO Case

In *Satauram Mandavi v. State of Chhattisgarh & Anr.*, the Supreme Court on July 25, 2025, reaffirmed the constitutional protection under **Article 20(1)** of the Indian Constitution, which prohibits retrospective application of penal laws. The Court modified the sentence imposed on the appellant, originally sentenced to imprisonment for the remainder of his natural life under the **amended Section 6 of the Protection of Children from Sexual Offences Act, 2012 (POCSO)**, to life imprisonment as per the **unamended statute**.

The case concerned a conviction under **Section 376AB IPC** and **Section 6 POCSO** for the rape of a five-year-old girl. The offence occurred on **May 20, 2019**, while the amendment to Section 6—introducing enhanced punishment including imprisonment for the remainder of natural life—came into effect on **August 16, 2019**.

Article 20(1) provides: *"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act… nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence."*

The Supreme Court, bench comprising Justices **Vikram Nath** and **Sandeep Mehta**, held that the **Trial Court erred in applying the amended provision retrospectively**, which led to the imposition of a punishment that did not exist in law at the time of the offence. The Court emphasized that **constitutional protections against ex post facto penal laws are absolute** and non-negotiable.

Accordingly, the sentence was modified to **rigorous life imprisonment** under the **pre-amendment Section 6 of the POCSO Act**, where the maximum punishment allowed was life imprisonment in the **conventional sense**, not for the remainder of natural life. The conviction was upheld, and the fine of ₹10,000 was not disturbed.

Weekly Focus

Case of the week: Anjali Bhardwaj v. CPIO, Supreme Court of India:

Anjali Bhardwaj, a noted RTI activist, filed an application under the Right to Information Act, 2005 on 26 February 2019 seeking disclosure of the **agenda, decisions, and resolutions** of the Supreme Court Collegium meeting held on **12 December 2018**.

Denial of Information: The Central Public Information Officer (CPIO) of the Supreme Court denied the request on 11 March 2019, stating that no formal resolution had been passed in the December meeting as consultations extended into the winter vacation. The Collegium eventually passed resolutions on **10 January 2019**, effectively rejecting the availability of any binding decision from December.

Upon appeal, the First Appellate Authority upheld this denial, noting that without a formal resolution from December, no disclosure obligation arose. The Central Information Commission and later the Delhi High Court, in letters patent appeal, affirmed these decisions, emphasizing the absence of binding resolution on that date.

Supreme Court Review: Bhardwaj sought special leave to appeal to the Supreme Court. A bench led by the Chief Justice and Justice Subramonium Prasad dismissed the appeal, upholding the lower courts' reasoning that **no formal resolution existed on 12 December 2018**, and hence, no duty to disclose information on that date pended.

Legal Principles

1. **RTI obligations are tied to decisional acts**: Information must be based on formal decisions or resolutions; oral discussions or agenda items without final conclusions fall outside the RTI mandate.
2. **Sub judice considerations**: The Court reaffirmed that disclosing collegium deliberations could risk contempt and interfere with independence of judiciary, aligning with precedent from *Subhash Chandra Agarwal* (Office of CJI recognized as public authority but subject to confidentiality).
3. **Hierarchy of remedies under RTI**: The case exemplifies procedural pathways through CPIO, FAA, CIC, writ petition, and special leave appeal.

Significance for RTI Jurisprudence

- Clarifies the scope of "information" under RTI: only reflects **final, operative acts**, not pending or informal discussions.

- Balances the **right to information** with institutional autonomy and separation of powers, especially concerning judicial decision-making.
- Reinforces the principle that transparency obligations do not extend into the domain of judicial confidentiality unless decisions are finalized.

PYQ Solution

Mere proof of presence of both 'actus reus' and 'mens rea' is not sufficient, the concurrence between the two also needs to be established to impose criminal liability. Elucidate in the light of case law. [15 Marks, 2020]

While the presence of actus reus and mens rea are foundational to criminal liability, the law demands a third, more nuanced element: their concurrence. The culpable mental state must actuate, or coincide in time with, the prohibited physical act. A guilty mind followed by an unrelated guilty act, or vice versa, does not constitute a crime.

This principle is starkly illustrated in cases where the two elements are separated in time, creating a legal challenge that courts have addressed through evolving jurisprudence.

The Strict Interpretation: Temporal Coincidence
The seminal case of *Palani Goundan v Emperor* (1919) highlights the strict application of this rule. The accused struck his wife, rendering her unconscious. Believing her to be dead, he then hanged her from a beam to stage a suicide. Medical evidence revealed that the actual cause of death was hanging.

The court acquitted him of murder. It reasoned that at the time of the actus reus of killing (the hanging), the mens rea to kill was absent; his intent was merely to dispose of what he believed was a corpse. The initial intent to cause hurt did not concur in time with the act that ultimately caused death. This created a legal loophole where an offender could escape a murder conviction.

Judicial Evolution: The 'Single Transaction' Doctrine
To prevent such technicalities from absolving offenders, courts developed the ‘single transaction’ doctrine. This doctrine treats a series of closely connected acts as one continuous event, allowing the initial mens rea to apply to the entire sequence.

In cases like *In Re Thavamani* (1943) and *Kaliappa Goundan (*1933), where an initial attack was made with murderous intent and the victim was subsequently killed during an attempt to dispose of the body, the courts held that the series of acts constituted one indivisible transaction.

The initial mens rea to kill was deemed to extend through the entire sequence, thereby establishing concurrence with the final, fatal act.
This judicial interpretation ensures that an offender cannot escape liability under Section 299 or Section 300 of the IPC simply because their method of killing was unexpectedly divided into two stages.

The principle of concurrence is not merely a mechanical requirement of temporal coincidence. It is a vital link ensuring that a person is punished only when their guilty mind is the driving force behind their criminal act. The evolution of the ‘single transaction’ doctrine demonstrates the judiciary’s pragmatic approach to upholding this principle without creating absurd loopholes for the guilty.