

Legal Current Affairs (From 15 June to 30 June, 2025)

1. Andhra Pradesh High Court Clarifies the Definition of 'Ganja' under the NDPS Act

Justice Venkata Jyothirmai Pratapa presided over the case of Killo Subbarao & Ors v. State of AP determines that according to Section 2(iii)(b) of the **NDPS (Narcotic Drugs and Psychotropic Substances) Act of 1985**, 'ganja' is defined as:

- The flowering or fruiting tops of the cannabis plant and not the whole plant
- This definition of 'ganja' excludes seeds and leaves of the plant

Case specifics:

The petitioners were caught with 32 kg of cannabis material from Odisha and were charged under the relevant section of NDPS Act. The court concluded that there was no evidence indicating the presence or separate weighing of the flowering tops.

Legal Impact

In Andhra Pradesh the mere possession of only seeds or leaves of cannabis plants is inadequate for NDPS charges.

Investigative reforms are necessary: authorities are required to conduct morphological analysis and comply with inventory protocols.

This ruling is consistent with the precedent set by the Bombay High Court, which established similar definitions and granted bail in cases where top-separation was not demonstrated.

2. "Samvidhan Hatya Diwas — 50 Years Since the National Emergency"

On June 26 this year India marked the 50th anniversary of the National Emergency which was imposed in 1975. In **July 2024**, the **Union Home Ministry** issued a gazette notification formally declaring **June 25** each year as "**Samvidhaan Hatya Diwas**" literally meaning "Constitution Murder Day". Now the 25th June is observed as Constitution Murder Day.



Home Minister Amit Shah described it as a day to “pay tribute to all those who endured the inhuman pains of the 1975 Emergency”.

Prime Minister Narendra Modi called the Emergency “the darkest chapter of Indian history” and said “it symbolized how the Constitution can be trampled when democracy is undermined”.

What is a National Emergency? (Article 352)

Grounds for Proclamation: It can be proclaimed by the President of India when the security of India or any part of it is threatened by:

- War
- External Aggression
- Armed Rebellion

Process of Proclamation

The Union Cabinet must send a written recommendation to the President for the proclamation.

Parliamentary Approval:

- It must be ratified by both the Houses of Parliament within 1 month of its proclamation.
- It requires a special majority of both the houses of the Parliament that is the majority of the total membership of the House.
Two-thirds of members present and vote.
- If once approved the Emergency will be valid for 6 months and can be extended indefinitely with the fresh approvals of the Parliaments every 6 months.

Historical Precedents:

India has witnessed 3 National Emergencies:

1. In 1962 - Emergency due to war with China.
2. In 1971 - Emergency due to war with Pakistan it was later extended on grounds of internal disturbance that was imposed by the PM.
3. In 1975 - It was declared on June 25, 1975, for internal disturbances widely seen as misuse of power by the then PM.

3. Minor Rape Survivor’s Right to Abortion

Background



- The minor rape survivor petitioned the Rajasthan High Court seeking termination of her pregnancy.
- A single judge bench of the Supreme Court **dismissed** the plea and gave reason that the **fully developed foetus had a constitutional right to life under Article 21** and that termination would pose serious medical and psychological risks at its advanced stage to the foetus.
- Despite the survivor's distress and the conceiving crime, the judge relied heavily on a medical board's recommendation against terminating the late-term pregnancy, citing the advanced gestational age and potential danger to her health.

Supreme Courts verdict

- The Division Bench of Supreme Court **overturned** the single judge decision, holding that: "the fundamental right of a child rape victim to abort her pregnancy heavily outweighs the right of the foetus to be born."
- The bench emphasized the minor's **reproductive autonomy**, dignity, mental well-being, and constitutional rights as **paramount**.

Key Legal Directions

1. **Timely Processing:** Abortion requests by rape survivors must be addressed **within 3 days** by authorities.
2. **Consent Mechanism:** For minors, **guardian's consent** suffices courts needn't directly approve.
3. **Post-20 Week Procedures:** If pregnancy crosses 20 weeks (as per the MTP Act), the **District Legal Services Authority (DLSA)** should assist the minor in approaching the High Court.

4. Kolkata Law College rape case

On June 25, 2025, a 24-year-old first-year law student was **gang-raped** in the security guard's room at a law college in South Kolkata. The prime accused a former student now practicing as a lawyer and two senior students are alleged to have barricaded the door, assaulted her and later threatened her with a recording of the incident. All three suspects were arrested the same night and remanded to police custody until July 1, 2025.



Legal Provisions Invoked

- **Bharatiya Nyaya Sanhita (BNS), 2023** – Sections relating to rape and gang rape now reflect stricter punishments, including mandatory long term imprisonments and enhanced penalties for rape in institutional settings.
- **Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023- Section 396 BNSS** mandates compensation for survivors. Immediate arrests for heinous offences like rape are permissible without warrant.
- **Protection of Children from Sexual Offences (POCSO) Act, 2012** – While the victim is an adult, the procedural safeguards under POCSO (e.g., medical examination, trauma-informed investigation) inform best practices in such cases.

5. Actor Vijay Deverakonda charged under SC/ST (Prevention of Atrocities) Act

Actor Vijay Deverakonda has been booked under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 following remarks made during a promotional event for his film Retro. In the complaint filed by tribal rights activists, he alleges that Deverakonda compared the recent Pahalgam terror attack to tribal conflicts from 500 years ago, describing the attackers as “tribals from 500 years ago who used to fight without common sense”.

The provisions of the **SC/ST Act** infringed in this case are:

- **Section 3(1)(u)**: Punishes intentional insults or intimidation with intent to humiliate a member of a Scheduled Tribe in any place within public view.
- **Section 3(1)(v)**: Addresses intentional insults or intimidation with intent to humiliate a member of a Scheduled Tribe in any place within public view, including the use of words or gestures.
- These sections are designed to protect the dignity and self-respect of Scheduled Tribes against derogatory remarks and actions.

6. Andhra Pradesh HC states that Transgender Women can file a case of Cruelty

Pokala Sabhana, a transgender woman, married Viswanathan Krishna Murthy, a cisgender man. She filed a complaint under (Section 498A of the IPC) that deals with cruelty and dowry harassment that deals with (Section 4 of Dowry Prohibition Act) against her husband and in-laws.

The Andhra Pradesh High Court ruled that:

- The Court referred to NALSA (2014) judgment which upheld the right of transgender persons to self-identify their gender.
- A transgender woman in a heterosexual marriage is legally recognized as a “wife” under Section 498A IPC.
- A trans woman’s inability to reproduce is not a valid reason to deny her status as a “wife”.
- The Transgender Persons (Protection of Rights) Act, 2019 affirms the right to self-identify yo transgenders without gender change surgery.

7. NSG Black Cat Commando to Surrender in Dowry Death Case

- On **June 24, 2025**, the **Supreme Court** dismissed a plea by an NSG Black Cat Commando seeking **exemption from surrendering** in a **dowry death case**, underscoring accountability over service credentials.
- The commando was convicted under **Section 304 B of the IPC** that is dowry death by the court in **July 2004**, receiving **10 years’ rigorous imprisonment** for his wife’s death within two years of marriage due to dowry-related cruelty. The **Punjab and Haryana High Court** upheld this conviction of the commando in May 2025.
- When Singh appealed to the Supreme Court, he sought a **stay of surrender**, arguing that his participation in **Operation Sindoor** a counter-terrorism mission under the NSG—should exempt him.
- The Apex Court, however, firmly rejected this, stating that **military service cannot shield one from prosecution for home violence**. Justice Ujjal Bhuyan emphasized: “That doesn’t give you immunity from committing atrocities at home. It goes to show how physically fit you are and the manner in which alone you could have killed your wife, strangled your wife.”
- The Court noted that exemptions are reserved for **minor offences**—not grave crimes like dowry death. It issued notice on his special leave petition but refused to delay his surrender, granting just **two weeks** to surrender.

Legal Provisions involved

Section 304–B IPC (Dowry Death) This section applies when: A **married woman dies** within seven years of the marriage, due to **cruelty**, harassment, or pressure to meet **dowry demands**, and **cruelty or harassment** is shown immediately before death.

Penalties include **minimum 7 years**, extendable to **life imprisonment**, and the **burden of proof** shifts to the accused once prima facie evidence is shown.

In Singh's case, testimony from close relatives such as his in-laws established that he and others **strangled the wife** using a cloth scarf, meeting the criteria for Section 304 and possibly **Section 498A IPC** (dowry harassment). **Military service doesn't confer legal immunity** against criminal liability.

8. Supreme Court Ruling on Suspension of Convictions in Corruption Cases

In the landmark case CBI v. Roshan Lal Saini, the Court held that while appellate courts can suspend sentences, they must not suspend convictions in corruption charges against public servants unless truly exceptional circumstances exist.

Key rationale:

- Allowing convicted officials to remain in their posts undermines public confidence, demoralizes honest employees, and injures institutional integrity.
- Courts must ensure convictions stand in place **unless** there are extraordinary reasons to pause them.

Case History

Saini was convicted by the Tis Hazari Special Court under Sections 7 and 13 of the **Prevention of Corruption Act** and Section 120-B of IPC for demanding and accepting bribes. He received a sentence of rigorous imprisonment ranging from one to two years plus fine.

The Delhi High Court granted a stay on **both** conviction and sentence under CrPC Section 389, citing potential job loss if the conviction stood.

9. Supreme Court verdict on Compensation to Unreleased Prisoners

- The Supreme Court of India in **Aftab v. State of Uttar Pradesh** strongly condemned the illegal detention of an undertrial prisoner who remained in jail for nearly a month after being granted bail.
- Due to a clerical mistake - specifically the omission of "(i)" in the bail documents - the jail authorities delayed his release until 24 June 2025.
- The Supreme Court, deeply disturbed by the lapse, noted that such detention, even if unintentional, constituted a serious violation of **Article 21 of the Constitution, which guarantees the right to personal liberty.**

- The Court emphasized that “liberty is a sacrosanct right, and no individual should suffer incarceration because of bureaucratic negligence or documentation errors”. As a remedy, the Court directed the Uttar Pradesh government to pay ₹5 lakh as interim compensation to Aftab, making it clear that the amount could be enhanced to ₹10 lakh if such negligence continued in other cases.

10. Live-in relationships are against the interest of women and middle-class norms: Allahabad High Court

The Case Context

- The court was considering a bail plea in a rape case where the accused allegedly lured a woman into a live-in relationship under false promises of marriage.
- The single-judge bench (Justice Siddharth) used the opportunity to comment on broader societal concerns tied to live-in arrangements.

Court's Contentions

1. **Contrary to Middle-Class Values**
Live-in relationships is legal but “against the values held by Indian middle-class society”. The court said it was “fed up” with rising cases resulting from such arrangements being brought to it.
2. **Women Bear the Brunt**
Post breakup, women face social stigma, difficulty finding a marital partner, and psychological distress.
The court warned of emotional harm and even cited instances where women have taken extreme actions.
3. **Threat to Marriage & Society**
Presenting it as part of a “systematic design to destroy the institution of marriage and destabilise society,” the court said it fears for middle-class morality and institutional stability.

Bail Outcome

- Despite these observations, bail was granted to the accused, but with strong caveats outlining how live-in relationships can be risky especially for women and emphasizing their incongruity with middle-class moral expectations.

- Notable Citations“After live-in-relationship has been legalized by the Apex Court, the Court has become fed up with such cases.”
“It is difficult for the female partner to find a male partner for marriage...militates against her efforts to regain her social status.”
- The Allahabad High Court, while granting bail, issued strong moral judgments against live-in relationships, critiquing them as socially destabilizing, legally strained against middle-class norms, and disproportionately harmful to women.

11. Cheating case against Shaadi.com and its founder, Anupam Mittal

- A doctor from Hyderabad was deceived by Cherukuri Harsha who created a fraudulent matrimonial profile on Shaadi.com using a premium "Select Shaadi" account, falsely claiming to be the son of a doctor based in the United States. Over time, he extorted ₹11 lakh from her by fabricating emergencies and, when confronted, threatened to alter her photographs and demand an additional ₹10 lakh.
- During the investigation, authorities uncovered at least 20 similar incidents, suggesting a pattern of systematic exploitation through fake profiles and the misuse of Shaadi.com's unverified "premium" services.
- Cybercrime officials have filed charges against Shaadi.com, naming Anupam Mittal (founder/CEO) due to significant failures in user verification and negligence in content moderation, which could result in the platform losing safe-harbor protections under Section 79 of the IT Act.
- The FIR indicated that despite claims of a "verified profile," no actual documentation was verified. Fraudsters were able to reach victims through relationship managers with minimal oversight.

Court Proceedings

Executives from Shaadi.com submitted petitions to the Telangana High Court seeking to quash the FIR, contending that they merely provide a dating platform and are not accountable for user actions. On April 25, 2025, the Telangana High Court dismissed their request, asserting that intermediaries cannot evade responsibility when they profit from premium services while neglecting user safety.

Supreme Court Stay

- On June 26, 2025, the Supreme Court, through a bench comprising Justices Sandeep Mehta and Joymalya Bagchi, stayed the proceedings against Anupam Mittal.
- The Court requested a response from the Telangana police and suspended lower court actions pending further examination.

Implications for Digital Platforms

This case establishes a significant precedent: online intermediaries may face criminal liability if they fail to verify profiles, particularly for paid "verified" services, and if fraudulent activities are detected.

12. The Supreme Court has denied the request to transfer control of the Mahabodhi Mahayira temple to Buddhists

The petition, submitted in 2012 by monks Bhante Arya Nagarjun Surai Sasai and Gajendra Pantawane, contests the constitutionality of the Bodh Gaya Temple Act of 1949, aiming for exclusive Buddhist governance over the Mahabodhi Temple.

Widespread Protests and Hunger Strikes

Buddhist organizations, including the All India Buddhist Forum and various monks, have initiated hunger strikes since February 2025, demanding the repeal of the temple act and complete management rights, expressing concerns regarding Brahminical rituals conducted under non-Buddhist oversight.

Identity & Heritage Stakes

Many contend that the Mahabodhi Temple, recognized as the location of the Buddha's enlightenment, should be managed by Buddhists, invoking arguments of religious freedom and cultural justice.

The Supreme Court has dismissed a petition requesting directives to transfer the control and management of the Mahabodhi Mahavira temple in Bodh Gaya, Bihar, to Buddhists. A Bench comprising Justices MM Sundresh and K Vinod Chandran stated that a plea filed under Article 32 of the Constitution cannot be considered directly by the Supreme Court on this matter, and advised the petitioner to seek recourse through the Patna High Court.

