

Legal Current Affairs of March 2025

1. “Presence Alone Does Not Prove Guilt: Gujarat Riots”

Case Background

- Police in Vadod village of Gujarat, received information that a mob of people had surrounded a mosque and graveyard. So they intervened in between and faced stone-pelting by the mob, and they resorted to tear gas and firing to disperse the crowd, which led to a stampede. Seven people were arrested on the spot and a total of 19 were charged under IPC.
- Trial Court (2005): It acquitted all 19 accused of the crime in the case due to failure of police to identify individuals or their specific roles in the crime, there were contradictions in witness testimony and lack of incriminating evidence.
- Gujarat High Court (May 5, 2016): While keeping the acquittals for 12 accused it convicted six individuals, by giving reason that their presence at the scene even without direct evidence proved participation in an unlawful assembly.

Supreme Court's Decision

Just mere presence at the crime scene or even being arrested from there does not automatically establish being part of an unlawful assembly especially in situations which involve large crowds, absent overt acts or weapons linking the accused.

What SC said On Evidence:

- No dangerous weapons, inflammatory things, or destructive objects were seized from the accused.
- The stampede-like environment caused by police firing could easily lead to innocent bystanders being caught up and arrested mistakenly by the police.
- In Witness testimony there is a lack of proper identification of the accused or consistent description of the situation.

Legal Safeguard

The court emphasized on the need to protect innocent bystanders in mass stampede like cases. A “rule of caution” applies: that means convictions should be based on specific overt acts or consistent and proper witness testimony.



Occupation vs. Intent

Since the accused were residents of the same village and no curfew was imposed then the mere presence of individuals was natural. Their arrest raised suspicion of commission of crime but was not proof of criminal intention.

Order

The Supreme court released the accused from their bail obligations and held that no surrender was required.

2. “SC Convict father in POCSO Case of his daughter”

Background

The appellant’s 9-year-old daughter reported that on October 22, 2015, her father called her to the rooftop of her Fatehpur home and assaulted her sexually, also detained her overnight. When her mother came to know about the situation she filed an FIR. Her father was convicted under Section 376 of IPC and the relevant Sections of POCSO Act and was sentenced to life imprisonment by the Court.

Supreme Court’s Findings

On IPC vs. POCSO (Sections 42 & 42A)

- Section 42 of the POCSO Act mandates using the more severe punishment when an offence is punishable under both IPC and POCSO Act but if IPC provides a harsher sentence, then that will apply.
- Section 42A of the POSCO Act which grants provisions of the Act an overriding effect where found inconsistent, cannot override Section 42’s mandate.

Sentence Validity and Modification

- The sentence of life imprisonment does not automatically mean imprisonment for natural life of a person unless explicitly mentioned by the court awarding the sentence. If The High Court’s enhance the punishment it is not permissible without a State’s appeal for increased punishment of the accused.
- Focusing on the Veerendra Case (2008) and Swamy Shraddhananda Case (2008), the SC determined that a fixed term of 30 years imprisonment is an appropriate, proportionate substitute for “natural life” imprisonment.

Final Orders

Conviction: Supreme Court upheld punishment under Section 376 of IPC that is “punishment for rape” and Section 3 and 4 of POCSO Act.

Sentence: Life term imprisonment is restored by the court without the tag of “natural life” sentence. The accused will pay a fine of rupees 1,00,000 to the victim and in case of non payment of fine default of 2 years will be awarded. Punishment of imprisonment and fine will run concurrently and not in substitute of each other.

3. “SC Put a Stay on Lokpal’s Jurisdiction to Probe Sitting High Court Judges”

Background

A complaint was filed before the Lokpal alleging the misconduct of a sitting Additional Judge of a High Court that he had influenced other judges of that High Court in favor of a private company. In January this year, a seven judges bench of the Lokpal, which was led by the Supreme Court judge A.M. Khanwilkar, held that sitting judges of High Courts constituted under Acts of Parliament are “persons” under Section 14 of the Lokpal and Lokayuktas Act, 2013, and therefore will fall under the jurisdiction of the Act.

Supreme Court’s Suo Moto Action

The Supreme Court took the suo moto cognizance case and held the order as “very, very disturbing,” the Supreme Court put a stay on the Lokpal’s jurisdiction and issued notices to the Centre Government, Lokpal Registry, and the anonymous complainant with confidentiality safeguards.

Bench Observations

The Court highlighted serious constitutional concerns about the independence of the judiciary and the separation of powers of the government. It noted that High Court judges are constitutional authorities which are appointed under Articles 217 and 124 of the Constitution, and not only public servants under ordinary statutory law.

Lokpal and Lokayuktas Act, 2013

The Lokpal and Lokayuktas Act, is constituted to check the cases of Corruption at national and state levels. It empowers Lokpa and Lokayuktas to investigate public servants including the PM, ministers, MPs, MLAs and government officials within strict timelines and with direction over CBI.



4. “SC Initiates In-House Inquiry Against Justice Varma Amid ₹15 Cr Cash Controversy”

Background

A fire broke out in a storeroom near Justice Varma’s official residence in New Delhi on the night of 14–15 March 2025. After controlling the fire, police found inside the storeroom several semi-burnt sacks of cash which are estimated to be nearly ₹15 crore.

Supreme Court's Order and In-House Inquiry

- On 22 March, Chief Justice of India Sanjiv Khanna initiated an in-house inquiry against the judge and a three-member committee was constituted to inquire into the probe, which constitutes: Chief Justice Sheel Nagu of Punjab & Haryana HC and G.S. Sandhawalia Chief Justice of Himachal Pradesh HC and Justice Anu Sivaraman of Karnataka HC.
- The SC directed the Delhi HC Chief Justice to take away all the judicial work from Justice Varma till the completion of in house inquiry.
- The committee inspected the storeroom thoroughly (about 30–45 minutes on 25 March) to probe the cash allegations.
- On 28 March the Supreme Court Collegium recommended his transfer and the Department of Justice transferred him back to the Allahabad High Court which was his parent Court.

Justice Varma’s Point:

- He denied all allegations against him stating that the storeroom was a common space used by staff and inaccessible to him and his family, and he claimed that no cash was visible when he inspected the storeroom.
- He alleged that the incident of fire was a “conspiracy to frame and malign” him, challenging the authenticity of video evidence.

Legal Procedure involved

The impeachment procedure of a High Court judge mentioned under the Constitution:

- **Article 217(1)(b)** says that High Court judges can be removed “in the manner given under Article 124 which mirrors the procedure for impeachment of Supreme Court judges.
- **Article 124(4)** mandates removal only through a Presidential order which is issued after both Houses of Parliament pass an address by a special majority that is majority of total membership of the house and majority of two-thirds of members present and voting on grounds of “proved misbehaviour or incapacity”.



- **Article 218** of the Constitution extends the Supreme Court judges removal process to High Court judges.
- **Article 121** provides for judicial independence by preventing discussion of a judge's misconduct in Parliament unless an impeachment motion is in process.

5. “Supreme Court: Said Victim’s Sole Testimony Validates Rape Conviction”

Case Summary

- A Division Bench of the Supreme Court which consist Justices Sandeep Mehta and P.B. Varale dismissed an appeal against a 1984 rape conviction issuing a judgment that reflected established legal principles.
- Justice Varale said that the prosecutrix statement, if “wholly trustworthy, unshaken, and inspiring confidence,” can independently support a conviction.
- The Court determined that if there is absence of injury to the private parts it does not mean prosecutrix testimony is not credible.

Trial Observations

- The defense appealed that the victim’s mother had a questionable character and the medical evidence also failed to demonstrate injury of the victim. The Court dismissed both arguments by saying that they did not undermine the reliability of the prosecutor’s testimony.
- The bench emphasized that the prosecutor’s account remained consistent even under rigorous cross-examination, leaving no room for doubt.

Rationale & Significance

- The judgment reinforces that credible sole testimony of the victim is adequate in cases of sexual offenses.
- This approach removed undue reliance on physical injuries of the victim or corroborative evidence; rather, the court prioritizes the lived experiences of victims and penalizes efforts to discredit them based on character or minor inconsistencies.

Legal Procedure involved

Indian Penal Code (IPC), 1860

Section 376: Which prescribes punishment for the crime of “Rape”.



Indian Evidence Act, 1872

Section 118: Acknowledges the competency of all individuals to testify, including crime victims.
Section 134: States that no specific number of witnesses is necessary to establish a fact.

Criminal Procedure Code (CrPC), 1973

Section 327(2): Requires that the trial of a rape case be conducted in camera to safeguard the victim's privacy.

6. “SC Lifts Ban on “The Ranveer Show”

Background

In February 2025, following a contentious “incest joke” made during Samay Raina’s YouTube program India’s Got Latent several FIRs were lodged against Allahbadia for allegedly promoting obscenity. A bench of the Supreme Court subsequently prohibited him from releasing new episodes of “The Ranveer Show” while an investigation was underway.

Supreme Court’s Order

- The Court permitted Allahbadia to continue publishing his podcast in his YouTube channel “The Ranveer Show” on the condition that he secures a written commitment ensuring that all forthcoming content will comply with standards of “morality and decency” and will be appropriate for audiences of all ages.
- The court highlighted that his livelihood along with that of 280 employees relied on the show and the Court altered its previous total ban.
- Allahbadia was restricted from creating any content that might affect the ongoing case's merits.

Regulatory Directive by the Supreme Court

The Court called upon the Union Government to formulate specifically tailored content guidelines, in accordance with Article 19(2), to manage “vulgar” online content while safeguarding free speech.

7. “SC Stays Allahabad HC’s ‘Insensitive’ Ruling that Breast-Grabbing Isn’t Attempted Rape”

Background



On 10 November 2021, two individuals forcibly grabbed the breasts of a minor aged between 11 and 14 years, broke her pyjama string, and attempted to drag her beneath a culvert before escaping. The trial court summoned the accused for rape under Section 376 of the IPC and the POCSO Act.

Allahabad HC

- Re-characterized the offense as assault under Section 354(b) of the IPC and aggravated sexual assault under Section 9 of the POCSO Act, citing a lack of evidence for intent to penetrate, a conclusion the SC deemed fundamentally flawed.
- The HC determined that actions such as grabbing a minor's breasts and breaking her pyjama string, while serious, were inadequate to constitute an attempt to rape, thus reducing the charges to aggravated sexual assault under IPC Section 354(b) and the POCSO Act.

Supreme Court Suo Moto Intervention

On 25 March, the SC acknowledged the Allahabad HC's remarks, labeling them as "totally insensitive," and scheduled a hearing before a bench comprising Justices B.R. Gavai and A.G. Masih.

Supreme Court's order

- The SC suspended the HC's contentious paragraphs, citing their insensitive and inhumane tone, and remarked that such statements contradicted fundamental legal principles.
- The bench explicitly expressed that it was "at pains to say" the HC exhibited a "total lack of sensitivity."
- Notices were dispatched to the Union Government, the State of Uttar Pradesh, and the involved parties for their responses.

Legal Provisions involved

Section 354(b) – Assault or use of criminal force on a woman with intent to disrobe.

Any man who assaults or employs criminal force against any woman or abets such an act with the intention of disrobing or forcing her to be naked shall be punished with imprisonment of either description for a term not less than three years, which may extend to seven years, and shall also be subject to a fine.

Section 9. Aggravated sexual assault. (POCSO Act)



8. “Reforms in Senior Advocate Designation – Special Bench Case”

Case Background

- The ruling originates from a suo motu referral by a Division Bench of the Supreme Court on 20 February 2025, following revelations that a designated senior advocate allegedly distorted facts in a remission plea. This incident raised concerns regarding the integrity and strength of the current designation process.
- Given that the existing framework was established through the Indira Jaising rulings of 2017 and 2023, both issued by three-judge benches, it was considered essential to have a reassessment by a larger bench.

System Under Review

The court revisited the designation framework set forth by the Indira Jaising decisions:

- 2017 (Indira Jaising I): This ruling introduced a points-based evaluation system (out of 100) that assessed years of practice, reported judgments, legal publications, domain expertise, pro bono contributions, and interviews. Additionally, a Permanent Committee and a secret ballot procedure were established.
- 2023 (Indira Jaising II): This ruling adjusted the weightage reducing the points for publications from 15 to 5, increasing the points for core legal work to 50, maintaining 25 for interviews, and refining the rules regarding secret ballots to include mandatory justifications.

Concerns Raised During Hearings

During a two-day hearing, petitioners (including Indira Jaising, AG R. Venkataramani, SCAORA, and several high courts) highlighted several issues such as:

Subjectivity & opacity: The brief nature of interviews could lead to arbitrary outcomes, undermining dignity and favoring presentation skills over actual merit.

Unfair seniority counting: The system rewards mere longevity at the Bar without evaluating true competence.

Opaque involvement of the Permanent Committee & Bar: There are statutory concerns regarding the role of non-judicial members and the excessive burden placed on judges to review extensive submissions.

Absence of integrity checks: There is no existing framework to assess character or honesty, which are crucial for designation.

Inadequate representation: Advocates from trial courts and those appearing before specialized tribunals are at a disadvantage, raising issues regarding diversity.

9. "Regarding the Recruitment of Visually Impaired Individuals in Judicial Services – Supreme Court"

Background

The Supreme Court commenced a suo motu case in March 2024 following a letter petition submitted by the mother of a visually impaired aspirant, directed to the Chief Justice of India. This matter was adjudicated by a Supreme Court bench consisting of Justice J. B. Pardiwala and Justice R. Mahadevan, with the judgment delivered on 3 March 2025.

Struck-Down Provisions

- Rule 6A (MP Judicial Service Rules, 1994): This rule excluded candidates with visual impairments and low vision from judicial recruitment, which was determined to contravene the Constitution and the RPwD Act, 2016, and was annulled for its discriminatory nature.
- Rule 7 proviso: This provision imposed additional barriers (such as a 3-year practice requirement and a 70% cut-off in the first attempt) that specifically impacted candidates with disabilities—this was also invalidated as it was found to be violative.

Constitutional & Statutory Principles

- It was declared that discrimination based on disability constitutes a violation of fundamental rights, equivalent to those protected under Article 21.
- The RPwD Act, 2016 (a quasi-constitutional statute) mandates reasonable accommodations for individuals with disabilities, including within the judicial service.
- It is important to note that indirect discrimination, such as inflexible cut-offs or bureaucratic processes, is equally intolerable and must be addressed.

