

Weekly Current Affairs

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1. Supreme Court Issues Guidelines on Artificial Intelligence in Legal Proceedings

Case Name: Association for Digital Ethics v. Union of India

Court: Supreme Court of India

Bench: Chief Justice Sanjiv Khanna, Justice S. Ravindra Bhat, Justice Vikram Nath

Legal Topic: Constitutional Law, AI Regulation

Summary:

The **Supreme Court of India** has issued **comprehensive guidelines** on the use of **Artificial Intelligence (AI)** in **judicial proceedings**, marking a significant development in the intersection of **law and technology**. The ruling addresses key concerns regarding **evidence admissibility**, **legal research**, and **AI-assisted decision-making**, ensuring that AI is utilized as a **support tool** rather than a **replacement for human judicial discretion**. Recognizing the increasing integration of AI in global legal systems, the Court emphasized that **AI-generated content must be thoroughly verified for accuracy, fairness, and reliability before being admitted as evidence in any legal proceeding**.

This judgment underscores the **constitutional principles of due process, fairness, and the right to a fair trial under Article 21 of the Indian Constitution**, ensuring that AI does not compromise **judicial impartiality** or the **adversarial nature of court proceedings**. The Court clarified that **AI cannot make binding judicial decisions or override human judges' reasoning**,

reinforcing the **independence of the judiciary as a fundamental pillar of democracy**. However, AI can assist in **case law research, document analysis, and procedural efficiency**, reducing judicial backlog and enhancing legal accessibility.

From a **legal and regulatory standpoint**, the judgment aligns India's approach to AI governance with **global best practices**, such as the **European Union's AI Act, the OECD AI Principles, and the UN's AI Ethics Framework**. These frameworks advocate for **transparency, accountability, and non-discrimination in AI applications**, ensuring that **automated systems do not perpetuate bias or misinformation**. The Court's ruling also echoes concerns raised in **international jurisprudence**, where AI has been scrutinized for its potential impact on **data privacy, ethical decision-making, and the risk of algorithmic bias**.

In **practical terms**, this decision mandates that courts and legal professionals exercise **caution when relying on AI-generated content**, emphasizing **the need for human oversight and judicial reasoning in all AI-assisted legal processes**. It also calls for the **development of AI regulatory frameworks specific to India's legal landscape**, which would govern AI tools used in **legal research, predictive justice models, and automated case management systems**. Furthermore, the ruling may influence **future legislative measures** concerning AI in legal practice, potentially leading to amendments in **evidence law (Indian Evidence Act, 1872) and procedural laws (Code of Civil Procedure, 1908, and Code of Criminal Procedure, 1973)** to address the evolving role of AI in litigation.

2. Supreme Court Holds That Public Protests Must Not Infringe on Fundamental Rights

Case Name: Citizens' Collective for Public Order v. State of Maharashtra

Court: Supreme Court of India

Bench: Chief Justice Sanjiv Khanna, Justice Surya Kant, Justice Bela Trivedi

Legal Topic: Constitutional Law, Right to Protest

Summary:

The **Supreme Court of India** has reaffirmed the constitutional principle that **public protests, while fundamental to a democracy, must not infringe upon the rights of non-participants**, thereby maintaining a **delicate balance between freedom of speech (Article 19(1)(a)) and the right to life and liberty (Article 21)**. This ruling emerged in response to prolonged farmers' protests, during which **major highways were blocked for weeks, leading to significant public inconvenience, economic disruptions, and access restrictions to essential services**. The case raised critical legal questions regarding the **extent of the right to protest, the responsibilities of law enforcement, and the reasonable restrictions that may be imposed on public demonstrations**.

The Court, in its judgment, reiterated the precedent set in **Amit Sahni v. Commissioner of Police (2020)**, commonly known as the **Shaheen Bagh case**, wherein it was held that **protests should be conducted only in designated areas** to prevent widespread disruption of public life. In that case, the Court had ruled that **while the right to peaceful assembly and protest is constitutionally protected, it cannot be exercised in a manner that paralyzes civic life indefinitely**. Applying the same principle, the present ruling emphasized that **any protest leading to the obstruction of roads, highways, or essential services is not constitutionally permissible, as it disproportionately affects the rights of the general public**.

From a constitutional law perspective, the judgment underscores the **doctrine of reasonable restrictions under Article 19(2)**, which permits the state to **regulate free speech and assembly in the interest of public order, sovereignty, and morality**. The Court clarified that while **citizens have the right to dissent and express grievances against government policies, this right must be balanced against the collective rights of others to move freely and access essential services**. This ruling reaffirms the **state's duty to regulate protests in a manner that safeguards both democratic expression and civic order**, ensuring that demonstrations do not turn into law-and-order crises.

In practical application, this ruling provides **legal clarity to law enforcement agencies, district administrations, and policymakers**, directing them to ensure that **protests do not obstruct public spaces indefinitely**. It mandates **strict enforcement of regulations governing the location, duration, and nature of protests**, ensuring that **democratic expressions remain peaceful, organized, and compliant with constitutional principles**. Furthermore, the decision also signals that **authorities must provide alternative spaces for demonstrations, such as public squares, parks, or designated protest sites, thereby facilitating orderly and lawful dissent**.

3. Delhi High Court Recognizes Right to Privacy in Digital Health Records

Case Name: Rahul Sharma v. Ministry of Health & Family Welfare

Court: Delhi High Court

Bench: Chief Justice Satish Chandra Sharma, Justice Subramonium Prasad

Legal Topic: Data Privacy, Right to Information

Summary:

The **Delhi High Court** has delivered a landmark ruling affirming that **patients have a fundamental right to access and control their digital health records**, deriving protection under **Article 21 of the Indian Constitution, which guarantees the Right to Privacy**. Recognizing the increasing digitization of medical data and the potential risks associated with unauthorized access and misuse, the Court directed **hospitals, clinics, and health tech companies to ensure that patient consent is a mandatory prerequisite before sharing medical data with**

third parties. This includes **insurance providers, pharmaceutical research firms, and AI-driven health analytics companies,** all of whom rely heavily on patient data for decision-making, underwriting, and medical advancements.

The judgment aligns with the **Personal Data Protection Act, 2023 (PDPA),** which grants individuals **greater control over their personal digital information,** including sensitive health records. The PDPA establishes a framework for **data processing, storage, and sharing,** reinforcing the principle that **medical data is highly sensitive and must be handled with the utmost confidentiality and legal safeguards.** By upholding **patient autonomy over their medical history,** the ruling strengthens **data privacy rights** in India's expanding digital healthcare ecosystem and ensures that **third parties cannot exploit personal health information without explicit and informed consent.**

This decision is particularly significant in light of the **Puttaswamy v. Union of India (2017)** case, in which the **Supreme Court declared the Right to Privacy as a fundamental right,** emphasizing that individuals must have **control over their personal information, including medical data.** The ruling also draws parallels with **global data privacy frameworks,** such as the **European Union's General Data Protection Regulation (GDPR)** and the **United States' Health Insurance Portability and Accountability Act (HIPAA),** which impose **strict regulations on how healthcare data is stored, shared, and accessed.**

In practical terms, this judgment places **new compliance responsibilities on healthcare providers, insurance firms, and AI-based health analytics platforms,** requiring them to **adopt stronger security measures, transparent data policies, and explicit consent mechanisms** before processing patient information. The ruling also empowers individuals to **seek legal recourse if their medical data is shared without authorization,** making hospitals and health companies **legally accountable** for any breaches. Furthermore, it ensures that **patients can access their medical records without bureaucratic delays,** enabling them to **make informed healthcare decisions** and exercise their **right to data portability under the PDPA.**

4. Allahabad High Court Rules That Triple Talaq Is Void Even If Given Abroad

Case Name: *Fatima Bano v. Imran Khan*

Court: Allahabad High Court

Bench: Chief Justice Pritinker Diwaker, Justice Mahesh Chandra Tripathi

Legal Topic: Personal Law, Muslim Women's Rights

Summary:

The **Allahabad High Court,** in a significant ruling, has reaffirmed that **instant Triple Talaq (Talaq-e-Bid'ah) is void and legally unenforceable,** even if it is pronounced outside India. The

judgment was delivered in a case where a **Non-Resident Indian (NRI) husband divorced his wife via WhatsApp from Dubai**, raising crucial legal questions regarding **the extraterritorial applicability of Indian personal laws**. The Court held that the **Muslim Women (Protection of Rights on Marriage) Act, 2019**, which criminalizes instant Triple Talaq, extends its jurisdiction beyond India, ensuring that **Muslim women are protected from arbitrary divorces regardless of where the pronouncement occurs**. This ruling prevents **NRIs from exploiting jurisdictional loopholes to escape legal accountability under Indian law**.

The **Muslim Women (Protection of Rights on Marriage) Act, 2019** was enacted following the landmark **Supreme Court judgment in Shayara Bano v. Union of India (2017)**, which declared **Talaq-e-Bid'ah unconstitutional** for being arbitrary and violating **Article 14 (Right to Equality) and Article 21 (Right to Life and Dignity)**. The 2019 legislation criminalized the practice, making it punishable with **up to three years of imprisonment and a fine**. The Allahabad High Court's ruling further strengthens this legal framework by clarifying that **Indian laws protecting Muslim women are applicable extraterritorially**, ensuring that **NRI husbands cannot exploit foreign legal systems to circumvent India's gender justice laws**.

The Court also relied on **principles of conflict of laws and extraterritorial jurisdiction**, asserting that **when an act has legal consequences in India, it must be governed by Indian law, even if it is committed abroad**. This aligns with **Section 3 of the Indian Penal Code (IPC), 1860**, which states that **any Indian citizen committing an offense outside India can still be prosecuted under Indian law**. Moreover, the Court emphasized that **personal laws in India must be interpreted in light of constitutional morality and gender justice**, reinforcing that **any form of arbitrary divorce depriving a woman of her legal rights cannot be upheld, irrespective of geographical boundaries**.

5. Supreme Court Rules on Protection of Transgender Persons in Public Sector Employment

Case Name: National Association for Trans Rights v. Union of India

Court: Supreme Court of India

Bench: Justice S. Ravindra Bhat, Justice P.S. Narasimha

Legal Topic: Constitutional Law, Gender Rights

Summary:

The **Supreme Court of India** has delivered a **landmark ruling mandating affirmative action for transgender persons in public sector employment**, reinforcing the **constitutional principle of equality and non-discrimination under Article 15**. This judgment ensures compliance with the **Transgender Persons (Protection of Rights) Act, 2019**, which recognizes the rights of transgender individuals and mandates their inclusion in public and private institutions. The

Court emphasized that **failure to implement proactive hiring policies for transgender individuals constitutes discrimination**, violating **Articles 14 (Right to Equality), 15 (Prohibition of Discrimination), and 16 (Equal Opportunity in Public Employment)** of the Indian Constitution.

This ruling builds on the **NALSA v. Union of India (2014) judgment**, where the Supreme Court **recognized transgender persons as a 'third gender'** and directed both **central and state governments to provide reservations and social welfare benefits to ensure their full participation in society**. Despite this progressive precedent, the Court noted that **implementation of these directives has been inadequate**, with transgender individuals facing **widespread discrimination in recruitment, promotions, and workplace inclusivity**. The judgment now directs **all government departments, public sector undertakings, and autonomous bodies to introduce specific reservation policies for transgender candidates in public employment**, ensuring their **meaningful representation in government jobs**.

From a **constitutional law perspective**, this ruling **expands the scope of affirmative action**, aligning it with existing reservations for **Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs)** under **Article 16(4)**. The Court emphasized that **affirmative action is not just about providing employment but about correcting historical injustices and ensuring substantive equality**. It also clarified that **transgender persons cannot be forced to choose between male or female categories in employment applications and must be provided a separate and legally recognized category**.

6. Bombay High Court Strikes Down Section 144 Orders Violating Fundamental Rights

Case Name: People's Forum v. State of Maharashtra

Court: Bombay High Court

Bench: Justice A.S. Chandurkar, Justice M.S. Karnik

Legal Topic: Administrative Law, Fundamental Rights

Summary:

The **Bombay High Court** has ruled against the **arbitrary imposition of Section 144 of the Code of Criminal Procedure (CrPC) by the Maharashtra police**, emphasizing that such orders **must not infringe upon citizens' fundamental rights**. The Court reaffirmed that **Section 144, which empowers authorities to impose restrictions on movement and assembly to maintain public order, should only be invoked in exceptional circumstances where there is an imminent threat to public safety**. It held that **blanket prohibitory orders, if issued without justification, violate constitutional protections under Articles 19 (Freedom of Speech and Assembly) and 21 (Right to Life and Liberty) of the Indian Constitution**.

The ruling draws heavily from the **Anuradha Bhasin v. Union of India (2020)** judgment, in which the **Supreme Court laid down the proportionality test for restrictions on fundamental rights**, particularly in cases involving **movement, speech, and internet shutdowns**. In that case, the Court had held that **any restriction imposed under Section 144 must be necessary, proportionate, and based on clear, objective reasoning**, ensuring that **executive power is not misused to curb civil liberties indiscriminately**. Applying the same principle, the Bombay High Court emphasized that **state authorities must follow due process, provide valid justifications for imposing restrictions, and ensure that such orders are neither excessive nor indefinite in duration**.

The judgment has significant **practical and legal implications**. First, it reinforces the **principle of due process**, ensuring that **government authorities cannot impose emergency restrictions as a means of suppressing dissent or controlling public opinion**. Second, it clarifies that **law enforcement agencies must demonstrate a genuine threat to public order before invoking Section 144**, rather than using it as a **preemptive or routine measure**. Third, it strengthens **judicial oversight over executive actions**, making it clear that courts will **strike down excessive restrictions that fail the constitutional test of proportionality**.

7. Karnataka High Court Upholds Right of Women to Inherit Agricultural Land

Case Name: Savitri Devi v. State of Karnataka

Court: Karnataka High Court

Bench: Justice Krishna S. Dixit, Justice Vishwajith Shetty

Legal Topic: Property Law, Women's Rights

Summary:

The **Karnataka High Court** has delivered a landmark ruling affirming that **women have an equal right to inherit agricultural land under the Hindu Succession Act, 1956**, even if they were previously denied this right due to **customary laws or state-specific land revenue provisions**. The Court struck down **discriminatory sections in Karnataka's land revenue laws**, which had previously prevented women, particularly daughters, from inheriting agricultural land on par with male heirs. By doing so, the Court reaffirmed that **Article 14 (Right to Equality) and Article 15 (Prohibition of Discrimination on Grounds of Sex) override any personal or customary laws that violate constitutional principles of gender justice**.

This ruling builds upon the **Supreme Court's judgment in Vineeta Sharma v. Rakesh Sharma (2020)**, where the Court had clarified that **daughters have the same coparcenary rights as sons in Hindu Undivided Families (HUFs)**, irrespective of whether their father was alive when the **2005 amendment to the Hindu Succession Act** came into force. Despite this landmark decision, **state land revenue laws and customary practices in many parts of India continued**

to deny women equal rights over agricultural land, citing patriarchal traditions and local inheritance customs. The Karnataka High Court, through its ruling, has now ensured that these discriminatory practices cannot supersede central legislation, particularly when they contradict constitutional mandates.

8. SEBI Imposes Penalties on High-Frequency Trading Firms for Market Manipulation

Legal Topic: Securities Law, Financial Regulation

Summary:

The Securities and Exchange Board of India (SEBI) has imposed penalties totaling ₹200 crore on multiple high-frequency trading (HFT) firms for their involvement in market manipulation through algorithmic trading malpractices. Following an in-depth investigation, SEBI discovered that certain firms had artificially influenced stock prices by exploiting high-speed automated trading systems, leading to unfair market advantages and distortion of price discovery mechanisms. These actions were found to be in violation of the SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003, which aim to safeguard market integrity and prevent unfair trade practices that could harm retail and institutional investors.

This ruling underscores SEBI's strict regulatory oversight of algorithmic trading, particularly in ensuring that technological advancements in stock market operations do not lead to unfair manipulation. High-frequency trading, which involves the use of sophisticated algorithms to execute a large number of trades within milliseconds, has been a contentious issue globally due to its potential to create market instability, price manipulation, and unfair advantages for certain traders over others. SEBI's crackdown aligns with global regulatory trends, where market regulators such as the U.S. Securities and Exchange Commission (SEC) and the European Securities and Markets Authority (ESMA) have imposed stringent regulations on algorithmic and high-frequency trading practices to ensure market fairness and stability.

9. Supreme Court Recognizes "Right to Be Forgotten" Under Data Protection Law

Case Name: XYZ v. Union of India

Court: Supreme Court of India

Bench: Justice D.Y. Chandrachud, Justice Surya Kant

Legal Topic: Data Privacy, Right to Be Forgotten

Summary:

The **Supreme Court of India** has reinforced the **Right to Be Forgotten (RTBF)** under the **Personal Data Protection Act, 2023**, ruling that **individuals can request the removal of their personal data from online platforms** to protect their **digital privacy**. This ruling is particularly significant in cases involving **sensitive personal information, criminal records, or past relationships**, where continued online availability may cause **unwarranted harm, reputational damage, or emotional distress**. The Court held that **the right to privacy includes control over personal data**, ensuring that individuals have **legal recourse to request the deletion or de-indexing of content that is no longer relevant or necessary for public access**.

The judgment aligns with the **landmark Supreme Court ruling in K.S. Puttaswamy v. Union of India (2017)**, which recognized **privacy as a fundamental right under Article 21 of the Constitution**. It also draws parallels with international jurisprudence, particularly the **European Union's General Data Protection Regulation (GDPR)**, which enshrines the **Right to Be Forgotten** as a core principle of data protection law. The Supreme Court emphasized that **while freedom of speech and the right to information under Article 19(1)(a) are essential in a democratic society, they must be balanced against an individual's right to control their digital footprint**. However, this right is **not absolute**, and the Court clarified that **public interest, journalistic freedom, and legal obligations may justify retaining certain data in exceptional cases**.

10. Gujarat High Court Recognizes Live-in Relationships for Maintenance Rights

Case Name: Pooja Sharma v. Ramesh Kumar

Court: Gujarat High Court

Bench: Justice N.V. Anjaria

Legal Topic: Family Law, Women's Rights

Summary:

The **Gujarat High Court** has delivered a significant ruling affirming that **women in long-term live-in relationships are entitled to maintenance under Section 125 of the Code of Criminal Procedure (CrPC), 1973**, provided the relationship qualifies as a **"marriage-like arrangement"**. This judgment recognizes that women who have **cohabited with their partners for a substantial period, shared domestic responsibilities, and were socially perceived as partners in a stable relationship** should not be left financially destitute if the relationship ends. The Court emphasized that **legal protection under Section 125 CrPC extends beyond formal marriages to relationships where women were dependent on their partners for financial security and household sustenance**.

The ruling aligns with the **Supreme Court's decision in Chanmuniya v. Virendra Kumar Singh Kushwaha (2010)**, where the Court held that **women in relationships resembling marriage**

should not be denied maintenance solely because the union lacks formal legal recognition. It further draws from **Indra Sarma v. V.K.V. Sarma (2013)**, in which the Supreme Court established criteria for identifying “**marriage-like relationships**”, including **duration of cohabitation, shared finances, social recognition, and intention to establish a family unit**. The Gujarat High Court reiterated that **denying maintenance to women in such relationships would contradict the objective of Section 125 CrPC**, which aims to **prevent vagrancy and financial hardship for dependent partners, irrespective of their marital status**.

Prelims Q&A

1. The Supreme Court’s recent ruling on Artificial Intelligence (AI) in judicial proceedings emphasized which key principle?

- a. AI can be used to make binding legal decisions
- b. AI-generated content must be verified before being used as evidence
- c. AI should replace judicial discretion for efficiency
- d. AI will have independent legal authority in court proceedings

Answer: (B) AI-generated content must be verified before being used as evidence

Explanation:

The Supreme Court ruled that AI should serve only as an aid to judges and lawyers and cannot replace judicial discretion. The Court mandated that **AI-generated content must be verified for accuracy and fairness before being used in legal proceedings**, reinforcing **constitutional protections under Article 21 (Right to Fair Trial)**. This ruling aligns with **global AI regulatory frameworks**, such as the **EU AI Act**, ensuring **transparency and fairness in legal technology applications**.

2. SEBI imposed ₹200 crore in penalties on trading firms for violating which regulatory framework?

- a. SEBI Act, 1992
- b. SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003
- c. Foreign Exchange Management Act, 1999
- d. Banking Regulation Act, 1949

Answer: (B) SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003

Explanation:

SEBI penalized **high-frequency trading firms** for **manipulating stock prices using algorithmic trading**, violating the **SEBI (Prohibition of Fraudulent and Unfair Trade Practices) Regulations, 2003**. This ruling **reinforces SEBI’s role in ensuring transparency and preventing unfair market manipulation**.

3. Under the Bharatiya Nyaya Sanhita, 2023, which of the following provisions introduces stricter punishment for organized crime and gang-related offenses?

- a. Section 102
- b. Section 110
- c. Section 115
- d. Section 120

Answer: (B) Section 110

Explanation:

The **Bharatiya Nyaya Sanhita (BNS), 2023**, introduces **enhanced penalties for organized crime, terrorism, and gang-related offenses**. **Section 110** of the BNS provides **stricter punishments for involvement in organized crime**, including **longer imprisonment terms and financial penalties**.

This provision aligns with **international best practices** on combating **transnational and organized crime**, ensuring that **India's criminal justice system effectively addresses modern-day security threats**. Judiciary aspirants must note that **organized crime laws have been strengthened to prevent gang-related violence and economic offenses**.

4. Which new provision under the Bharatiya Nagarik Suraksha Sanhita, 2023, allows for the trial of absconding criminals in absentia?

- a. Section 82
- b. Section 89
- c. Section 356
- d. Section 473

Answer: (D) Section 473

Explanation:

The **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, introduces **Section 473**, which allows for the **trial of absconding criminals in absentia (without their presence in court)**.

This provision ensures that **fugitives cannot escape justice by simply evading arrest or absconding**. It is particularly relevant for cases involving **economic offenders, terrorists, and fugitives who leave the country to evade prosecution**.

This reform reflects **global legal trends** where **absconding criminals can be tried**

and convicted even in their absence to prevent delays in justice delivery.

5. Under the Bharatiya Sakshya Adhiniyam, 2023, how has the law regarding the admissibility of electronic evidence changed?

- a. Digital records no longer require certification under Section 65B
- b. Electronic evidence is admissible only with police approval
- c. Only original digital records can be presented in court
- d. AI-generated evidence is automatically admissible

Answer: (A) Digital records no longer require certification under Section 65B

Explanation:

Under the **Bharatiya Sakshya Adhiniyam (BSA), 2023**, **electronic records, including digital evidence such as emails, CCTV footage, and social media content, are now treated as primary evidence**. Unlike the **Indian Evidence Act, 1872**, where **Section 65B certification was mandatory**, the **BSA allows direct admission of electronic records without additional certification**.

6. What major change has the Bharatiya Nyaya Sanhita, 2023, introduced in sedition laws?

- a. Sedition has been completely repealed
- b. Sedition has been replaced with a provision on "Acts Against National Security"
- c. Sedition now carries only a fine, not imprisonment
- d. The punishment for sedition has been reduced to three years

Answer: (B) Sedition has been replaced with a provision on "Acts Against National Security"

Explanation:

The **Bharatiya Nyaya Sanhita (BNS), 2023**, replaces the colonial-era sedition law (Section 124A of IPC) with a broader provision on "Acts Against National Security". This new provision **criminalizes acts that threaten India's sovereignty, integrity, and public order**, but with **more precise legal safeguards to prevent misuse**.

The change was made to **strike a balance between national security and free speech**, ensuring that **legitimate dissent is not criminalized** while still providing legal tools to deal with **anti-national activities**.

7. How has the law on hit-and-run accidents changed under the Bharatiya Nyaya Sanhita, 2023?

- a. Hit-and-run accidents now have a mandatory 10-year imprisonment
- b. Drivers fleeing an accident scene will face stricter punishments
- c. Victims of hit-and-run cases must file complaints within 24 hours
- d. The police must settle hit-and-run cases outside of court

Answer: (B) Drivers fleeing an accident scene will face stricter punishments

Explanation:

Under **Section 106 of the Bharatiya Nyaya Sanhita (BNS), 2023**, the law **imposes stricter penalties on drivers who flee the scene of an accident**, especially in **cases involving serious injury or death**.

This provision was introduced to **curb reckless driving and ensure accountability** in road traffic accidents. Previously, **many accused drivers escaped liability due to lenient penalties**, but under the **BNS**,

fleeing from an accident is now a serious criminal offense.

8. Under the Protection of Women from Domestic Violence Act, 2005, which of the following reliefs can a magistrate grant to an aggrieved woman?

- a. Protection orders and residence orders
- b. Custody orders and monetary relief
- c. Compensation for domestic violence
- d. All of the above

Answer: (D) All of the above

Explanation:

The **Protection of Women from Domestic Violence Act, 2005 (PWDVA)** provides a **comprehensive legal framework to protect women from domestic violence** and empowers magistrates to grant multiple reliefs:

1. **Protection Orders (Section 18)** – Prevents the respondent from committing further acts of domestic violence.
2. **Residence Orders (Section 19)** – Ensures that a woman has the right to reside in a shared household.
3. **Monetary Relief (Section 20)** – Compensation for medical expenses, loss of earnings, and maintenance.
4. **Custody Orders (Section 21)** – Grants temporary custody of children to the aggrieved woman.
5. **Compensation Orders (Section 22)** – Provides for damages caused due to violence, including mental torture.

The **landmark case of Indra Sarma v. V.K.V. Sarma (2013)** clarified that **live-in**

relationships resembling marriage also fall under the purview of this Act. This question is crucial for judiciary aspirants as it tests **conceptual clarity on statutory remedies available under women's protection laws.**

9. Under the Juvenile Justice (Care and Protection of Children) Act, 2015, what is the minimum age at which a child can be tried as an adult for heinous offenses?

- a. 14 years
- b. 16 years
- c. 18 years
- d. 21 years

Answer: (B) 16 years

Explanation:

The **Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act)** introduced a **major reform in juvenile justice law** by allowing children **aged 16 to 18 years to be tried as adults for heinous offenses.**

1. **Section 15 of the JJ Act, 2015** empowers the **Juvenile Justice Board (JJB)** to assess whether a child aged **16 to 18 years** involved in a **heinous crime** has the mental and physical capacity to commit the offense and should be tried as an adult.
2. **Heinous offenses** are those that carry a **minimum punishment of 7 years or more**, such as **murder, rape, and terrorism-related crimes.**
3. The **Supreme Court in Shilpa Mittal v. State of NCT Delhi (2020)** clarified that offenses not falling under **heinous or petty categories** cannot be treated as **serious offenses** under the JJ Act.

This question is critical for judiciary aspirants as it tests knowledge of **criminal liability of juveniles and procedural safeguards in juvenile justice.**

10. The Maternity Benefit (Amendment) Act, 2017, increased the paid maternity leave for working women from 12 weeks to how many weeks?

- a. 14 weeks
- b. 18 weeks
- c. 20 weeks
- d. 26 weeks

Answer: (D) 26 weeks

Explanation:

The **Maternity Benefit (Amendment) Act, 2017** enhanced **maternity benefits for women in India**, increasing **paid maternity leave from 12 weeks to 26 weeks** for women working in **establishments with at least 10 employees.**

Key provisions of the amendment:

1. **26 weeks of maternity leave** for the **first two children.**
2. **12 weeks of leave** for women who already have **two or more children.**
3. **Work-from-home option** where the nature of work allows.
4. **Mandatory crèche facilities** for organizations with **50 or more employees.**

In **Municipal Corporation of Delhi v. Female Workers (2000)**, the **Supreme Court** recognized the right to **maternity benefits as a part of the fundamental right to livelihood under Article 21**, reinforcing **gender equality in the workplace.**

Mains Q&A

Question

The doctrine of frustration under Section 56 of the Indian Contract Act, 1872, plays a crucial role in determining the discharge of contractual obligations due to impossibility or illegality of performance.

Critically analyze the scope and limitations of the doctrine of frustration with reference to Indian and English case law. Discuss whether the COVID-19 pandemic or similar unprecedented events would constitute a valid ground for frustration of contracts.

(10 Marks, 500 Words)

Answer:

The **doctrine of frustration**, as enshrined in **Section 56 of the Indian Contract Act, 1872**, plays a crucial role in determining **the enforceability of contracts when performance becomes impossible due to unforeseen circumstances**. This principle is grounded in **fairness and equity**, ensuring that neither party is unfairly burdened by obligations that are no longer feasible due to events beyond their control. In the realm of contract law, frustration occurs when an **unforeseen event fundamentally alters the nature of contractual obligations, rendering performance either physically or legally impossible**. However, not every difficulty or inconvenience amounts to frustration; courts apply a **strict and narrow interpretation** to ensure that contractual commitments are upheld unless there is a genuine impossibility.

The **scope of the doctrine of frustration** extends to various situations where performance becomes **objectively impossible**. If an unforeseen event **destroys the subject matter of the contract**, such as when an earthquake demolishes a rented property before possession, frustration occurs. Similarly, if a **change in law makes the performance illegal**, as seen when government regulations ban the trade of certain goods after a contract is signed, the agreement stands frustrated. Additionally, if an event **fundamentally alters the contract's purpose**, making it **radically different from what the parties intended**, the doctrine applies. However, **mere economic hardship, inconvenience, or delay does not suffice**, as courts seek to **preserve contractual certainty** and prevent misuse of the doctrine to escape obligations.

Indian and English courts have interpreted the doctrine through landmark judgments, shaping its application. In **Satyabrata Ghose v. Mugneeram Bangur & Co. (1954)**, the **Supreme Court of India** clarified that frustration does not require **absolute physical impossibility** but extends to cases where the contract's purpose is **defeated due to external factors**. The Court ruled that delays caused by **wartime restrictions** did not frustrate the contract since the performance was still possible in the future. This contrasts with the English case of **Krell v. Henry (1903)**, where a contract to rent an apartment for the **King's coronation procession** was held frustrated when the event was unexpectedly canceled. Here, the Court recognized that **the contract's entire foundation was the occurrence of the event**, and since it failed to take place, performance was unnecessary. Another important precedent, **Tsakiroglou & Co. Ltd. v. Noble Thorl (1962)**, held that **mere financial hardship or alternative performance routes do not constitute frustration**, reinforcing that difficulty or inconvenience alone does not render a contract void.

The **COVID-19 pandemic** raised critical legal questions regarding frustration of contracts, particularly due to **nationwide lockdowns, supply chain disruptions, and restrictions on**

business operations. While many businesses faced **severe financial distress**, courts examined whether pandemic-related disruptions amounted to **frustration or merely a case of force majeure (contractual impossibility due to unforeseen events)**. Courts held that **not all contracts were frustrated** since many agreements included **force majeure clauses**, which required parties to first invoke these provisions before claiming frustration under Section 56. In commercial contracts where alternative performance modes existed, courts refused to recognize frustration, emphasizing that parties **must explore all available remedies before seeking discharge of contractual obligations**.

Despite its utility, the doctrine of frustration has **strict limitations** to prevent its misuse. A party **cannot claim frustration if the event was foreseeable at the time of contract formation**, as contracts must account for reasonable risks. Furthermore, **self-induced frustration**, where a party **deliberately makes performance impossible**, is not protected under the doctrine. Courts also examine whether **alternative methods of performance exist**, as contracts will not be frustrated if **reasonable alternatives are available** to fulfill the obligations. If **only part of the contract becomes impossible**, the remainder may still be enforceable, limiting the application of frustration.

Clear Concepts

Key Concept in Child Law: The Best Interest of the Child Principle

The **Best Interest of the Child** principle is a fundamental concept in **child rights law**, ensuring that all decisions affecting children prioritize their well-being, safety, and development. This principle is enshrined in **Article 3 of the United Nations Convention on the Rights of the Child (UNCRC), 1989**, which India ratified in 1992. It has been incorporated into various Indian laws, including the **Juvenile Justice (Care and Protection of Children) Act, 2015**, the **Guardians and Wards Act, 1890**, the **Hindu Minority and Guardianship Act, 1956**, and the **Protection of Children from Sexual Offences (POCSO) Act, 2012**. Indian courts have consistently upheld this principle in matters concerning **custody, adoption, guardianship, child protection, and juvenile justice**, ensuring that **children's rights and welfare are safeguarded above all other considerations**.

In **Gaurav Nagpal v. Sumedha Nagpal (2009)**, the Supreme Court held that in child custody disputes, the paramount consideration is **the welfare and happiness of the child rather than the legal rights of parents**. Similarly, in **K.M. Vinaya v. B. Srinivas (2015)**, the Court reaffirmed that **custody should be awarded based on the child's emotional and physical well-being, and not merely on legal entitlements of parents**. The application of this principle is also evident in **Laxmi Kant Pandey v. Union of India (1984)**, where the Supreme Court laid down guidelines for **inter-country adoptions**, ensuring that adoptions are carried out only if they serve the child's best interest, thus preventing child trafficking and exploitation.

The **Juvenile Justice Act, 2015**, which governs the care and protection of children in India, explicitly recognizes the **Best Interest of the Child** in decisions related to **juvenile rehabilitation, foster care, and adoption procedures**. Courts, while interpreting provisions under this law, have emphasized that children in conflict with the law must be treated **with compassion and provided opportunities for rehabilitation rather than punitive measures**. This approach was reinforced in **Sheela Barse v. Union of India (1986)**, where the Supreme Court

directed the government to establish **separate facilities for juveniles to ensure that they are not detained with adult offenders, thereby protecting their rights and dignity.**

In the realm of **child sexual abuse laws**, courts have used this principle to ensure stringent implementation of the **POCSO Act, 2012**, which mandates child-friendly legal processes. In **State of Karnataka v. Shivanna (2014)**, the Supreme Court ruled that **trials in child sexual abuse cases must be fast-tracked, ensuring the victim's right to justice without undue delay.** This case reinforced the need for **sensitive handling of child witnesses and survivors** while ensuring that **their testimony is recorded in a manner that does not cause further trauma.**

Practically, the **Best Interest of the Child** principle has been instrumental in shaping policies related to **education, juvenile justice, adoption, and protection from abuse and exploitation.** It ensures that courts and child welfare authorities adopt a **child-centric approach**, considering factors like **the child's emotional security, mental and physical development, education, and overall well-being** before making any decision that affects them. For **judiciary aspirants**, understanding this principle is crucial, as it serves as the **foundation for child-related jurisprudence and judicial decisions**, ensuring that laws and policies concerning children are interpreted and applied in a manner that truly prioritizes their welfare.

