

Legal Current Affairs of August 2025

1. Right to Travel Abroad

Background of the Case (Mohammad Muslim vs UOI)

- Mohammad Muslim Khan was already facing a criminal trial under Sections 498A (cruelty to wife) and 406 (criminal breach of trust) of the Indian Penal Code. A chargesheet had already been filed in the case.
- He pleaded in the court for re issuance of his passport to travel abroad to perform the Haj, Umrah and Jiyarat in Mecca and Medina.
- On April 16 this year the trial court allowed him to approach the Passport Authority for re issuance of his passport but the authority did not grant him clear permission to travel abroad. On May 7, 2025 Passport Office rejected his application by citing no direction from the court for travel.
- Mohammad Khan then approached the Rajasthan High Court and filed a writ petition under Article 226 of the Constitution for breach of his fundamental right under Article 21 of the Indian Constitution.

High Court's order

- Justice Anoop Kumar Dhand held that denying permission to travel abroad for religious purposes based solely on a pending criminal case violates Article 21 of the constitution.
- The court relied on the Supreme Court's judgement in Menka Gandhi vs Union of India (1978) and reaffirmed that any restriction on personal liberty of a person must be lawful, reasonable, fair and non-arbitrary. It further noted that the Passport Act and related rules provide for travel via proper court permissions even when cases are pending in court.
- The High Court emphasized that reasonable conditions could be imposed on the person to safeguard the court trial's integrity such as bonds, return deadlines, passport surrender and scheduled court appearances to balance the rights of the person with safeguards.
- The High Court quashed the passport authority's rejection of his application and allowed the petitioner to travel abroad until September 30, 2025. But the travel is limited to Mecca and Medina and only for religious purposes. The court also imposed certain restrictions on the petitioner's travel abroad which included return by the specified date, appearance in court after the travel and surrender of the passport after return from the religious pilgrimage.
- The court also issued certain guidelines to the subordinate court and directed them to issue clear and specific decisions either granting or denying travel to eliminate ambiguity in the

court's ruling and guide passport authorities effectively. The Registrar General was instructed to circulate this directive widely among the judicial officers.

Legal provisions involved

- **Article 21 of Indian Constitution Right to life and personal liberty:** No person shall be deprived of his life or personal liberty except according to procedure established by law. The right to travel abroad especially for religious purposes like Haj was held to be part of personal liberty under Article 21.
- **Section 498 A of IPC- Cruelty by husband or relatives:** It punishes husbands or relatives who subject a woman to cruelty whether mental or physical harassment especially for dowry. This was the pending criminal charge against the petitioner. However, the court clarified that pendency alone does not justify denial of travel rights.
- **Section 406 of IPC- Criminal Breach of Trust:** It punishes misappropriation of entrusted property. The court held that the nature of the offense did not bar conditional travel.

2. Inheritance rights of tribal women

Background of the case (Manni Devi vs Rama Devi & ors)

- Manni Devi is a woman from the Meena Scheduled Tribe and she is the only child of her father. She challenged a gift deed executed by her father in the year 2018 seeking recognition of her right to ancestral property.
- She initially filed a complaint before the Sub-Divisional Officer (SDO) but after the revision of the complaint the Board of Revenue dismissed her plaint under Order VII Rule 11 of the CPC and hold that Section 2(2) of the Hindu Succession Act, 1956 does not apply to members of any Scheduled Tribe unless the Central Government issues a notification to the contrary.

Court's ruling

- The Rajasthan High Court held that denying equal inheritance rights to tribal daughters and granting the same rights to the non-scheduled tribe daughters is unjustified. Such an exclusion of rights is contrary to the fundamental rights guaranteed under Articles 14, 15 and 21 of the Constitution.
- The judgment of the court is based on recent Supreme Court rulings of Kamla Neti vs Special Land Acquisition Officer (2023) and Ram Charan vs Sukhram (2025) case which emphasized on giving of inheritance rights in ancestral property to tribal women and called for amending Section 2(2) of the Hindu Succession Act, 1956 to bridge these inequities.

- The High Court set aside the Board of Revenue's order and directed the Sub Divisional Officer in Chaksu to re-adjudicate the claims of the Manni Devi on merits, restoring her opportunity to assert her rights.
- The court strongly urged the Central Government to amend Section 2(2) of the act, urging reform to ensure tribal women enjoy equal inheritance rights in the ancestral property like non tribal hindu women.

Legal provisions involved

- **Section 2(2) of the Hindu Succession Act, 1956** says that nothing contained in this Act shall apply to the members of any Scheduled Tribe within the meaning of clause (25) of Article 366 of the Constitution unless the Central Government by notification in the Official Gazette, otherwise directs.
- **Order VII Rule 11 (Rejection of Plaint)** -It allows a court to reject a plaint or civil complaint if it does not disclose a cause of action, is barred by any law, or lacks necessary formalities.
- **Article 14** (Equality before law), **Article 15(1)** (Prohibition of discrimination) and **Article 21** (Right to life and personal liberty) of the Indian Constitution.

3. Failure to lower the National Flag after sunset is not an Insult

Background of the Case (Vinu C. Kunjappan vs State of Kerala)

- Vinu C. Kunjappan, then Secretary of Angamaly Municipality, hoisted the National Flag on Independence Day in 2015. The flag remained hoisted until noon two days later without being lowered after sunset which is contrary to the Flag Code of India.
- A suo moto FIR was registered against him under Section 2(a) of the Prevention of Insults to National Honour Act, 1971 and Rule 3.6 of the Flag Code of India, 2002. After proceedings began in the trial court the case reached the High Court of Kerala.

Court's Ruling

- Justice Kauser Edappagath quashed the criminal proceedings against him and affirmed that mere failure or lapse in lowering the flag after sunset without deliberate intent does not amount to disrespect, insult or dishonour to the flag as envisaged under the 1971 Act.
- The court also ruled that the Flag Code of India, 2002 is a set of executive instructions and it is not a statutory law. So no compliance with the provision of the Act can trigger criminal liability under the Article 13 of the Indian Constitution.



- The court also ruled that there is no proof of intent of mens rea or criminal intent and intention to insult or demean the flag thus no offence was made out.

Legal provision involved

- **Prevention of Insults to National Honour Act, 1971- Section 2(a)** of the act prohibits acts such as burning, defacing, mutilating or otherwise showing disrespect to the Indian National Flag.
- **Flag Code of India, 2002 (Rule 3.6)**- This rule offers guidance on proper display and etiquette of the national flag. For example lowering of the national flag at sunset.

4. Supreme Court ordered abolition of Manual Rickshaw Pulling

Background of the case (In Re: T.N. Godavarman Thirumulpad vs Union of India & Ors)

- In May 2022, the Supreme Court allowed Maharashtra to introduce e-rickshaws in Matheran on an experimental basis intending to replace more harmful hand-pulled rickshaws operated within a fragile eco-sensitive zone. This move was focused on environmental conservation in the eco-sensitive region.
- After the time concerns were raised by the local stakeholders like horsemen association about issues such as the use of e-rickshaws and proposed road modification.
- In the year 2024 it was clarified that the e rickshaws scheme will serve as a compensation mechanism for the loss of livelihood and would be exclusively available to those individuals who had previously pulled handcarts.
- The court also restricted the number of e rickshaws to 20 to maintain a balance between innovation and conservation.

Supreme Court's Judgement

- The supreme court bench comprising Chief Justice B.R. Gavai, Justice K. Vinod Chandran and Justice N.V. Anjaria strongly denounced the continuation of manual rickshaw pulling even after the 78 years of Independence.
- They ruled that the continuation of this practice is contrary to the concept of human dignity and warned that allowing it diminishes India's constitutional commitments to social and economic justice especially in a developing country context. The bench ordered the immediate abolition of manual rickshaw pulling.
- The court also highlighted that it is inhuman to make one person pull another.



- The Court ordered a complete ban on hand-pulled rickshaws within six months of the judgment and mandated the adoption of an e-rickshaw scheme on the lines of Kevadia, Gujarat.

Legal provisions involved

Manual rickshaw pulling violates the right to live with human dignity under **Article 21 of the Indian Constitution**. Inhumane labour conditions undermine the right to just work under **Article 41 and 43 of the Indian Constitution**.

5. Supreme Court declares man only reservation unconstitutional in JAG

Background

- JAG branch was opened to women by a 2023 notification under Section 12 of the Army Act, 1950. It allocated six vacancies to male candidates and only three seats to female candidates.
- It maintained separate merit lists for each gender, effectively limiting women's selection regardless of performance.
- Two women officers- **Arshnoor Kaur** and **Astha Tyagi** ranked 4th and 5th among female candidates and scored higher marks than some selected male candidates (e.g., one male candidate ranked 3rd among men had fewer marks than other women).

Supreme Court's finding

- The Supreme Court observed that the policy of segregating vacancies by gender is arbitrary and unconstitutional which violates **Articles 14 (Right to equality), 15 and 16 (non-discrimination in public employment)** of the constitution and it also exceeds what Section 12 of the Army Act allows.
- The Court ruled that once women are permitted to join the JAG branch, no further numerical restriction may be imposed by the executive on the number of vacancies and such caps must stem from law, not policy.
- The Supreme Court held that the proposed 50:50 intake ratio which was imposed to rectify historical exclusion of women was discriminatory. The Supreme Court emphasized that gender neutrality must hinge on merit and not on rigid numerical quotas.
- By seeing Arshnoor Kaur's merit ranking (447 marks versus 433 of a selected male candidate) the Court directed her induction into the next available JAG batch. Astha Tyagi, the other petitioner, had since joined the Navy's JAG branch so the Court did not grant her relief.

Legal provision involved

Article 14 of Indian Constitution deals with Right to Equality, **Article 15** prohibits discrimination by the State on various grounds including sex and **Article 16** ensures equality of opportunity in public employment.

Article 33 deals with application of fundamental rights to armed forces

Allows Parliament to restrict or modify fundamental rights for military personnel. The Court clarified that such restrictions must be explicitly legislated and **cannot be introduced via executive policy**.

Section 12 of Army Act, 1950

This provision allows the government by notification to designate certain army branches (such as JAG) as open to women. However, it does not authorize any further numerical restrictions such as capping the number of women admitted. Once the branch is opened via Section 12, further administrative limits are impermissible.

6. SC Demands Stray Dogs Be Relocated to Shelters for Public Safety

Background

- The Supreme Court took suo moto cognizance of a Times of India report titled “**City Hounded by Strays, Kids Pay Price**”. In this report the newspaper highlighted a disturbing rise in dog bite incidents and rabies cases specially among children and elderly in Delhi and surrounding areas.
- The supreme court bench held by Justice J.B. Pardiwala termed the situation “deeply disturbing” and ordered registration of a public interest writ petition.
- The report mentioned data that highlighted **20,000 dog-bite cases nationwide per day** including around 2,000 cases of dog bites in Delhi daily which sparked an urgent concern. It also referenced horrified individual incidents such as a four year old boy attacked by a pack of strays.
- Official data highlighted more than **37 lakh dog bite incidents nationwide in 2024** with around **25,201 cases in Delhi**. January 2025 alone saw 3,196 bite incidences which mark a nearly 50% increase in dog bite cases from prior years.



Supreme Court Verdict

- A two-judge bench consists of Justices J.B. Pardiwala and R. Mahadevan issued a suo moto order directing authorities across Delhi NCR to capture stray dogs and build shelter homes and related infrastructure for at least 5,000 dogs within 6 to 8 weeks of court's verdict.
- The court also ordered sterilization, immunization, proper care of dogs and CCTV surveillance. Direct adoptions of the stray dogs are discouraged to ensure that no dog is released back into public. Any adoption must follow strict standards and protocols.
- A helpline number must be set up to ensure bite-related capturing within 4 hours of the incident and authorities must publish data on rabies vaccine stock.
- After widespread backlash from the public and legal challenges, Chief Justice B.R. Gavai transferred the matter to a three-judge bench consisting of Justices Vikram Nath, Sandeep Mehta, and N.V. Anjaria for reconsideration.
- The three judges bench on August 11 did not grant a stay, instead reserved its judgment. The court also sharply criticized local authorities for systemic inaction and sought clarity on their positions and preparedness. The court observed that authorities had systematically failed over years despite the Animal Birth Control (ABC) Rules.

Legal provision involved

- **Prevention of Cruelty to Animals (PCA) Act, 1960-** This central law criminalizes acts of cruelty towards animals and establishes the Animal Welfare Board of India (AWBI) for the enforcement of provision of this act.
- **Animal Birth Control (ABC) Rules-** These rules operate under the PCA Act to manage stray dog populations humanely via sterilization and vaccination but not relocating or killing.
- **Article 21 of Indian Constitution-** The fundamental right of Right to life and personal liberty extends to public safety and protection from stray dog threats.

7. Only Parliament Grants Citizenship But ECI Can Decide Voter Inclusion- Supreme Court

Background

- On June 24, 2025, the ECI initiated a Special Intensive Revision (SIR) under the powers granted by Article 324 of the Constitution and Section 21(3) of the Representation of the People Act, 1950.



- This exercise aimed to update Bihar's electoral rolls which hadn't been revised since the year 2003. The need to revise the electoral roll arose due to rapid urbanisation, migration, demographic changes and to eliminate ineligible entries like duplicates and deceased voters.
- The SIR required individuals not on the 2003 voter list to submit new documentation, including proof of birth and citizenship via door-to-door enumeration by Booth Level Officers (BLOs). Political party 'Booth Level Agents' (BLAs) also participated in the process and pre-filled forms were used to assist voters in familiarizing themselves with their status.
- Association for Democratic Reforms and opposition parties alleged that the SIR's documentation and procedural requirements could disenfranchise marginalized communities, migrants and poorly documented voters because documents like Aadhaar, voter ID and ration cards were not initially accepted. They also raised alarm over the tight timeline set just months ahead of the November 2025 assembly elections in Bihar.

Supreme Court's Ruling

- In July the Supreme Court refused to halt the SIR and it suggested Aadhaar, EPIC (voter ID) and ration cards should be considered as valid identity documents and the court also affirmed that electoral rolls must be revised periodically.
- The draft electoral roll which was released on August 1 revealed that a total of 65 lakh voters' names were missing in the roll.
- The Supreme Court directed the ECI to publish the names of excluded voters along with reasons on the official websites of all District Electoral Officers and the Bihar Chief Electoral Officer. The court told the authorities to ensure wide publicity of the same via newspapers, Doordarshan, radio and display booth-wise lists at panchayat and block offices. Also to make the lists searchable by EPIC number and available in local languages and accept Aadhaar and EPIC as valid documentation for objections or corrections.
- The Supreme Court clarified that while Parliament legislates citizenship then if once someone is legally recognized as a citizen of India the ECI has the authority to include them in electoral rolls and similarly to exclude non-citizens from the electoral rolls.
- The Court expressed concern over relying solely on self-declaration for citizenship, noting the potential for legal complications. It stressed that such statements should be verified by the ECI.

Legal provisions involved

- **Article 324 of the Constitution** empowers the Election Commission of India (ECI) with regard to superintendence, direction, control over the preparation of electoral rolls and conduct of free and fair elections.
- **Article 326- Right to Vote**
It guarantees universal adult suffrage to every Indian citizen aged 18 or older who is not disqualified under law has the right to vote.

- **Representation of the People Act, 1950**

Section 21(3) authorizes the ECI to conduct special (intensive) revisions of electoral rolls. But the reasons for such a move must be recorded.

