Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

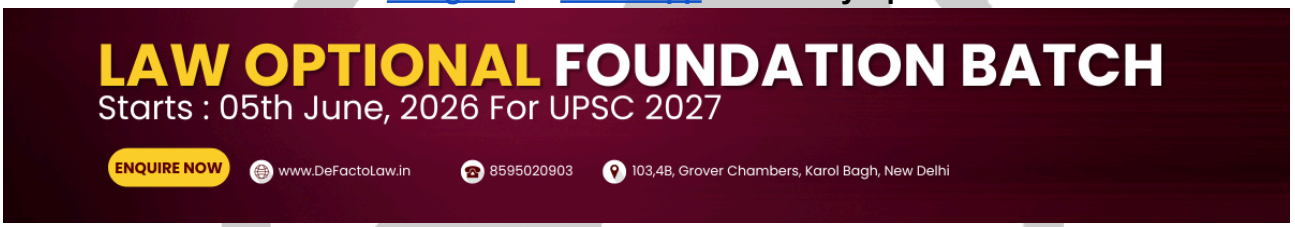
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1.SC Applies Res Judicata Within Same Proceedings

In **B.S. Lalitha & Ors. v. Bhuvanesh & Ors.**, the Supreme Court clarified a significant procedural question of law by holding that the doctrine of **res judicata** applies not only between separate suits but also at different stages of the same litigation, a principle known as "interlocutory res judicata."

A Bench of Justices Sanjay Karol and Augustine George Masih ruled that once an application seeking rejection of a plaint under Order VII Rule 11 CPC has been dismissed, a subsequent application raising substantially the same issue cannot be entertained merely because it is filed by another defendant.

The dispute arose from a partition suit filed by a daughter claiming inheritance rights under the Hindu Succession Act, 1956. After an earlier plea for rejection of the plaint failed, another defendant filed a fresh application relying on similar grounds linked to Section 6(5) of the 2005 amendment.

Setting aside the Karnataka High Court's order allowing the second application, the Supreme Court held that procedural finality cannot be circumvented by repackaging the same challenge under different provisions or by different parties sharing identical interests.

The ruling reinforces judicial discipline and procedural certainty, emphasizing that courts must prevent repetitive litigation over issues already adjudicated.

2. SC Upholds Crime Scene Re-Enactment as Valid Investigative Tool

In **State of Tamil Nadu v. Ponnusamy & Ors.**, the Supreme Court addressed a significant constitutional question concerning the scope of the right against self-incrimination under Article 20(3) of the Constitution of India in the context of crime scene re-enactments.

A Bench of Justices M.M. Sundresh and Satish Chandra Sharma held that participation of an accused in a crime scene re-enactment does not automatically violate constitutional protections unless the exercise compels disclosure of incriminating facts based on personal knowledge.

The Court clarified that directed physical demonstrations—such as walking, movement imitation, or gait analysis for forensic comparison—constitute examination of physical attributes rather than testimonial compulsion. It distinguished between “re-enactment” and “evidence derived from re-enactment,” observing that scientific analysis based on physical characteristics remains admissible.

Setting aside the Madras High Court’s contrary view, the Supreme Court held that a blanket prohibition on re-enactment evidence would undermine modern investigative techniques in serious crimes. However, it cautioned that where an accused is compelled to demonstrate incriminating acts from personal memory, such evidence would be barred under Sections 25 and 26 of the Indian Evidence Act, 1872.

The ruling marks an important development in balancing constitutional safeguards with scientific criminal investigation.

3.SC Expands Meaning of ‘Unchastity’ Under Criminal Intimidation Law

In **Vijayakumar v. State of Tamil Nadu**, the Supreme Court delivered a significant ruling on women’s dignity, privacy, and sexual autonomy, holding that threatening to circulate a woman’s private bathing video amounts to imputing “unchastity” under Part II of Section 506 of the Indian Penal Code, 1860.

A Bench of Justices Sanjay Karol and Nongmeikapam Kotiswar Singh clarified that the concept of “unchastity” must no longer be viewed through patriarchal notions of morality, but through the constitutional lens of dignity, privacy, and autonomy protected under Article 21.

The Court held that secretly recording a woman in a private bathing space and threatening to publish the footage online constitutes a direct assault on her privacy and sexual autonomy, even if the content does not depict an overt sexual act. It emphasized that in the digital era, reputational harm and privacy invasion are intrinsically linked.

Importantly, the Court also ruled that non-recovery of the mobile phone allegedly containing the video was not fatal to the prosecution if credible testimonial evidence established the threat.

Upholding the conviction, the judgment marks a major constitutional shift in interpreting criminal law provisions concerning women’s dignity and cyber-enabled intimidation.

4.UNGA adopts resolution operationalising the ICJ climate change advisory opinion

The United Nations General Assembly adopted resolution A/80/L.65 (141–8, 28 abstentions) welcoming the ICJ's landmark Advisory Opinion of 23 July 2025 on *Obligations of States in Respect of Climate Change* and laying down a multilateral framework for implementation. The resolution was tabled by Vanuatu and drew 90 co-sponsors from all regions.

The eight states voting against — the United States, Russian Federation, Saudi Arabia, Israel, Belarus, Iran, Liberia, and Yemen — are mostly large fossil-fuel producers or consumers. The resolution does not create new legal obligations but formally operationalises the Court's findings that customary international law, UNCLOS, and human rights treaties impose binding obligations to reduce greenhouse-gas emissions and make reparations for climate harm. Civil society groups welcomed the vote while noting that a weaker accountability mandate for the UN Secretary-General limits the resolution's enforcement teeth.

5.ICC denies Duterte release and rejects appeal bid on confirmed crimes-against-humanity charges

In an eight-page order dated 22 May 2026, ICC Trial Chamber III rejected former Philippine president Rodrigo Duterte's latest bid for release, ruling that the risks of flight and obstruction of justice had *increased* after charges were formally confirmed on 23 April 2026. The court-appointed medical panel also found no health grounds justifying release.

On 23 May, ICC Pre-Trial Chamber I additionally denied the defence's request for leave to appeal the charge-confirmation decision, ruling that the grounds cited were not legally appealable issues. Duterte is charged with crimes against humanity arising from the drug-war killings (2016–2019) carried out while the Philippines was still a Rome Statute party — the ICC's jurisdictional ruling (April 2026) having definitively settled that withdrawal in 2019 does not strip the Court of jurisdiction over crimes committed prior to withdrawal.

Weekly Focus

Joseph Shine v. Union of India — Case Summary

Background & Facts

Joseph Shine, a non-resident Indian, filed a Public Interest Litigation challenging the constitutional validity of Section 497 of the Indian Penal Code, 1860, which criminalised adultery. Under the provision, a man engaging in sexual relations with a married woman without her husband’s consent committed adultery, while the woman herself was exempt from punishment and treated as a victim.

The petitioner argued that the law was discriminatory, patriarchal, and violative of constitutional guarantees of equality, dignity, and autonomy.

Core Question of Law

The Constitution Bench examined:

1. Whether Section 497 IPC violated:
    - Article 14 (Equality)
    - Article 15 (Non-discrimination)
    - Article 21 (Dignity and personal liberty)
2. Whether criminal law could regulate consensual sexual relationships between adults.
3. Whether treating a married woman as the "property" of her husband was constitutionally permissible.

Held

A unanimous five-judge Constitution Bench struck down Section 497 IPC as unconstitutional.

The Court held that adultery may constitute:

- A civil wrong,
- A matrimonial ground for divorce,

but cannot be treated as a criminal offence.

Key Constitutional Principles

1. Sexual Autonomy & Privacy

The Court recognized that consensual adult relationships fall within the domain of privacy and decisional autonomy protected under Article 21.

2. Equality Before Law

Section 497 was held manifestly arbitrary because:

- It punished only men,
- Treated women as passive objects,
- Made the husband's "consent" decisive.

3. Constitutional Morality Over Social Morality

The judgment emphasized that constitutional values—not patriarchal social notions—must guide criminal law.

4. Dignity of Women

The Court strongly rejected the colonial assumption that women are incapable of agency in sexual relationships.

Justice Chandrachud observed that:

"A woman is not the property of her husband."

Significance

This is one of the most transformative gender justice judgments in India.

The case:

- Decriminalized adultery,
- Expanded privacy jurisprudence post-*Puttaswamy*,
- Strengthened constitutional protection for personal relationships,
- Advanced feminist constitutional interpretation.

It also marked the Court's broader movement toward:

- Individual autonomy,
- Decisional freedom,
- Substantive equality.

PYQ Solution

Explain the doctrine of **constructive criminal liability** with respect to **common intention and common object**. *(10 Marks)*

Introduction	Defines constructive criminal liability; mentions S.34 and S.149 IPC as key examples.
Body	Explains S.34 (common intention) with case law; explains S.149 (common object) with case law; compares the two; includes BNS 2023 update.
Conclusion	Summarises how the doctrine holds collective actors liable while ensuring justice.

The doctrine of constructive criminal liability represents a significant departure from the traditional principle of individual liability in criminal law. It attributes criminal responsibility to persons who may not have physically committed the offence but were part of a **shared mental design**. Under the Indian Penal Code (IPC), **Section 34** (common intention) and **Section 149** (common object) embody this doctrine, attributing liability to those who act collectively with a shared intention or object.

Section 34 IPC enshrines the principle that when a **criminal act is done by several persons in furtherance of a common intention**, each of them is liable as if he alone had done it. **Active participation**, though minimal, is essential, and the common intention must be **pre-arranged** or develop on the spot with sufficient evidence. In *Krishna Govind Patil v. State of Maharashtra* (AIR 1963 SC 1413), the Court stressed the need for a pre-arranged plan and participation, even if indirect.

In contrast, **Section 149 IPC** applies to offences committed by **any member of an unlawful assembly** (five or more persons) in prosecution of the **common object**. Unlike Section 34, no prior meeting of minds or active participation is needed; mere **membership and knowledge** are sufficient. As held in *Mizaji v. State of U.P.* (AIR 1959 SC 572), even if murder is not the declared object, knowledge of its likelihood suffices to invoke Section 149.

The **Bharatiya Nyaya Sanhita, 2023 (BNS)** retains these doctrines under **Section 3(5) (common intention)** and **190 (common object)**. The recent legal development under BNS is its emphasis on **clarity of group liability** with **gender-neutral language and streamlined drafting**, without diluting the substantive principles.

The doctrine of constructive criminal liability ensures that collective criminality does not escape punishment, by making individuals responsible for crimes committed with shared intent or knowledge. While Section 34 demands active participation and pre-concert, Section 149 requires only membership in an unlawful assembly with shared object or knowledge of likely offences. This dual mechanism strengthens the criminal justice system against group offences while balancing individual culpability.