

Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

10th Feb - 16th Feb 2025

1. Mere Presence at Crime Scene Not Enough for Common Intention Under S. 34 IPC.....	1
2. SC Refuses Review of Order Holding Doctors Liable Under Consumer Protection Act.....	1
3. Supreme Court Overturns Death Sentence, Upholds Right to Fair Trial.....	2
4. RTI can reveal other candidates' exam results if it serves public interest: SC.....	2
5. Uncomfortable and humiliating Questions in Court Are Not Defamation.....	3

Weekly Focus

Case of the week: Union of India v. Association for Democratic Reforms (2002):.....	3
PYQ Solution.....	4

Join [Telegram](#) or [Whatsapp](#) for Weekly Update

1. Mere Presence at Crime Scene Not Enough for Common Intention Under S. 34 IPC

In a recent judgement (VASANT @ GIRISH AKBARASAB SANVALE & ANR VERSUS THE STATE OF KARNATAKA), the Supreme Court ruled that mere presence at a crime scene does not establish common intention under **Section 34 of the Indian Penal Code (IPC)** unless active participation is proven. The Court acquitted a husband accused of setting his wife ablaze along with his mother, citing a lack of evidence demonstrating his active involvement.

Legal Principle Under Section 34 IPC: The Supreme Court emphasized that for an accused to be held liable under Section 34 IPC, there must be clear evidence of participation in the crime. A person's presence at the scene, without an overt act indicating common intention, is not enough to establish guilt. The Court highlighted that Section 34 involves vicarious liability, requiring a pre-arranged plan and prior concert between the accused.

Facts and Findings of the Case: A bench of Justices JB Pardiwala and R. Mahadevan reviewed the appellant-husband's conviction by the **Karnataka High Court**, which was solely based on his presence at the crime scene. The Court noted that the prosecution failed to establish an overt act by the husband proving his involvement in the crime. Instead, his act of pouring water on his burning wife contradicted the allegation of his participation.

The Supreme Court **partially allowed the appeal, acquitting the husband** while upholding the **mother-in-law's conviction**. It reaffirmed that **active participation** is a prerequisite for invoking **Section 34 IPC**, distinguishing it from Section 149 IPC.

2. SC Refuses Review of Order Holding Doctors Liable Under Consumer Protection Act

The Supreme Court in case of Medico Legal Society of India v. Bar of Indian Lawyers & Ors, dismissed a review petition challenging its decision upholding the **1995 judgment in Indian Medical Association v.**

VP Shantha, which held that **doctors and medical professionals fall under the purview of the Consumer Protection Act, 1986 (re-enacted in 2019)**.

A **bench of Justices BR Gavai, Prashant Kumar Mishra, and KV Viswanathan** declined to entertain the review petition, stating that there was no **justifiable reason** to reconsider the matter.

Earlier, on **May 14, 2024**, a **2-judge bench** of Justices **Bela M Trivedi and Pankaj Mithal** had suggested that the *VP Shantha* judgment required reconsideration while ruling that **legal professionals were not covered under the Consumer Protection Act**. However, in **November 2024**, the **3-judge bench** dismissed this reference, holding that the prior decision on legal professionals did not warrant a **re-examination of the VP Shantha precedent**.

The Supreme Court reiterated that while the question of including other professionals under the Act can be considered on a **case-to-case basis**, the reference for reconsidering *VP Shantha* was unnecessary. Accordingly, the Court dismissed the **review petition**, reaffirming that **doctors remain liable under the Consumer Protection Act**.

3. Supreme Court Overturns Death Sentence, Upholds Right to Fair Trial

The Supreme Court in ***Sovaran Singh Prajapati v. State of Uttar Pradesh*** reaffirmed the fundamental right to a **fair trial under Article 21 of the Constitution**, setting aside the death sentence of a man convicted of **murdering his wife and daughter**. A **bench of Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta** held that the appellant was denied effective legal representation, leading to **procedural irregularities that violated due process**.

Violation of Fair Trial Principles: The Court identified several lapses in the trial, including:

- **Frequent changes in defense counsel**, disrupting continuity.
- **Lack of effective representation**, as key prosecution witnesses were not cross-examined.
- **Failure to ensure competent legal aid**, rendering the right to counsel meaningless.

Citing *Anokhilal v. State of M.P. (2019)*, the Court emphasized that mere appointment of legal aid is insufficient—representation must be **"effective and meaningful."**

Constitutional and International Law Perspective: The Court referred to **Article 21 (Right to Life and Personal Liberty)** and **Article 14 (Equality Before Law)**, stressing that even those accused of the gravest crimes are entitled to legal safeguards. It also referenced:

- **Universal Declaration of Human Rights (UDHR)**
- **International Covenant on Civil and Political Rights (ICCPR)**
- **Rome Statute**, affirming that procedural fairness is essential, even in cases of **capital punishment**.

The Supreme Court **remanded the case for a fresh trial**, emphasizing that **no conviction—especially one carrying the death penalty—can stand if due process is compromised**.

4. RTI can reveal other candidates' exam results if it serves public interest: SC

The Supreme Court upheld a **Bombay High Court** ruling that marks obtained by candidates in a **public examination for government recruitment** can be disclosed under the **Right to Information Act, 2005 (RTI Act)** in the **public interest**.

Background and High Court Ruling: A candidate had sought disclosure of **marks obtained by other candidates** in the **Junior Clerk recruitment process in the Pune District Court** after he was not selected despite being ranked and called for an interview. His **RTI request was denied**, citing confidentiality.

The **Bombay High Court**, in its order dated **November 11, 2024**, ruled that such marks **do not constitute "personal information" exempt from disclosure** under **Section 8(1)(j) of the RTI Act**. It clarified that the **exemption applies only to unwarranted invasions of privacy**, and information concerning public examinations **serves a legitimate public interest**.

Supreme Court's Decision: A bench of **Justices Sudhanshu Dhulia and Ahsanuddin Amanullah** upheld the High Court's ruling, emphasizing **transparency in public recruitment**. The Court acknowledged that while **marks may be personal information**, their **disclosure in this case is necessary in the public interest** to ensure fairness in the selection process.

5. Uncomfortable and humiliating Questions in Court Are Not Defamation

The Supreme Court ruled that **statements made and questions posed during judicial proceedings, even if uncomfortable, do not amount to public humiliation**. A bench comprising **Justices Sudhanshu Dhulia and Ahsanuddin Amanullah** emphasized that courts must ascertain the **truth**, which sometimes requires **challenging or uncomfortable inquiries**.

Background: The case arose from a **habeas corpus petition** before the **Rajasthan High Court**, where Petitioner No. 1 had returned home, leading to the petition's dismissal. During the proceedings, the **police stated that she had divorced and remarried**, prompting the petitioner to seek clarification from the High Court.

While the High Court initially allowed clarification, it later dismissed the petition and subsequent **review applications**, as no further adjudication was necessary.

Supreme Court's Ruling: Petitioner No. 1 approached the Supreme Court, alleging **defamation and humiliation** in open court due to police statements. However, the **Supreme Court dismissed the petition**, stating that court proceedings inherently involve **uncomfortable questions and assertions necessary to determine the truth**. The Court found the **grievance "totally misconceived"**, reaffirming that **such inquiries do not constitute public humiliation or defamation**.

Weekly Focus

Case of the week: Union of India v. Association for Democratic Reforms (2002):

In this landmark judgment in 2002, the Supreme Court upheld the Delhi High Court's decision, emphasizing the **fundamental right to know** as an extension of the **right to freedom of speech and**

expression under **Article 19(1)(a)** of the Indian Constitution. The Court asserted that an informed electorate is the foundation of a vibrant democracy and that transparency in the electoral process is paramount.

The Court directed the Election Commission to implement the following measures:

1. **Affidavit Requirement:** All candidates must file an affidavit as part of their nomination papers, disclosing:
 - Criminal cases: Both past convictions and pending charges.
 - Financial details: Comprehensive information about assets and liabilities.
 - Educational background: Academic qualifications.
2. **Public Disclosure:** The Election Commission must ensure that this information is accessible to the public, enabling voters to make informed decisions.

Implications of the Judgement: This ruling has had profound implications for the Indian electoral system:

- **Enhanced Transparency:** Candidates' backgrounds are now open to public scrutiny, deterring individuals with serious criminal records from contesting elections.
- **Empowered Electorate:** Voters are better equipped with pertinent information, fostering informed electoral choices.
- **Strengthened Democracy:** The judgment reinforces democratic values by promoting accountability and integrity among public representatives.

PYQ Solution

Q: Recognition confers the legal status of a State under International Law upon the entity seeking recognition. Important legal effects are being derived from recognition. Critically examine the statement. (10 MARKS)

Recognition in international law is the process by which existing states acknowledge an entity as a sovereign state, thereby conferring upon it certain legal statuses and capacities. This act of recognition has significant legal effects, influencing the entity's ability to engage in international relations and its standing within the global community.

Legal Status Conferred by Recognition

Recognition serves as a declaration that an entity meets the established criteria of statehood, which traditionally include a permanent population, a defined territory, an effective government, and the capacity to enter into relations with other states. By recognizing an entity, existing states affirm that it possesses these attributes, thereby granting it the legal status of a state under international law. This status enables the recognized state to exercise rights and obligations inherent to sovereign entities, such as entering into treaties, participating in international organizations, and asserting jurisdiction over its territory.

Legal Effects of Recognition

The act of recognition carries several important legal effects:

1. **Establishment of Diplomatic Relations:** Recognition paves the way for the establishment of formal diplomatic ties, allowing for the exchange of ambassadors and the negotiation of bilateral agreements.
2. **Access to International Forums:** A recognized state gains eligibility to join international organizations, such as the United Nations, thereby participating in global decision-making processes.
3. **Sovereign Immunity:** Recognition grants the entity sovereign immunity, protecting it from being sued in the courts of other nations without its consent.
4. **Legal Personality:** The recognized state acquires international legal personality, enabling it to enter into treaties and agreements, and to be held accountable for its actions under international law.

While recognition confers significant legal statuses and effects, its application is not uniform and can be influenced by political considerations. Theories of recognition, such as the declarative and constitutive approaches, offer different perspectives on the necessity and impact of recognition. The declarative theory posits that an entity becomes a state by fulfilling the objective criteria of statehood, irrespective of recognition. In contrast, the constitutive theory asserts that an entity attains statehood and its accompanying legal capacities only through recognition by existing states.

In practice, the act of recognition is often influenced by political factors, leading to inconsistencies. For instance, entities like Taiwan operate with de facto independence and fulfill the criteria for statehood but lack widespread international recognition, limiting their participation in international forums. Conversely, some entities may receive recognition despite not fully meeting the traditional criteria for statehood, often due to geopolitical interests.



De Facto IAS