Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

1st June - 30th June 2025

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1.Scope of Article 227 and Rejection of Plaint

In *K. Valarmathi vs Kumaresan*, (2025) the Supreme Court clarified the limits of the High Court's supervisory jurisdiction under Article 227 of the Constitution. The Court held that a High Court cannot reject a plaint in exercise of its Article 227 power, emphasizing that such power is supervisory—not adjudicatory in nature.

The judgment underscores the principle that Article 227 cannot be used to override or bypass the procedural framework established by the Civil Procedure Code, 1908 (CPC). Specifically, Order VII Rule 11 CPC provides the mechanism for rejection of a plaint and such rejection is treated as a deemed decree, appealable under Section 96 CPC. If a High Court exercises Article 227 to reject a plaint, it effectively bypasses the trial court's original jurisdiction and deprives the litigant of the right to appeal.

Justice Joymalya Bagchi, writing for the bench, emphasized that supervisory jurisdiction should only be exercised to ensure lower courts function within their legal bounds, not to act as a substitute for original or appellate jurisdiction. Procedural law, the Court noted, is foundational to the rule of law and must not be short-circuited for expediency.

The Court also cited *Jacky v. Tiny (2014)*, affirming that rejection of a plaint is outside the scope of Articles 226/227. The ruling distinguishes *Frost International Ltd. v. Milan Developers (2022)* where the High Court acted in a revisional, not supervisory, capacity.

2.Scope of Abetment under Section 306 IPC

In *Shenbagavalli v. Inspector of Police*, the Supreme Court clarified the legal threshold for invoking Section 306 of the Indian Penal Code (abetment of suicide), reiterating that mere use of insulting or abusive language does not ipso facto amount to abetment.

The bench comprising Justices Abhay S. Oka and A.G. Masih quashed criminal proceedings against in-laws of a deceased husband who had died by suicide, allegedly following derogatory

remarks calling him "impotent." The Court held that such isolated verbal insults—without a sustained course of conduct or any direct inducement—do not satisfy the legal ingredients of abetment under Sections 306 and 107 IPC.

Section 107 IPC defines abetment as comprising

(i) instigation;
(ii) conspiracy; or
(iii) intentional aid.

The Court emphasized that **mens rea** is a critical component—there must be an intentional act or omission by the accused that clearly contributes to the decision of the victim to end their life. In this case, the remarks were made nearly a month prior to the suicide and no contact occurred thereafter, which ruled out any ongoing provocation or inducement.

The Court drew support from *M. Arjunan v. State*, reaffirming that offensive conduct, however morally condemnable, cannot by itself establish criminal abetment unless a proximate and deliberate nexus to the suicide is proved.

3.Distinction Between 'State' under Article 12 and Government Servant

In *Pintu Chowdhury v. Union of India*, the Supreme Court reaffirmed that employment in a society or institution deemed "State" under Article 12 of the Constitution does not, by itself, confer the status of a government servant on the employee.

The petitioner was dismissed from the post of *Junior Weaver* in a Central Government department after it was discovered that he had falsely claimed prior government service. His prior employment was as a *Craft Teacher* in the *Tripura Tribal Welfare Residential Educational Institutions Society (TTWREIS)*—an autonomous body supported by the State but not a government department.

The Court emphasized that while such societies may fall within the definition of "State" under Article 12 for the purpose of enforcing fundamental rights, that categorization does **not** equate their employees with holders of civil posts under the Union or State.

Referring to Rule 2(h) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Court held that only those holding a post under the Union or State Government—or whose services are deputed to or from such authorities—qualify as government servants.

The Court also clarified that appointments secured through material misrepresentation are **voidable**, and the principle of estoppel does not bar the government from terminating such employment.

4. Rule of Law and Freedom of Expression in Film Screening

In *Sri M. Mahesh Reddy v. State of Karnataka*, the Supreme Court of India strongly held that the obligation of the State to uphold the **rule of law and fundamental rights**, especially the **freedom of speech and expression** under Article 19(1)(a), in the context of threats to the release of a CBFC-certified film, *Thug Life*, in Karnataka.

The petitioner challenged a de facto ban on the film due to threats from fringe groups opposed to alleged remarks by the lead actor, Kamal Haasan, concerning the Kannada language. Despite receiving a CBFC certificate, the film was not released in Karnataka, primarily due to **extra-judicial pressure** and the **State's inaction** in preventing mob threats.

The Court held that once a film is certified by the CBFC, **the State is duty-bound to facilitate its exhibition** and provide necessary protection. It cannot surrender to mob threats or non-state actors. The bench, led by Justices Ujjal Bhuyan and Manmohan, rejected the argument that the film's release was voluntarily deferred, asserting that **law cannot be hostage to individual negotiations** or threats of violence.

The Court invoked precedents including the Bombay High Court's judgment in *Me Nathuram Godse Boltoy*, emphasizing that **dissenting views, however unpopular, are protected in a democracy**.

Court held that **freedom of artistic expression** cannot be curtailed by **mob censorship** and that the **State's failure to act amounts to an abdication of constitutional duty**. The judiciary's role as a **guardian of fundamental rights** and a **bulwark against populist suppression**.

5.Presumption of Consent in Long-Term Live-in Relationships

In *Ravish Singh Rana v. State of Uttarakhand*, the Supreme Court of India addressed the legal tenability of rape allegations premised on a false promise of marriage in the context of a **long-term live-in relationship**. The Court quashed the FIR against the appellant, ruling that such allegations were **untenable** when the relationship had continued consensually over an extended period.

The parties had cohabited for over two years and had executed a settlement deed confirming mutual affection and intent to marry. The FIR, lodged shortly thereafter, alleged forcible intercourse. However, the Court found no allegation that physical intimacy was induced solely by a promise of marriage. It held that **continued cohabitation implies voluntary consent**, and thus, Section 376 IPC (rape) could not be attracted.

The Court clarified that while **a promise to marry can, if fraudulent, vitiate consent**, this does not apply where the relationship spans years without protest, and the parties cohabit independently.

Significantly, the judgment reflects a **modern and contextual understanding of personal autonomy**, particularly noting that **financially independent women** increasingly choose live-in relationships. Courts, it held, must not adopt a "pedantic approach" but evaluate **duration, mutual conduct**, and **circumstances** to assess consent.

6. Circumstantial evidence and Mens Rea

In *State of Rajasthan v. Hanuman* (Criminal Appeal No. 631 of 2017), Decided on 19th June 2025, the Supreme Court reaffirmed the well-established legal principle that in cases based solely on **circumstantial evidence**, the **prosecution must establish a complete chain of circumstances** that unerringly points to the guilt of the accused and excludes every hypothesis of innocence.

The trial court had convicted the respondent under Section 302 IPC for the murder of Chotu Lal, relying on two main pieces of circumstantial evidence:

(i) **Motive** – alleged interest in the victim's wife;
(ii) **Recovery of the blood-stained weapon**, with FSL report showing blood matching the deceased's blood group (B+).

The High Court acquitted the respondent, finding that the **chain of circumstances was incomplete**, and the Supreme Court upheld this acquittal. It held that even if the FSL report was considered, the **mere recovery of a blood-stained weapon**, even bearing the deceased's blood group, was **insufficient** to establish guilt beyond reasonable doubt. The Court cited *Raja Naykar v. State of Chhattisgarh* (2024) 3 SCC 481 to support this view.

Regarding motive, the Court found the prosecution's case **vague and inconsistent**. Emphasizing the limited scope of interference in appeals against acquittals, the Court held that unless the High Court's view is perverse or wholly unreasonable, interference is unwarranted.

The appeal was accordingly **dismissed**, and the acquittal of the accused was upheld.

7. Right to Shut Down Business under Article 19(1)(g)

In a landmark judgment, the Supreme Court clarified that the **constitutional right to carry on business under Article 19(1)(g)** of the Constitution **includes the right to shut down a business**, though such right is **not absolute** and is subject to **reasonable statutory restrictions**, especially to protect workers' rights under labour welfare legislation.

The case involved *Harinagar Sugar Mills Ltd.* (HSML), which sought closure of its biscuit manufacturing division after the termination of its long-standing job work agreement with *Britannia Industries Ltd.* HSML applied for closure under **Section 25-O of the Industrial Disputes Act, 1947**, but its application was rejected by a **Deputy Secretary**, leading to legal proceedings.

Key Findings of the Court:

1. **Article 19(1)(g)** encompasses the **right to close** a business, as recognized in *Excel Wear v. Union of India* (1978) and affirmed in *Orissa Textiles* (2002). However, closure is subject to conditions laid down in **Section 25-O**, requiring prior permission from the "**appropriate government**."
2. The **Deputy Secretary** had **no legal authority** to reject HSML's application. The competent authority was the **Minister for Labour**, and **no valid delegation** was proven. The Court held that any decision without such authority was **void ab initio**.
3. The **60-day statutory period** under Section 25-O(3) had lapsed without valid government action. Hence, **closure was deemed to have been granted** by operation of law.
4. The Court emphasized the need for **application of mind** and **recording of reasons** in administrative orders, citing *Star Enterprises v. CIDCO* (1990). Internal notings or mere endorsements do not amount to valid decisions.
5. The Court held that HSML demonstrated **compelling and overriding reasons** for closure—having no alternative clients or production after BIL's exit, making continuation of operations **impossible**.
6. While allowing the appeal, the Court enhanced **ex gratia compensation** to workers from ₹10 crore to ₹15 crore, in addition to statutory dues, acknowledging the hardship caused by closure.

8. Mens Reas to Murder critical for conviction under S.302

In *Vaibhav v. State of Maharashtra*, the Supreme Court reiterated that **mere post-occurrence conduct**, such as **hiding the body or cleaning the scene**, does **not by itself prove guilt** in a case based solely on circumstantial evidence, unless supported by a **complete, consistent, and credible chain of circumstances**.

The appellant, a college student, was convicted under Section 302 IPC and other provisions, for allegedly shooting his friend with his father's service pistol. His defence was that the friend accidentally shot himself. The conviction by the lower courts was based heavily on the accused's **subsequent conduct** and circumstantial evidence, particularly under Section 8 of the Indian Evidence Act, 1872.

The Supreme Court, however, set aside the conviction for murder, observing:

- **Post-crime conduct (e.g., hiding the body) cannot replace the prosecution's primary burden** to prove guilt beyond reasonable doubt.
- The **prosecution failed to establish who pulled the trigger**, a critical fact in a murder case.
- The accused's explanation—accidental firing—was supported by **forensic and medical evidence** (e.g., bullet trajectory).
- The **absence of motive**, while not conclusive, is relevant in a circumstantial evidence case.
- The accused's **fear of his father**, a police officer, was found to be a **plausible reason** for attempting to hide the incident.

However, the Court **sustained the conviction under Section 201 IPC** for causing the disappearance of evidence and **reduced the sentence to the period already undergone**.

9. Land and maritime delimitation and sovereignty over islands

The **International Court of Justice (ICJ) judgment issued on 19 May 2025** regarding the **land and maritime delimitation and sovereignty over islands** in a territorial dispute between **Gabon and Equatorial Guinea**.

The ICJ ruled that colonial-era legal titles (specifically the 1900 Convention) remain valid between Gabon and Equatorial Guinea for land boundary and island sovereignty purposes. The contested 1974 "Bata Convention" is not legally binding. Equatorial Guinea was confirmed to have sovereignty over the three disputed islands due to its succession from Spain.

Background: The case was brought to the ICJ based on a 2016 Special Agreement. The dispute involves: The **land and maritime boundary** between Gabon and Equatorial Guinea. Sovereignty over **three small islands** in Corisco Bay: **Mbanié/Mbañe**, **Cocotiers/Cocoteros**, and **Conga**.

Legal Issues: The ICJ was **not asked to delimit the boundaries** or determine sovereignty directly. It was asked to determine **whether the legal instruments ("legal titles") invoked by each country have legal force** in their relations.

Main Findings

- **The "Bata Convention" (1974)**: Not considered a binding treaty or a valid legal title.
- **The 1900 Convention (French-Spanish agreement)**: Recognized as a binding legal title regarding land boundaries and as the basis for sovereignty succession.
- **Land Boundaries**: The ICJ concluded that **no valid modifications** had been made to the 1900 boundary, so the original colonial boundaries (at the time of independence) remain valid.
- **Islands**: The Court found that **Spain held legal title to the three islands** at the time of Equatorial Guinea's independence, and Equatorial Guinea **legally succeeded** to that title.
- **Maritime Boundary**: The 1900 Convention is recognized only insofar as it defines the starting point (land terminus) of the maritime boundary. UNCLOS is applicable but **does not itself grant title**.

Weekly Focus

Case of the Week: *U.N.R. Rao v. Indira Gandhi* (1971 AIR 1002, SCR 46)

On 27 December 1970, the **President dissolved the Lok Sabha** under Article 85(2). **U.N.R. Rao** filed a **quo warranto petition** claiming that *Indira Gandhi* and her Council of Ministers ceased to hold office post-dissolution as they were no longer accountable to the House under Article 75(3) Rao argued that under Article 53(1), the President should exercise executive power independently or through civil servants, absent ministerial aid or advice.

Key Issues

1. Does Article 75(3) require automatic resignation by the Council of Ministers upon Lok Sabha dissolution?
2. Can the President exercise executive authority independently under Article 53(1) in the absence of a functioning Council?

Supreme Court's Ruling

- The Court **dismissed** the petition, holding that **no constitutional prohibition** prevents ministers from continuing in office after dissolution.
- **Article 74(1)** mandates that the President *"shall act on aid and advice"* of the Council of Ministers, a **mandatory requirement** even during interregnum periods.
- **Article 75(3)** imposes collective responsibility *only as long as* the House exists. Dissolution does not automatically extinguish ministerial roles; it merely suspends legislative accountability to a dissolved body.
- The Court emphasized **responsible government tradition**, drawing from conventions at the time of constitutional framing, and affirmed the necessity of a **caretaker government** to prevent administrative vacuum.

Legal Analysis: Article 74(1) is **imperative**, not discretionary—the President must act on Council advice even if Parliament is dissolved. **Collective responsibility (Article 75(3))** presumes the existence of the House; its dissolution does not invalidate the Council's continued service but only

suspends its accountability. Continuance as **caretaker ministers** ensures governance continuity and prevents constitutional instability.

PYQ Solution

1. Constitutionalism is the concept of limited government under a Fundamental Law" In the light of this, differentiate between distinctive features of the Constitution and Constitutionalism.

Constitutionalism and a **Constitution** are closely related concepts, but they are not synonymous. While a constitution refers to a document that outlines the fundamental laws and principles of a country, constitutionalism is a political philosophy that emphasises the necessity of limiting government powers and ensuring that governance operates under the rule of law.

The essence of constitutionalism lies in the idea of a limited government that is restrained by & fundamental law, typically a written constitution. This prevents the arbitrary use of power and ensures the protection of individual rights.

Distinction Between Constitution and Constitutionalism

Definition and Nature

A constitution is a legal document or a set of laws philosophy that emphasizes that government power must be limited and exercised in accordance with established laws to protect individual freedoms and prevent tyranny. It embodies the idea that those who govern must be legally restrained by the law, and the government must operate within the confines of a constitution.

Purpose

Constitution: The purpose of a constitution is to provide a legal foundation for the functioning of the government It defines the scope of government authority, the powers of its branches, and the rights of the people. A constitution organizes the framework of the state and provides the rules for its governance.

The Indian Constitution establishes the separation of powers among the legislature, executive, and judiciary, defines the federal structure, and protects individual liberties through Fundamental Rights.

Constitutionalism: The purpose of constitutionalism is to ensure that government authority is not absolute or unchecked. It ensures that the government respects the rule of law, operates within the boundaries set by the constitution, and does not violate individual liberties or human rights. It promotes the principle that government should be accountable to the law and the people.

Scope of Power:

A constitution provides for the distribution of power within a state, often detailing the functions and limits of various branches of government (executive, legislature, judiciary) and laying down the legal procedures for governance. It can grant wide powers to the government or limit its functions, depending on its design.
Constitutionalism seeks to limit the powers granted by the constitution to ensure the government operates within lawful bounds. It advocates for checks and balances, the protection of civil liberties, and accountability of the static to the citizens.

Protection of Rights

A constitution often includes provisions for fundamental rights and freedoms that are guaranteed to citizens. However, the mere existence of these rights in a constitution does not ensure that they are respected, unless there is a mechanism to enforce them.

The Indian Constitution guarantees Fundamental Rights under Articles 12-35, including the right to equality (Article 14), freedom of speech (Article 19), and protection from arbitrary detention (Article 22).

Constitutionalism focuses on ensuring that these rights are actively protected and enforced by limiting the powers of government and providing mechanisms, such as judicial review, to hold the government accountable.

Judicial Review in India, as outlined in Article 13, allows the judiciary to declare any law that violates fundamental rights as void.