

Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

1st - 30th Sep 2025

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1. SC Directs States to Ensure Humane Conditions in Beggars' Homes

On September 12, 2025, the Supreme Court of India, in *M.S. Patter v. State of NCT of Delhi*, delivered a significant judgment mandating systemic reforms in Beggars' Homes across the country. A Bench comprising Justice J.B. Pardiwala and Justice R. Mahadevan issued comprehensive directions to ensure that such institutions conform to constitutional guarantees of dignity and humane treatment.

The case originated from the tragic 2000 Lampur Beggars' Home incident in Delhi, where contaminated water caused an outbreak of cholera and gastroenteritis, resulting in multiple deaths. The Court noted that the failure to maintain minimum standards of health, hygiene, and care constitutes not merely maladministration but a breach of Article 21 of the Constitution—the right to life with dignity.

The Court mandated: (i) compulsory medical screening and monthly health check-ups of all inmates; (ii) strict enforcement of sanitation standards, including potable water and functional drainage; (iii) independent infrastructure audits biennially; (iv) nutritional oversight by qualified

dieticians; (v) introduction of vocational training for rehabilitation; and (vi) gender- and child-sensitive facilities. Importantly, children found begging are to be referred to child welfare institutions under the Juvenile Justice Act, 2015.

Accountability measures include maintenance of digital records, constitution of State-level Monitoring Committees with civil society representation, and the provision of compensation to families in cases of death due to negligence. Where warranted, criminal proceedings may be initiated against responsible officials.

The Court held that Beggars' Homes must transition from punitive spaces of social control to instruments of social justice. The Ministry of Social Justice and Empowerment has been directed to frame model guidelines within three months, with all States and Union Territories required to ensure compliance within six months.

2. Select Provisions of Waqf (Amendment) Act, 2025 Stayed by SC

On September 14, 2025, the Supreme Court, in *In Re: The Waqf (Amendment) Act, 2025*, passed an interim order staying certain contentious provisions of the statute while leaving others undisturbed. A Bench comprising Chief Justice B.R. Gavai and Justice A.G. Masih held that legislative enactments can rarely be stayed, but interim measures were warranted to prevent arbitrariness and preserve constitutional balance.

The Court stayed **Section 3(1)(r)** requiring five years of Islamic practice for creating a waqf, noting that in absence of a State-framed mechanism to determine compliance, the provision could result in arbitrary application. Similarly, **Sections 3C(2)–(4)** empowering Government officers to derecognise waqf land in encroachment disputes were suspended. The Court held that vesting the Executive with authority to decide title infringes the doctrine of separation of powers; disputes must instead be adjudicated by Waqf Tribunals under Section 83. Until final adjudication, waqfs will not be dispossessed, but no third-party rights shall accrue.

On composition of waqf bodies, the Court directed that non-Muslim membership be capped at **four in the Central Waqf Council** and **three in State Waqf Boards**. It declined to stay the provision permitting non-Muslim Chief Executive Officers but recommended, as far as possible, appointment from within the Muslim community.

Significantly, the Court **did not interfere with the mandatory registration of waqfs**, holding it to be a long-standing requirement previously in force. Other challenged provisions—such as abolition of “waqf by user,” restrictions over Scheduled Areas and protected monuments, and application of the Limitation Act—were left intact at this stage.

The Court clarified that these directions are **prima facie** and subject to final adjudication on constitutional validity.

3. SC Directs States and UTs to Frame Rules for Registration of Sikh Marriages

On September 18, 2025, the Supreme Court, in *Amanjot Singh Chadha v. Union of India & Ors.*, directed 17 States and 7 Union Territories to frame rules under Section 6 of the Anand Marriage Act, 1909, within four months to provide for the registration of Sikh marriages solemnised through *Anand Karaj*. A Bench comprising Justices Vikram Nath and Sandeep Mehta underscored that decades of delay in rulemaking had led to discrimination, as Sikh couples' ability to prove their marriages varied across jurisdictions.

The Court observed: *"In a secular republic, the State must not turn a citizen's faith into either a privilege or a handicap. When the law recognises Anand Karaj yet leaves no machinery to register it, the promise is only half kept."* Non-registration, while not invalidating a marriage, significantly hampers rights of succession, inheritance, maintenance, and spousal entitlements, particularly affecting women and children.

Pending rulemaking, the Court directed that Anand Karaj marriages be immediately registered under existing frameworks such as the Special Marriage Act, with the marriage certificate explicitly recording the rite where requested. States that have already notified rules must issue clarificatory circulars, publish requirements online, and prohibit duplicative registrations.

Each State and UT must designate a Secretary-level Nodal Officer within two months for oversight and grievance redressal. The Union of India has been tasked with coordinating compliance by circulating model rules within two months and filing a consolidated status report in six months.

4. Need to Decriminalise Defamation, SC While Hearing *The Wire's* Plea

On September 22, 2025, the Supreme Court, in *Foundation for Independent Journalism v. Amita Singh*, issued notice on petitions filed by *The Wire* and its Deputy Editor, Ajoy Ashirwad Mahaprastha, challenging summons in a criminal defamation case. The case stems from a 2016 article alleging a dossier that depicted JNU as a "Den of Organised Sex Racket," which the complainant, former JNU professor Amita Singh, claimed defamed her reputation.

The matter was heard by a Bench of Justices M.M. Sundresh and Satish Chandra Sharma. During the hearing, Justice Sundresh observed: *"I think time has come to decriminalise all this,"* indicating a larger constitutional question on the continued validity of criminal defamation under Sections 499–500 IPC.

The case has a long procedural history. A Delhi Metropolitan Magistrate first issued summons in 2017 against *The Wire's* editors. The Delhi High Court quashed them in 2023, but the Supreme Court reversed that decision in 2024, remanding the matter for fresh consideration. Following renewed summons, the Delhi High Court again declined to interfere in May 2025, holding that provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS) on pre-cognizance hearings did not apply to complaints filed before its enactment.

The petitioners argue that the article was bona fide reporting and that subjecting journalists to criminal prosecution chills press freedom, contrary to Article 19(1)(a). The Court's oral remarks suggest an openness to re-examining whether criminal defamation disproportionately restricts free speech when civil remedies remain available.

5. Invalid Sanction Not a Ground for Discharge Under PC Act: SC

On September 24, 2025, the Supreme Court in *The Karnataka Lokayukta Police v. Lakshman Rao Peshve* reiterated that invalidity of sanction cannot justify discharge of an accused under the Prevention of Corruption Act, 1988 (PC Act). A Bench of Justices M.M. Sundresh and Satish Chandra Sharma allowed appeals against a Karnataka High Court order which had discharged the accused for want of sanction and consequently quashed connected proceedings under the Prevention of Money Laundering Act, 2002 (PMLA).

The Court relied on **Section 19(3)(a) PC Act**, which expressly prohibits interference with trial proceedings on the ground of irregularity or invalidity of sanction unless a "failure of justice" is shown. Citing *State v. T. Venkatesh Murthy* (2004), *State of M.P. v. Virender Kumar Tripathi* (2009), and *State of Bihar v. Rajmangal Ram* (2014), the Court reiterated that "failure of justice" can only be determined after trial, once evidence is led. Therefore, intervention at the pre-trial or charge-framing stage is impermissible.

In *Virender Kumar Tripathi*, the Court had held that mid-course interference on sanction grounds would not be appropriate since any defect could be cured if no failure of justice was ultimately shown. Following this principle, the Bench held that the High Court's approach was "obviously contrary to law."

As the predicate PC Act offense stood restored, the Court also revived money laundering proceedings under Sections 3 and 4 of PMLA. However, it clarified that the question whether PMLA cases can survive if the predicate offense is eventually quashed remains open. Considering the advanced age of the respondents, the Court exempted them from personal appearance unless specifically required by the trial court.

6. Cheating and Criminal Breach of Trust Cannot Co-Exist on the Same Allegations

On September 25, 2025, the Supreme Court in *Arshad Neyaz Khan v. State of Jharkhand & Anr.* clarified that offences of cheating and criminal breach of trust are mutually exclusive and cannot simultaneously arise from the same set of facts. A Bench of Justices B.V. Nagarathna and R. Mahadevan allowed the appeal, setting aside the High Court's refusal to quash proceedings against the appellant.

The case arose from an agreement for sale of property in which the appellant received an advance payment but failed either to execute the sale or refund the amount for eight years. The complainant alleged both cheating under **Section 420 IPC (now Section 318 BNS)** and criminal breach of trust under **Section 406 IPC (now Section 316 BNS)**.

Justice Nagarathna, writing for the Bench, held that cheating requires *criminal intention from inception*, i.e., a dishonest inducement to deliver property. By contrast, breach of trust presupposes *lawful entrustment*, which is subsequently misappropriated. As such, the two offences are “antithetical.” Citing *Delhi Race Club (1940) Ltd. v. State of U.P.* (2024) 10 SCC 690, the Court reaffirmed that if entrustment is alleged, cheating cannot simultaneously be invoked.

Examining the complaint, the Court found that it neither established entrustment of property (to support breach of trust) nor demonstrated dishonest inducement at inception (to sustain cheating). Mere failure to return money or perform a contract, without more, may amount to civil liability but not necessarily a penal offence.

Accordingly, the FIR and complaint were quashed.

7. PwD Scoring Above General Cut-Off Must Be Considered in Open Category

On September 12, 2025, the Supreme Court in *Justice Sunanda Bhandare Foundation v. Union of India & Ors.* expressed serious concern over the denial of general category seats to meritorious candidates with disabilities (PwDs) who score above the unreserved cut-off. A Bench of Justices Vikram Nath and Sandeep Mehta held that such practice undermines the very purpose of reservation under **Section 34 of the Rights of Persons with Disabilities Act, 2016 (RPwD Act)**.

The Court reasoned that when PwD candidates scoring higher than the general cut-off are still confined to reserved seats, this not only deprives them of upward movement but also restricts opportunities for less advantaged PwD candidates. It directed the Union Government to explain whether appropriate measures have been taken to ensure “upward mobility” of meritorious PwDs in both **appointments and promotions**, with the matter to be heard again on October 14, 2025.

To ensure effective monitoring, the Court launched “**Project Ability Empowerment**”, assigning eight National Law Universities across India to study and report within six months on compliance with the RPwD Act by States and Union Territories.

The writ petition, filed by the Justice Sunanda Bhandare Foundation, originally sought implementation of the 1995 Disabilities Act, including reservation of 1% teaching posts and recognition of the right of visually impaired persons to equal opportunity under Articles 14, 15 and 41 of the Constitution. Earlier directions in 2014 (Lodha, Mukhopadhyaya & Misra, JJ.) and 2020 for compliance had not been fully implemented, prompting the present intervention.

8. SC Revises Guidelines in Cheque Dishonour Cases Under Section 138 NI Act

On September 26, 2025, a Bench of **Justices Manmohan and NV Anjaria** modified the cost-framework for compounding offences under **Section 138 of the Negotiable Instruments Act, 1881**, revisiting the guidelines issued in *Damodar S. Prabhu v. Sayed Babalal H.* (2010) 5 SCC 663.

The Court noted that despite earlier directions, a **very large number of cheque bounce cases remain pending** across trial courts, and that **falling interest rates** warranted a recalibration of costs imposed for delayed compounding.

Modified Guidelines (2025):

- **Before recording of defence evidence (Trial Court):** No cost imposed; offence may be compounded on full payment of cheque amount.
- **After recording of defence evidence but before judgment (Trial Court):** Compounding permissible on deposit of **5% of cheque amount** with Legal Services Authority (LSA) or authority designated by the Court.
- **Before Sessions Court/High Court in revision/appeal:** Compounding on condition of depositing **7.5% of cheque amount** as costs.
- **Before Supreme Court:** Compounding permissible on payment of **10% of cheque amount** as costs.

The Court further clarified that where complainants/financial institutions insist on recovery of dues beyond the cheque amount, magistrates may instead suggest the accused to:

- plead guilty under **Sections 255(2)/(3) CrPC or Section 278 BNSS, 2023**, or
- seek benefit under the **Probation of Offenders Act, 1958**.

Departure from Damodar Prabhu (2010):

- Earlier framework imposed **10% costs** at later stages before Magistrate, **15% before Sessions/High Court**, and **20% before Supreme Court**.
- The revised scheme substantially reduces these percentages, signaling a pragmatic approach to unclogging the docket.

The Bench also reiterated that **Section 138 NI Act cases are maintainable even where the underlying loan is advanced in cash above ₹20,000**, setting aside a contrary ruling of the Kerala High Court.

Weekly Focus

Case of the week: People's Union for Civil Liberties (PUCL) v. Union of India

The central question in People's Union for Civil Liberties (PUCL) v. Union of India was whether the right to vote includes the right to reject all candidates, and if so, whether this right should be recognized and protected under the Indian Constitution.

The PUCL, a civil rights organization, filed a writ petition challenging the constitutional validity of Rules 41(2) & (3) and 49-O of the Conduct of Election Rules, 1961. These provisions required a voter who decided not to vote for any candidate to have their decision recorded by the presiding officer, thereby compromising the secrecy of the ballot. The petitioner argued that this violated

the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution.

The Supreme Court examined whether the right not to vote, or to reject all candidates, is a facet of the fundamental right to freedom of speech and expression. The Court acknowledged that while the right to vote is a statutory right, the decision to vote or not vote for any candidate after evaluating their credentials is a form of expression under Article 19(1)(a). The Court emphasized that maintaining the secrecy of the ballot is essential for free and fair elections, which form part of the basic structure of the Constitution. It held that the existing provisions, by not maintaining secrecy for those who choose not to vote for any candidate, infringed upon this fundamental right.

The Supreme Court directed the Election Commission to provide a "None of the Above" (NOTA) option on electronic voting machines and ballot papers, allowing voters to express their disapproval of all candidates while maintaining the secrecy of their decision. This landmark judgment recognized the right to reject as part of the fundamental right to freedom of speech and expression, thereby empowering voters and promoting democratic values.

PYQ Solution

"Notwithstanding transparency of governance, certain information have been exempted from disclosure under the Right to Information Act, 2006." Discuss the relevant provisions and limitations on disclosure of information **(10 MARKS)**

The Right to Information Act, 2005 (RTI Act) was enacted to promote transparency and accountability in the functioning of public authorities in India. However, recognizing the need to balance openness with other critical concerns, the Act delineates specific exemptions where information may be withheld from disclosure.

Key Exemptions Under Section 8(1):

1. **National Security and Sovereignty:** Information that could compromise India's sovereignty, integrity, security, strategic interests, or international relations is exempted.
2. **Parliamentary Privilege:** Disclosure of information prohibited by courts or that may constitute a breach of parliamentary privilege is exempted.
3. **Commercial Confidence:** Information including trade secrets or intellectual property, which could harm the competitive position of a third party, is protected unless the larger public interest warrants disclosure.
4. **Fiduciary Relationships:** Information available to a person in their fiduciary relationship is exempted, unless the larger public interest warrants disclosure.
5. **Personal Privacy:** Disclosure of personal information that has no relationship to public activity or interest, or which would cause an unwarranted invasion of privacy, is exempted unless the larger public interest justifies it.

Additional Provisions:

- **Section 9:** Information whose disclosure would involve an infringement of copyright is exempted.
- **Section 24:** Certain intelligence and security organizations are excluded from the RTI Act's purview, except in cases of alleged human rights violations or corruption.

Limitations on Exemptions: Despite these exemptions, the Act incorporates safeguards to prevent misuse:

- **Public Interest Override:** If the public interest in disclosure outweighs the harm to the protected interests, information may be disclosed.
- **Time-bound Exemptions:** Exemptions under Section 8(1) do not apply if the information pertains to events that occurred 20 years before the request, subject to certain conditions.

These provisions aim to strike a balance between the need for transparency and the protection of sensitive information, ensuring that the RTI Act serves its purpose without compromising other vital interests.

