

## Legal Current Affairs (15 to 31st July)

### 1. Vice President of India Resigns

- On July 21, 2025, the 14th President of India, Jagdeep Dhankhar, resigned by submitting his resignation letter to President Droupadi Murmu, citing "health care" and "medical advice" as the reasons for his immediate departure. His resignation is in accordance with Article 67(a) of the Constitution.
- The President has accepted his resignation.
- Jagdeep Dhankhar is the first Vice President of India to resign from office mid term voluntarily.
- This mid-term exit, just before completion of nearly three years into his five-year tenure, caught many by surprise, especially as it occurred on the first day of the Monsoon Session of Parliament, where he had chaired proceedings earlier in the day as the ex-officio Chairperson of the Rajya Sabha. His tenure was up to 10th August 2027.

#### Legal provisions involved

#### Article 67 of Indian Constitution deals with term of office of Vice-President

The Vice-President shall hold office for a term of five years from the date on which he enters upon his office : (a) a Vice-President may, by writing under his hand addressed to the President, resign his office; (b) a Vice-President may be removed from his office by a resolution of the Council of States passed by a majority of all the then members of the Council and agreed to by the House of the People; but no resolution for the purpose of this clause shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution; (c) a Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

### 2. Mental health is an integral part of Article 21

#### Background of the case- (Sukdeb Saha v. State of AP)

- In July 2023, a NEET aspirant died after falling from the roof of Sadhna hostel in Visakhapatnam, where she was enrolled in preparation classes at Aakash Byju's Institute.
- The local police concluded that it is a suicide, but the concerns arose when they do not get any suicide note, there was discrepancies in CCTV footage and delay in recordings of the

injured student's statement. In this case also reported some medical negligence and destruction of forensic evidence.

- The student's father approached the Andhra Pradesh High Court demanding a transfer of the investigation to the CBI. But it was rejected by the court, then he appealed to the Supreme Court.

### Supreme Court's finding

- A two-judge bench of Justices Vikram Nath and Sandeep Mehta examined the case and found that there are some discrepancies in the investigation of police and a certain level of bias is also involved. Judges ordered a CBI probe, which must be concluded within four months.
- The Court referenced a National Task Force on Mental Health Concerns and Student Suicide Prevention, chaired by retired Justice Ravindra Bhat which is preparing broader policy recommendations for educational institutes and in absence of waiting for legislation and guidelines the Court exercised its writ jurisdiction under Article 32 and issued 15 binding interim guidelines under Article 141, declaring them law until statutory rules or regulations are made.
- **Mental health and Article 21**—The court reaffirmed that mental health is an integral component of the right to life and personal liberty under Article 21 of the constitution which the Court has previously interpreted to include dignity, autonomy, and psychological integrity (e.g., Shatrughan Chauhan, Navtej Singh Johar).
- The court for its guidelines has relied on Section 18 (right to access mental healthcare) and Section 115 (decriminalisation of attempted suicide) of the Mental Healthcare Act, 2017.
- The court also mentioned that it is India's international obligation under instruments like the ICESCR, CRPD and WHO's Mental Health Action Plan which affirm states' duty to prevent suicide and uphold mental health as a human rights obligation.

### Legal provisions involved

- **Article 141 of Indian Constitution** says that the order and decree of the Supreme Court is binding on all courts in India.
- **Article 32 of the Indian Constitution** grants individuals the right to approach the Supreme Court for the enforcement of their fundamental rights. It empowers citizens to seek direct redressal from the Supreme Court if their fundamental rights are violated.



### 3. Polyandry in Himachal Pradesh

#### Background

- In Shillai village of Sirmaur district (Himachal Pradesh) Sunita Chauhan married Pradeep and Kapil Negi in a public three-day ceremony honoring the traditional tribal custom called Jodidara or Ujala Paksha (in which one woman marry multiple men at the same time) which is a form of polyandry in Himachal Pradesh.
- The practice of Hatti Tribe focuses on the community desire to preserve undivided family property and it is also believed that it will strengthen the bond between brothers and provide security to the woman.
- Polyandry is generally banned under the Indian law but certain customs of the scheduled tribes are protected by the constitution of India.
- In the last six years at least five polyandrous marriages including the current marriage case were recorded across the Trans-Giri region particularly in Badhana village of Himachal Pradesh.

#### What is polyandry?

Polyandry is a form of marriage which is polygamous in nature in which two or more persons generally brothers have one wife. The tradition of polyandry in the state of Himachal is in practice since the time immemorial.

#### Provisions related to Polyandry under various law

- Polyandry is prohibited under Indian laws like Hindu Marriage Act, 1955 mandate strict monogamy for Hindus, Buddhists, Jains, and Sikhs and the Special Marriage Act, 1954 bans all polygamous unions including polyandry.
- Those who violate the provision of the Act face consequences under Section 17 of Hindu Marriage Act, 1955 read with Section 494 and 495 of the Bhartiya Nayaya Sanhita which criminalizes bigamy and polyandry.
- Scheduled Tribes enjoy a certain legal exemption under Section 2(2) of the Hindu Marriage Act, 1955, which states that the Act's provisions do not apply to scheduled tribes unless the Central Government specifically directs otherwise through an official notification.
- Costumes and traditions of the scheduled tribes are also protected under the Article 342 of Indian Constitution.

## 4. Article 19 versus Article 21 of Indian Constitution

### Background

- M/s Cure SMA Foundation, an NGO for persons with spinal muscular atrophy filed a petition in the court against challenging remarks made by several comedians including Samay Raina, Vipul Goyal, Balraj Ghai, Sonal Thakkar, and Nishant Tanwar during popular youtube shows like India's Got Latent. Their remarks allegedly mocked individuals with disabilities which infringed their right to live with human dignity under Article 21.
- The case raised questions about the conflict between the right to free speech and the right to live with human dignity.

### Court's Observation

- The Supreme Court's bench consisting of Justices Surya Kant and Joymalya Bagchi emphasized that "Article 19 can't overpower Article 21. Article 21 must prevail if any competition takes place."
- The Court focused on the right to life and dignity given under Article 21 and said it cannot be compromised for the sake of the right to free speech under Article 19.
- The Court directed the Central Government to develop guidelines and regulations to curb "obnoxious" and demeaning content on digital platforms like YouTube while preserving free speech under Article 19 and also keep the vulnerability of the certain section of the society in mind while framing regulations for the same.
- The Supreme Court's judgement clearly clarifies that constitutional rights such as Article 19 freedom of speech are subject to the limitation if they violate the Right to dignity under article 21 of the constitution.

### Legal provisions involved

#### Article 19(1)(a)- Freedom of speech and expression

This Article grants citizens the right to freely express their thoughts, opinions, and ideas. This includes the freedom to express oneself through speech, writing, printing, visual representations, or any other means.

#### Article 21- Right to life and personal liberty

The Supreme Court has expanded the scope of Article 21 in various landmark judgements to include the right to live with dignity as an integral part of the right to life. The court held that the right to live with dignity is the core concepts of other fundamental rights.



## 5. Mutual settlement in Rape Case (Madhukar & Ors. v. State of Maharashtra)

### Background

- In November 2023 two separate FIRs were filed in Jalgaon, Maharashtra, the first FIR involved charges related to assault and unlawful assembly against certain individuals and the second FIR lodged the very next day which accused one of those individuals of rape, intimidation and sexual harassment.
- In March 2024 the woman who had filed the complaint of rape, submitted an affidavit in the court stating that she no longer wished to continue the case of rape against the accused. She said that she had fully settled the matter with the accused and she had received rupees 5 lakh for her marriage expenses and now she is married and has moved on in her life.

### Courts proceedings

- In March this year the Bombay High Court rejected the application of complainant to quash the cases under Section 482 of the CrPC by saying that rape is a serious and non-compoundable offence so it cannot be quashed even if both the parties mutually agree to a settlement.
- The Supreme Court in July 2025 overturned the decision of the High Court and quashed both FIRs and all proceedings related to the case.
- The Supreme Court quashed FIRs in this case because the complainant explicitly wanted to withdraw from the case via affidavit which confirms a mutual settlement and that proceeding further would only cause unnecessary distress in her married life. The Court held that even though the crime of rape under Section 376 IPC is serious and non-compoundable but extraordinary power of the court under Section 482 CrPC allows quashing of the case in exceptional cases like this.

### Legal provisions involved

#### Section 376 of IPC- Punishment for Rape

It defines rape as a grave and “heinous” crime which is non-compoundable and carry a minimum punishment of seven years imprisonment which can be extended to life imprisonment or a death penalty in rarest of rare cases.

#### Section 482 of CrPC

It vests inherent powers in High Courts and the Supreme Court via special leave petitions to exercise jurisdiction in order to prevent possible abuse of the judicial process and to secure the ends of justice.

## 6. Case of Temple Entry (Venkatesan vs The District Collector & Others, 2025)

### Background

V. Venkatesan is a Scheduled Caste (SC) resident of Puthukudi village of Tamil Nadu. He challenged the entry ban of Scheduled Caste community devotees in the Arulmigu Puthukudi Ayyanar Temple. He pleaded before the court that the SC community should be allowed to enter and worship in the temple and there should not be any kind of discrimination on the basis of religion.

### Court's observations

- Justice Anand Venkatesh held that denying temple entry on the basis of caste to certain communities violates their right to equality and needs a legal action under the Tamil Nadu Temple Entry Authorisation Act, 1947.
- The court directed authorities including District Collector, Superintendent of Police and Revenue Divisional Officer to ensure that every individual of the SC community has unhindered access to temples and permit participation in temple worship and festivals.
- The Supreme Court warned that legal action must be taken against those who are obstructing SC devotees from entering the temple or participating in its religious events.
- The court said that Section 3 of the Tamil Nadu Temple Entry Authorisation Act, 1947 clearly and simply guarantees every Hindu the right to go into any Hindu temple and worship there irrespective of his/her caste. If anyone tries to stop a Hindu from entering or praying in a temple, it turns that person's act into a legal offence and the law allows criminal proceedings against them under the Act.

### Legal provisions involved

#### Sections 3 and 5 of the Tamil Nadu Temple Entry Authorisation Act, 1947

These sections ensure that every Hindu regardless of their caste or sect has a fundamental right to enter into any Hindu temple and offer worship irrespective of the fact that they follow any custom, law or usages. These laws also specify that no suit, prosecution or proceeding can be initiated based solely on caste-based exclusion from temple entry.

#### Article 14 of Indian Constitution- Right to equality

The right to equality under Article 14 of the Constitution of India, 1950 prohibits discrimination based on caste in accessing public places of worship.

## 7. International Child Custody Dispute (Viktoriiia Basu vs. State of WB)

### Background

- Viktoriiia Basu, a Russian national arrived in India in 2019 on an X-1 visa which later expired but was periodically extended by the courts order due to ongoing legal proceedings.
- Saikat Basu, an Indian engineer from Kolkata, estranged husband, and father of the minor child born October 29, 2020.
- The couple married in 2017 after meeting in China and later lived in India where their divorce proceedings are pending before a family court in Delhi (Saket).

### Courts proceedings

- The Supreme Court initially ordered the child to spend three days per week with the mother and the remainder with the father, replacing an earlier split-hours arrangement.
- A mediation report recommended joint custody of the child with close proximity housing in Delhi and shared parenting. The court also noted increased bonding between mother and child and need for school continuity.
- The Court allowed the mother limited nightly exclusive custody hours while maintaining a joint framework and requiring both parents to stay in Delhi in separate residences for stability and proximity.
- After the child and mother went missing on July 7 the Court directed Delhi Police, MEA and Home Ministry to issue a look-out circular and seize Viktoriiia's passport, notify all airports and ports and trace both her and the child for handover to the father as required by custody orders.
- The court labeled the possible escape a "gross contempt of court" with plans to issue a Red Corner Notice and activate diplomatic channels if necessary.
- The authorities traced her movement and found out that she arrived in Russia on 16 July.

## 8. Illegal surrogacy agreement (Amit Rama Zende vs State of Maharashtra)

### Background

- The complainant in the FIR alleged that between January and June 2022 she was sexually assaulted, physically abused and illegally confined by the accused, Amit Rama Zende.
- Amit presented a live-in agreement which was signed by the complainant, her mother and his wife under which the complainant would live with him for a year and bear a child then relinquish custody of the child and after completion of the task he will pay the

complainant. He argued that this agreement showed consensual sex and on the basis of that the FIR must be quashed under section 482 of CrPC.

### **Court's finding**

- The court observed that the live in agreement is an illegal surrogacy arrangement and not a valid live in relationship agreement because paid surrogacy is unlawful in India.
- The court also observed that consent taken under such an illegal surrogacy agreement does not qualify as valid consent under Section 90 (misconception or fear) of IPC and cannot serve as a defence against heinous crime like rape.
- The Court expressed serious doubts about the authenticity and voluntariness of the agreement because the complainant was an illiterate, economically distressed rural woman and also separated from her husband, so she is more vulnerable to exploitation. Medical evidence also confirmed nine injuries in the body of the complainant.
- On the basis of above observations the Court refused to exercise its Section 482 CrPC powers and court allow the criminal proceedings to continue.

### **Legal provisions involved**

#### **Section 90 of IPC- Consent known to be given under fear or misconception**

A consent is not such a consent as it intended by any section of this Code, if the consent is given by a person under fear of injury, or under a misconception of fact, and if the person doing the act knows, or has reason to believe, that the consent was given in consequence of such fear or misconception; or

Consent of an insane person- if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand the nature and consequence of that to which he gives his consent; or Consent of child. unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

**Section 482 CrPC** preserves the inherent powers of the High Court to issue orders necessary to:

Enforce any provision in the CrPC

Prevent abuse of the judicial process, and

Ensure the ends of justice are served.

It doesn't grant new powers it recognizes powers that courts inherently possess.

