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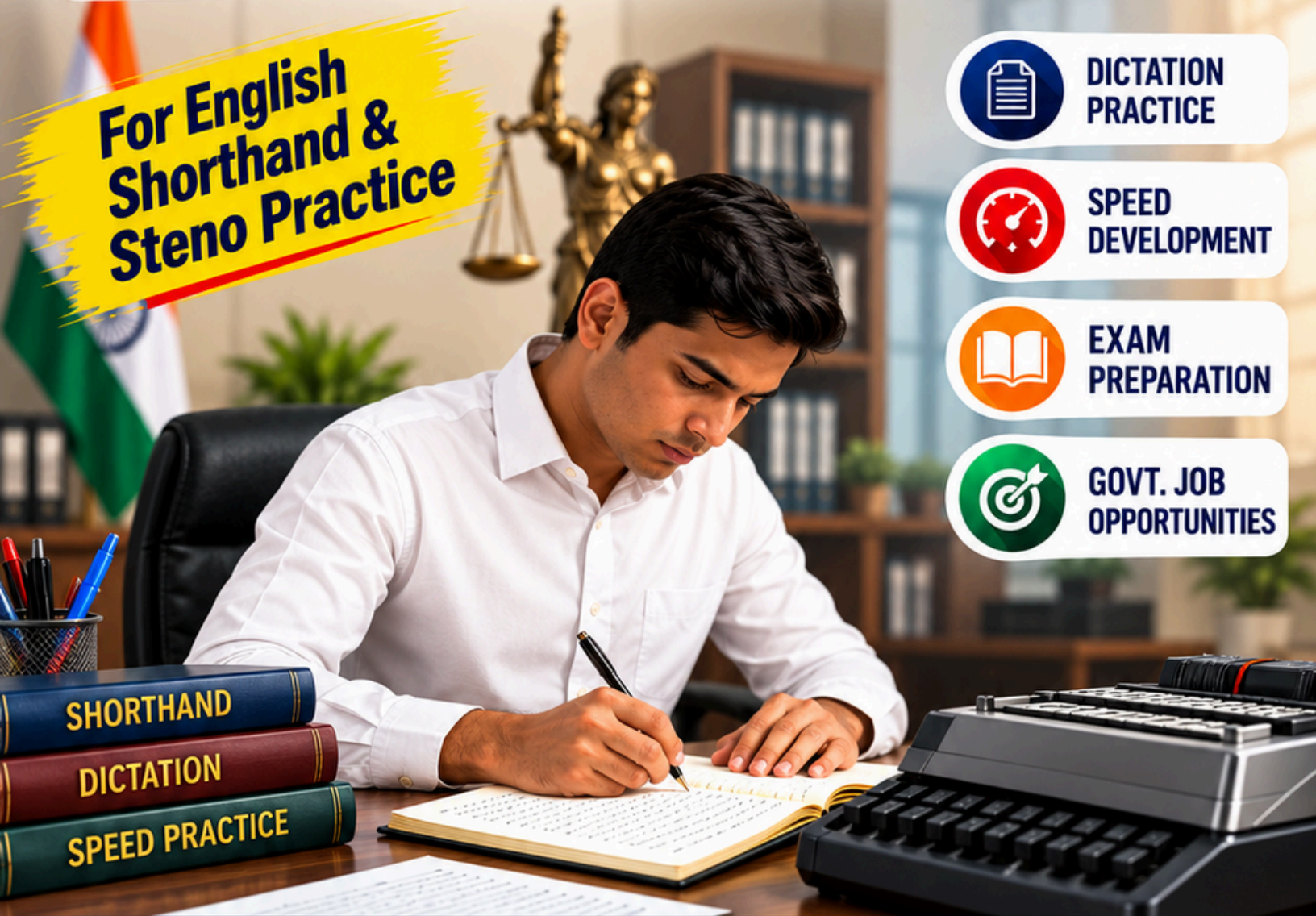
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In the present petition, the learned counsel appearing for the petitioners has urged that the **youngsters** of the nation must be provided with adequate opportunities where their **creativity** and talent can be harnessed for the development of the country. It has been contended that the present examination system is extremely **tough** and works more as an **eliminary** process rather than as a platform to select and encourage the meritorious. There is a direct **correlation** between excessive rigidity in the educational framework and the growing trend of **brain drain**, whereby the most capable students leave the country in search of better avenues. The petitioners have further submitted that the State is under a constitutional duty to **subsidize** higher education and research activities and such a duty cannot be treated as a matter of **theoretical** debate alone. The economic **storm** caused by globalization and the **liberalized** policies has brought both opportunities and challenges. On one hand, the economy is **blossoming** and many **multimillionaires** have emerged on the other hand, the common students have not seen their status **elevated**. The ultimate **triumph** of democracy lies in equal access to education and not in the **obsession** with profit-making ventures that border on **madness**. It is also argued that the universities must not become mere **stud farms** for corporate **producers** of labour but must encourage **cyber** research, scientific exploration and critical thinking. The role of **consultancy** services particularly in the field of **software** development has expanded **worldwide** and India has a strong base in this regard. However, the educational system needs to be **revamped** so that every **faculty** member contributes meaningfully to the holistic development of students. The respondents, on the contrary, submit that there exists a **paucity** of financial resources and unless guidelines are **laid down**, the allocation of funds for research and scholarships cannot be arbitrary. They emphasize that the **input** from experts is being carefully considered and the **output** of the educational reforms shall be visible in due course of time. Upon careful consideration, this Court is of the view that classrooms cannot remain confined to physical boundaries alone. Modern **classrooms** must embrace technology, online platforms and new modes of **creation** of knowledge. At the same time, the Court cautions that commercialization should not eclipse the core constitutional mandate of equality and accessibility. Therefore, it is directed that the Government shall constitute a high-level committee consisting of academicians, Judges, economists and social reformers to examine the grievances of the petitioners. 408

The present revision petition arises out of a dispute between a **landlord** and his tenant. At the very **threshold**, it is necessary to note the facts briefly. The petitioner initiated proceedings alleging that the respondent had failed to comply with his obligations under the lease agreement. **If it is** established that there was non-payment of rent, the consequence in law would follow against the tenant. The pleadings disclose that there was a **default** on the part of the respondent **in respect of the** monthly payments due under the tenancy. At this **juncture, it may be mentioned** that a statutory notice had been issued but the demand was not satisfied. The record reveals substantial **arrears of rent** had accumulated over time and a communication was sent **intimating** the tenant of the breach. Despite this, the default continued for several **consecutive months. On receipt of** the statutory demand, the tenant merely contested liability without tendering payment. The defence taken was that partial **indebtedness** existed but not to the extent claimed. The trial Court, after reevaluating the evidence found in favour of the petitioner. The Appellate Court, however, **reversed** the finding holding that the default was not deliberate. **We have heard** learned counsel on both sides. The petitioner relies upon Section 111 of the **Transfer of Property Act**, urging that termination of lease on the ground of non-payment stands valid in law. The respondent argues that **at this stage**, equity demands a lenient view. According to him, procedural safeguards should be respected before any order of **eviction** is passed. This Court finds that the reasoning adopted by the Appellate Authority cannot be sustained. The approach adopted overlooks settled legal principles and ignores the evidence which had been correctly appreciated by the trial Judge. It is settled that statutory obligations cannot be diluted merely by raising a dispute without substance. The appellate order, therefore, is liable to be **struck down**. While interference is warranted, **the decree must also be struck down**. Tenancy matters often involve livelihood and shelter and any harsh consequence must be tempered with fairness. Accordingly, this Court directs that possession of the premises **shall be made** available to the petitioner within a specified period. Time of three months is granted to the respondent to vacate, subject to clearing all outstanding dues within one month. Failure to comply with these directions will entitle the petitioner to execute the decree forthwith. Compliance report shall be filed by the Executing Court. 407

The present writ petition filed under Article 226 of the Constitution of India calls in question the policy of the State Government in regard to allocation of industrial licences and the consequential rights arising out of such **franchise**. The petitioners submit that they were subjected to a **stiff** competition where certain private entities possessing greater financial **clout** were given preference in violation of equality principles enshrined under Article 14. It is the case of the petitioners that with the **emergence** of liberalized economic policies, allocation of resources must be transparent. The arbitrary practices complained of could not be **remedied** by departmental instructions and judicial intervention is warranted. According to them, large corporations have established a **grip** over industrial projects, sidelining the claims of small entrepreneurs who equally possess the necessary **intellectual** capital. The State, on the other hand, contends that industrial growth has substantially contributed to the **Gross Domestic Product** of the nation and that the policy framework must be viewed in a larger context. It is urged that new opportunities in the energy and manufacturing sectors have created a **thrilling** environment for investment. The Government asserts that every applicant who suffered any prejudice has been adequately **compensated** under law. The Court has carefully weighed the **pros and cons** of the rival submissions. It is recognized that economic **diversity** is essential for sustainable growth and that the exclusion of the so-called **creamy layer** is a constitutional necessity while formulating welfare schemes. However, industrial policies must conform to the established **norms** of fairness. It was pointed out that several **hydroelectric** projects, **fertilizer** units and **steel plants** had been awarded to companies with a strong **metallurgical** background, yet without a level playing field for others. The apprehension expressed by the petitioners cannot be brushed aside. Judicial review, though limited is available where arbitrariness takes **roost**. The record shows that a fresh round of allocations had **commenced** but was stalled midway due to premature **closure** of the process. Such abrupt action is described by the petitioners as **lousy** administration. The State submits that in view of practical difficulties continuation was **unlikely**. This Court is mindful that unchecked discretion can become a **curse** for democratic governance. Policy formulation must draw from multiple **disciplines** of law, economics and social justice. When rules are changed too **frequently**, predictability and fairness are lost. The principle of **consulting** stakeholders before framing final rules has not been followed in the instant case. Citizens should not be compelled to **trudge** from one office to another, seeking

relief which ought to be available as a matter of right. Government **halls** of administration must reflect transparency, efficiency and accountability. Where resources are to be **allotted**, the State is under a constitutional duty to act in a just and non-discriminatory manner. For the reasons recorded herein, this Court holds that the impugned policy decision is vitiated by arbitrariness. The matter is remitted to the competent authority for reconsideration in light of the principles set out above. The writ petition is allowed. No order as to costs. 503

The present appeal has been **scrutinized** by this Court not in a **cursorily** manner but with due diligence as it **entails** determination of significant constitutional questions. The arguments were advanced **in the form of** detailed written submissions as well as oral pleadings. Learned counsel sought to **articulate** that the claims were not merely **bundled** assertions but founded upon legal principles. It was further **put forth** that the impugned order lacked a **rational** basis and failed to provide any **intelligible** reasons for the **omission** of material evidence. The doctrine of **ipso facto** cannot be invoked to **vitiate** the proceedings, unless there is a **procedural** irregularity apparent on the face of the record. The Court has already passed an **interlocutory** order, holding the petition to be **maintainable** inasmuch as the rights of the alleged **offender** were clearly affected. The defence attempted to justify the act on the ground of sudden **provocation**, yet **in the circumstances** such an argument appears **short-sighted**. The incident unfortunately resulted in a **fatality**, and therefore, the **cumulative** effect of the evidence must be considered with due **gravity**. The use of **abusive** language by the accused cannot be overlooked but liability cannot solely **hinge upon** verbal exchange. The prosecution has demonstrated that the accused's conduct served as a **trigger** for the subsequent violence. While the trial Court imposed a **punitive** sentence, the High Court must consider whether the act was genuinely **provocative** or whether the subsequent **retaliation** was disproportionate. The manner in which the offence was committed shows that the situation was **precipitated** by deliberate action rather than unavoidable compulsion. **Taking into account** the entirety of the evidence, this Court finds that the trial Court has rightly appreciated the material and imposed appropriate punishment. However, considering the mitigating factors, including the age of the accused and absence of criminal antecedents, some leniency may be shown. Accordingly, while upholding the conviction, the sentence is reduced to the period already undergone, with an additional fine imposed, to serve the ends of justice. The **petitioners** challenged the **maintainability** of the suit, contending that the order lacked **jurisdiction** and was **arbitrary** in nature. The Court observed that **natural justice** and **procedural fairness** are **Fundamental Rights** enshrined in the **Constitution**. The **respondents** relied upon **precedent** and sought **interim relief** through an **interlocutory application**. The judgment emphasized **transparency**, **accountability** and **judicial review** as safeguards against **maladministration**. The Bench concluded that **discretionary powers**

The Supreme Court strongly criticized the Allahabad High Court for issuing cyclostyled template orders in bail cancellation matters, where instead of examining allegations that the accused had threatened witnesses, the High Court directed complainants to seek recourse under the Witness Protection Scheme. The Bench of Justices noted that in the last year alone it had come across forty such orders of the High Court where instead of deciding applications seeking cancellation of bail on the ground of threats by the accused, the Court treated the Witness Protection Scheme as an alternative remedy and directed complainants to apply under it. We have come across a catena of orders from the Allahabad High Court proceeding on an incorrect assumption of the law more particularly that the Witness Protection Scheme is a substitute for cancellation of bail. According to the High Court it is an alternative remedy. We are at pains to note that we came across at least forty recent orders that have been passed in the last one year alone. All of the above orders are a verbatim copy of each other. We are dismayed to note that the aforesaid practice of passing cyclostyled template orders has been in vogue past more than two years. Further, the Court also lamented the public prosecutors for not assisting the Court in the right direction and instead urged the Court to ask the complainants to avail remedy under the Witness Protection Scheme. The most disturbing feature of all these orders passed is that the right

Public Prosecutor instead of assisting the Court in the right direction by pointing out the incorrect position of law, Judge in the Public Prosecutor's office instead of assisting the Court in the right direction, urged that the witness or complainant be relegated to avail remedy under the Witness Protection Scheme rather than seeking cancellation of the bail of the accused person, who administered threats and caused intimidation to the witness in violation of the conditions of his bail order. We deprecate this practice. Last month, a Bench led by Justice had directed that a Judge of the Allahabad High Court should not be given criminal jurisdiction. After the order created a controversy, Justice Bench recalled the direction following a request by the CJI. The complainant had filed an FIR for serious offences including murder. The accused was granted bail with

conditions not to threaten witnesses or tamper with

evidence. Subsequently, two fresh FIRs were lodged alleging threats to a witness. Seeking cancellation of bail, the complainant moved the High Court under Section 439(2) Cr.P.C. 413

In recent years, the political atmosphere of the country has become increasingly **polarized** raising concerns about the very foundation of **secularism** on which the Constitution rests. Citizens, instead of **defending** the ideals of unity often find themselves trapped in debates that threaten the **basic structure** of our democracy. The judiciary has time and again emphasized that **morality** must guide governance and any action **on the part of the** authorities inconsistent with constitutional principles will not be sustained. The Courts have considered requests for **exemption** and **concession** in cases **pertaining** to social, economic and religious issues. Rights have been **proclaimed** to ensure justice and every **appearance** before the Bench brings with it the responsibility **to find out** whether justice has truly been served. The role of the **superintendent** of institutions, especially correctional homes is critical in safeguarding the interest of **beneficiaries** of welfare schemes. A **holistic** approach is expected from authorities, especially in the age of **cyber** technology where new forms of crime emerge every day. In one matter, the accused was **acquitted** as the evidence did not substantiate the charge. Yet, **as the same** case showed society must be **apprised** of the limits of freedom. Directions were issued **for the purpose** of ensuring that no person misuses liberty while applying for **anticipatory bail**. At the same time, regular proceedings in the **police station** and routine enforcement in areas like **civil lines** highlight the importance of effective law and order. **During the course of** hearings, it often comes to light what actually **transpired** between parties. Financial irregularities involving **crores of rupees**, dubious **withdrawals** and transactions **in some other** accounts reveal the complexity of fraud. If proper checks **had not been** enforced losses would have multiplied. The judiciary observed that transparency **as has been** demonstrated in certain States should serve as a model. Ultimately, the rule of law demands that justice is neither delayed nor denied. The balance between individual rights and collective responsibilities must be maintained. Courts reiterate that liberty cannot be absolute for it coexists with discipline and accountability. The principles of equality, fairness and impartiality must therefore be upheld not in theory alone but also in daily practice. A vigilant citizenry coupled with a responsive Government ensures that the spirit of the Constitution continues to thrive for generations to come. Ultimately, the rule of law demands that justice is neither delayed nor denied. The balance between individual rights and collective responsibilities must be maintained. 405

In a recent debate inside the Legislature many **colleagues** of the ruling party expressed concern over speeches made against the unity of the nation. Some leaders accused fringe groups of aligning with **Khalistanis** and other **anti-nationals** thereby disturbing peace and harmony. The situation was described as **ghastly** not only because of violence but also due to the **shallow** arguments advanced. **In his speech**, the Leader of the Opposition tendered an **apology** for any misunderstanding though his critics insisted that the remarks were **motivated** by political gain rather than genuine concern. The State of **Uttarakhand** was particularly mentioned as the Government announced new projects to be completed by **next year**. While some members welcomed these measures others **scoffed**, saying that lofty promises were nothing more than a political **slogan**. The Finance Minister, **ensconced** in his position of authority explained that funds were limited and priorities had to be set carefully. Nevertheless, the opposition argued that the credibility of the Government had **weakened** and every assurance now sounded like a carefully **dictated** statement rather than a sincere commitment. Internationally, the role of the **World Bank** was also highlighted. Representatives explained that loans were granted only when projects were **worthwhile** and feasible in long-term **dimensions**. The issue of land **acquisition** became central to the debate. **In other words**, development could not come at the cost of displacing the poor without rehabilitation. Authorities must remain **accountable** and the dignity of the **sovereign** nation should never be compromised. Some members alleged that a **majoritarian** approach was being followed which bred **arrogance** in governance. Instead of listening to **trade unions** and representatives of the **peasantry** the administration appeared to be disregarding genuine grievances. Social activists pointed out that public **perceptions** of corruption and mismanagement had **erupted** in several districts leading to protests and even sporadic violence. One commentator dismissed the Government's assurances as a mere **bluff** while others insisted that reforms were genuinely under way. The Prime Minister intervened cautioning members against the **cacophony** of conflicting voices. He urged **introspection** reminding everyone that national interest must be placed above partisan politics. The leader concluded by saying that the nation must engage in **Swaraj** where self-rule is combined with responsibility. He further explained that policy decisions are not merely about political **expediency** but about long-term welfare. He emphasized that when leaders act irresponsibly, **colleagues** within their parties must

counsel them. If not, voices influenced by **anti-nationals** or even **Khalistanis** may find legitimacy. 404

In the midst of the political **cacophony** that surrounded the national movement, there arose a call for deep **introspection** among the people of India. Leaders urged citizens to realize that **Swaraj** was not merely a slogan but a moral duty. The masses were often **agonized** by the oppressive policies of the colonial Government, yet their **sensitiveness** to injustice gave them the strength to fight. When the cries of freedom **pierced** through the silence of fear, the spinning of the **spinning wheel** became not just an economic tool but also a symbol of resistance. The **excitement** of the people was visible in every village and every town and **by means of the** constructive programmes of the Congress, the spirit of unity was nurtured. Although some remained **sceptical** about the possibility of independence, the idea of liberty had already **penetrated** deep into the national consciousness. The **stimulation** of young minds through speeches, writings and constructive activities created a new wave of energy. At the same time, great leaders emphasized **humility** teaching that true freedom could not be achieved without self-control. Every **venture** undertaken during that period was inspired by faith in an **omnipotent** force of justice and guided by the **omniscient** wisdom of spiritual ideals. The **laborious** efforts of workers, peasants and students combined with the guidance of leaders, created an unstoppable movement. An **article** published in newspapers about **Mahatma Gandhi** often inspired thousands to join the cause. **Heretofore**, the people had remained silent but now they spoke in one voice. The concept of an **undimensional** life limited only to personal gain was rejected and instead the value of collective **usefulness** was embraced. Every village meeting was **electrifying** every speech in the cities drew crowds in trenches and **trenches** of humanity gathered to listen. Even when violent conflicts erupted and groups like the **Maoists** tried to push their ideology the mainstream movement remained non-violent. **Paradoxically**, the more the rulers suppressed dissent the stronger the determination became. Some critics issued **disparaging** remarks mocking the simplicity of khadi or the spinning wheel but such attempts at **ridicule** only strengthened the resolve of the people. The great **andolan** that swept across the country was not only political but also moral and cultural. Leaders reminded everyone that true freedom meant service to all living beings, including the protection of **jeevis**, whether human or animal. In conclusion, the history of the Indian freedom struggle is not just a story of battles but a journey of spirit. 409

The last few years have put an unusual **strain** on societies not only in economic terms but also in **psycho-social** dimensions. People have been affected **profoundly** as ordinary patterns of **normalcy** were disrupted. This period revealed a glaring **disparity** between the privileged and the underprivileged between those for whom education was a **vocation** and those who were deprived of basic opportunities. Gradually, **awareness** grew about the importance of **empowerment** particularly of women and youth and the need to respect **individuality** in every sphere of life. The Government became **aware** of these challenges and while policies were framed, the common citizen could hardly take a **vacation** from their struggles. Political debates intensified as **assembly elections** in several States approached. Some leaders displayed **complacency** while others **rebelled** against the existing order creating a **chaotic** environment. At such moments, a **conciliatory** approach was urgently needed for only dialogue could prevent a permanent **stamp** of division in society. It is true that democracy carries both advantages and **disadvantages** but when the larger interest is **embraced** even adversaries can work together. On occasions, however, leaders have been **embarrassed** by their own words or conduct reminding us that every **Legislator** carries not only power but also responsibility. Politics by its very nature involves **nuances** that cannot be ignored and the role of the **Council of Ministers** becomes vital in guiding national policy. A judicial **verdict** may alter the course of governance yet it is always a **reflection** of constitutional values rather than political convenience. Citizens, therefore, must treat democracy as a **prized** possession one that has been won through long struggles and **avowed** sacrifices. The **supremacy** of the Constitution cannot be undermined by short-term gains for history has shown that misuse of power places an **onerous** burden on the people. True statesmanship lies in handling this burden wisely and **expertly** not in pursuing personal ambition. Across the world, we see examples of nations that failed to strike a balance between liberty and order. Their people continue to live under **strain** facing endless **psycho-social** challenges. India, on the other hand, has **profoundly** demonstrated resilience with citizens striving to restore **normalcy** even after crises. Though **disparity** remains education as a **vocation** provides hope and rising **awareness** ensures that **empowerment** is not merely a slogan but a lived reality. If citizens respect **individuality**, remain **aware** of their duties and do not treat democracy as a **vacation** then electoral politics including **assembly elections** will become more meaningful. 407

Leaders must avoid **complacency**, refrain from **chaotic** behavior and adopt **conciliatory** tones. Only then will the **stamp** of democracy remain unshaken and the **disadvantages** of division be replaced by an **embraced** culture of unity. In conclusion, while errors, **embarrassed** moments, and inevitable the guiding light must remain the Constitution, the **Council of Ministers** and the judiciary. A just **verdict** will always serve as a **reflection** of the people's will and the **prized** dream of freedom will remain protected. Through **avowed** commitment and constitutional **supremacy**, we can shoulder the **onerous** tasks ahead and steer the nation **expertly** into a brighter future. 510

In the matter placed before this Court it has been argued that the right to education as enshrined in the Constitution must be interpreted in a manner that secures the interest of **young men and women** of this country. The State has a constitutional obligation to ensure that **social and economic** barriers do not create **ramifications** that deprive students of their Fundamental Rights. The sudden **switchover** to online learning during emergencies compelled every student to depend upon a **smartphone** and other digital **gadgets**. However the question arises whether equal **access** to such resources was guaranteed in practice. It has been submitted that in several regions including neighboring **Bangladesh** Courts have examined the issue of digital education and have concluded that denial of access amounts to discrimination. In our country also **gendered** inequality has surfaced because many households gave preference to boys over girls in the use of **digital** resources. The evidence produced shows frequent **misuse** of online platforms by commercial operators and the arbitrary **closure** of certain facilities in **school and colleges**. The Court cannot remain **abreast** of these realities without considering the long period of **confinement** within homes during which the burden of **household** responsibilities and daily **chores** fell disproportionately on **girls and boys**. The Court notes that both **boys and girls** must be **tended** equally and that the State must regulate **platforms** so that educational **fall-outs** do not widen the gap between privileged and underprivileged students. The affidavits filed by several **educational institutions** indicate that the entire academic calendar **revolved** around examinations without sufficient measures to **nurture** talent or to **pursue** higher skills. In such a situation the scope for **creativity** among children and the shaping of a balanced **lifestyle** were seriously affected. The counsel for the petitioners contended that the digital divide has become an **impediment** to the realization of the constitutional goal of equality. It was further urged that unless the State takes active steps to provide resources and training the future of millions of children will remain uncertain. The Court is of the opinion that the matter cannot be treated lightly. The right to education cannot be limited to physical classrooms alone and it extends to creating an enabling environment where every student irrespective of social background receives the benefit of digital resources. Therefore it is directed that the Government shall take immediate steps to frame guidelines ensuring equitable **access** to smartphones and **gadgets**. 403

The policy must recognize the needs of **young men and women** and remove **social and economic** barriers. It must also address the **ramifications** of arbitrary school **closure** and ensure that **educational institutions** develop plans that **nurture** skills and promote **creativity**. Any **misuse** of digital platforms must be curbed with strict regulation. The State is further directed to consider the advisory of **UNESCO** and to implement a long-term scheme that allows students to **pursue** education without disruption so that no **impediment** remains in their path of learning. 489

The present case arises from a First Information Report registered under various sections of the Indian Penal Code where the applicant is accused of committing a serious offence. **Apparently**, the **gravity** of the allegations is high and the nature of the act is not only **shady** but also raises questions about the integrity of the accused. As per the investigation conducted so far a **challan** has already been filed before the appropriate **forum**. **It has been mentioned** in the prosecution's reply that custodial **interrogation** of the accused is no longer required as substantial **recoveries** have already been made during the course of investigation. However, the prosecution has opposed the **bail application** citing that the release of the accused may influence the witnesses and tamper with the evidence. The learned counsel for the applicant has argued that the case is based on documentary evidence which has already been collected and there is no further requirement for the accused to be in custody. Furthermore, the applicant has no prior criminal antecedents and is willing to cooperate with the authorities during the trial. The Hon'ble Court has to consider whether the denial of bail is justified in light of the evidence placed on record. **As to where** the crime was committed and **as to whether** the accused had any direct involvement, the Court must assess the material submitted in the form of statements, forensic reports and CCTV footage. The applicant is also willing to **furnish** a personal bond and surety as directed by the Court. It has been argued that the bail should not be denied merely as a punitive measure. The principle of bail not jail must be upheld especially when the investigation is complete. It is settled law that the power to grant bail is discretionary and the Court must exercise such discretion judicially and not arbitrarily. The Court must also weigh the seriousness of the offence against the fundamental rights of the accused. The prosecution has submitted that the matter is of public interest and involves financial fraud and hence, **civil proceedings** may also be initiated in addition to the criminal case. The applicant's counsel has responded that the **forum** for deciding the financial liabilities is different and the Criminal Court must only assess the culpability as per criminal law. Having heard both sides and after careful examination of the documents on record, this Court is of the view that the applicant has made out a case for grant of bail. 414 Accordingly, the **bail application** is allowed. The accused shall be released on bail upon **furnishing** a personal bond of Rs.50,000 with one surety of the like amount to the satisfaction of the trial Court. The applicant shall not leave the country without prior permission of the Court and shall appear before the Investigating Officer

as and when required. Any violation of these conditions shall result in cancellation of bail. 483

In a recent case pertaining to the interpretation of the **Constitution of India**, the Hon'ble High Court delivered a **logical** judgment that serves as a **corollary** to earlier decisions rendered in similar contexts. The case was brought forth **by way of** a writ petition challenging the legality of certain actions undertaken by the State Government. The petitioner, a resident of **Manimajra** contended that there was **discrimination** in the allocation of resources which violated Article 14 of the Constitution. **On the other hand**, the State of Punjab submitted that all actions were taken in accordance with the law and no bias was intended. It was argued that the decision was based on administrative grounds and did not **depart** from constitutional principles. The issue arose when the jurisdiction of certain **Kanungo** circles was altered following a notification from the Revenue Department. The residents alleged that the change was not only abrupt but lacked proper justification. While the situation appeared to be **staid** on the surface, an **undercurrent** of administrative inefficiency was evident. The petitioner's counsel referred to a similar issue in **New Delhi**, where the Courts had **upheld** the rights of residents under comparable circumstances. The Court examined the **literal** meaning of the provision in question and considered its application **in the context** of the **State of Punjab**. The impugned notification had been **perpetrated** without proper public consultation and the procedural safeguards were not followed. This was particularly significant because the administrative **headquarters** had recently been **shifted** and certain boundaries were redrawn without revising the legislative framework. The respondent-State submitted that under the **Reorganization** Act, the power to amend boundaries rests with the Legislature and the said notification was within its rights. However, the Court noted that any **amended** notification must be published and brought to the notice of the affected public. The Court further observed that while laws may be **affiliated** with certain historical contexts, modern governance requires transparency and public accountability. The **Panjab University**, for instance, had undergone structural changes after its division post-Independence when it was shifted from **Lahore** to its present location. The case also touched upon the **legislative powers** of the Union and the State especially in matters affecting land revenue and rural administration. The inclusion of **Himachal Pradesh** in the broader administrative mechanism had earlier led to several **unified** policies being adopted, but not all were effectively implemented. The High Court **necessarily** concluded that while the notification may not be entirely illegal, its execution lacked procedural compliance. 411

In a recent constitutional Bench judgment, the Hon'ble Supreme Court delivered a logical and well-reasoned verdict that is likely to become a corollary in future cases involving educational rights and State policy. The matter was brought **by way of** a Public Interest Litigation challenging the decision of the State Government to amend the rules related to University affiliations under the **Constitution of India**. The petitioners argued that the State had chosen to **depart** from its earlier stance, thereby creating **discrimination** against certain institutions. **On the other hand**, the respondents submitted that the decision was taken in public interest and based on sound policy reasons. The Court took note of the **staid** nature of the existing affiliation system and how it had **quelled** innovation and academic autonomy. It was also observed that the interpretation of Article 14 must not be confined to a **literal** meaning but should be guided by evolving constitutional principles. The Court **upheld** the legislative competence of the State but emphasized that such powers must not be exercised arbitrarily. There was an evident **undercurrent** of political motivation which the Court found concerning. The Bench further questioned the rationale **as to why** the amendments were introduced without public consultation. **In the context** of State reorganization and university reforms, historical background plays a vital role. The Court the discussed events that occurred during the partition, especially

migration of institutions from **Lahore** to **New Delhi** and later the re-establishment of **Panjab University** in Chandigarh. The judgment elaborated on the acts **perpetrated** during the State Reorganization of 1966, particularly how the **State of Punjab** was bifurcated and **Himachal Pradesh** emerged as a separate administrative unit. The **headquarters** of several institutions were **shifted** and new jurisdictions were notified. The Supreme Court clarified that while legislative bodies are empowered to enact laws such laws must be properly **amended** and aligned with the constitutional provisions. Educational bodies **affiliated** with University should not be subjected to abrupt changes that impact their functioning and funding. The Court highlighted the need for a well-planned **reorganization** of University structures so that education remains **unified** across different linguistic and cultural regions. It emphasized that **legislative powers** must be exercised with care, especially in cases that affect Fundamental Rights. In the concluding part of the judgment, the Court remarked that residents of **Manimajra** had been denied access to education due to unclear boundaries and administrative negligence. It

directed the revenue officers, including the **Kanungo** to re-survey the affected areas and submit a report within four weeks. 415

The matter before this Court is **fraught** with serious consequences and any **distinction** between lawful and **wrongful** conduct must be drawn with utmost clarity. The **swiftness** with which allegations spread in public life often undermines the **credibility** of institutions and it is therefore the bounden duty of the **General Secretary** of every organization to respond in time. It is equally true that the anguish of the common citizen cannot be ignored for justice delayed causes **anguish** and affects the confidence of the people. In many instances, authorities act **clumsily** and create a situation of **disaster** instead of providing relief. The **Home Minister** in his statement assured that corrective measures shall be taken and that a spirit of **resurrection** will guide the nation. The meeting convened yesterday was not an ordinary event but a historic **rendezvous** of leaders, who **en route** to the capital were met with enthusiastic crowds from **tribal** as well as urban areas. The Court has further noted that political **platforms** are often misused to spread disinformation. The communication from the **headquarters** of the party in question reveals that the speeches were **thorn-sewn** with allegations intended more to provoke than to **commune** with the conscience of the people. Law requires not provocation but **empathy** and every **triumphant** victory in democracy must be based upon fairness not deception. During the proceedings, several **artifacts** of evidence were produced including videos and written documents. Witnesses deposed that the protestors raised slogans in the name of **martyrs** and demanded that the nation pay **homage** to their sacrifice. The learned counsel submitted that such demonstrations, if conducted peacefully form the **massive** foundation of constitutional rights, but when they turn violent they fall within the ambit of **opposition** to law and order. It is important to remember that Constitutional Courts do not merely adjudicate upon guilt or innocence they also safeguard the democratic fabric. When matters are **fraught** with conflicting versions, the Court must draw a **distinction** based on facts and law. No citizen should suffer a **wrongful** conviction and no accused should escape by sheer **swiftness** of technicalities. The **credibility** of justice is maintained when both sides are given equal opportunity to be heard. The **General Secretary** of the bar association rightly observed that justice must balance both public **anguish** and individual rights. If authorities act **clumsily**, they risk creating administrative **disaster**. The **Home Minister** reiterated that **resurrection** of faith in democracy is possible only if institutions remain impartial. 406

Yesterday's **rendezvous**, which leaders attended while **en route** to the national assembly was a reminder of our **tribal** roots and collective strength. This Court, therefore, emphasizes that political **platforms** must not overshadow constitutional **headquarters** of justice. Speeches, **thorn-sewn** with hostility can never replace dialogue that **communes** with the spirit of equality. The path of **empathy** and lawful protest is always more **triumphant** than violence. The **artifacts** of liberty are preserved not in monuments but in living conduct. Paying **homage** to our **martyrs**, this Court directs that peace, justice and equality form the **massive opposition** to tyranny and truth alone shall prevail. 507

The **education system** of any nation serves as the backbone for its progress and development. In recent years, researchers have consistently emphasized that meaningful **education reforms** are necessary to strengthen both the **school system** and higher learning institutions.

Various studies on the subject **reflect** the urgent need for an **enhanced** framework where knowledge is not only **imparted** through **textbooks** but also gained through practical **exposure** and guidance from a capable **mentor**. However, despite **budgetary** allocations increasing in many countries, the will to utilize such funds effectively depends on the **willingness** of the authorities to maintain transparency and remain **accountable** to the public. A constructive **dialogue** between policymakers, teachers and parents is essential for **confronting** the challenges which have long plagued education. Unfortunately, in some areas, there is an **obsession** with rote learning and many students become **obsessed** with achieving high marks without truly **mastering** the subjects. True **mastery** cannot be measured solely by being **exam-ready** it requires creativity, problem-solving skills and a deeper understanding of concepts.

The heavy reliance on a narrow **metric** for judging performance often creates a **tyranny** of marks where students feel pressured rather than inspired. To overcome this, the **architect** of a modern curriculum must focus on flexibility, innovation and inclusivity. A relevant **curriculum** should balance traditional learning with modern skills so that education becomes a tool for empowerment rather than stress. In this regard, several countries have initiated **campaigns** to promote literacy, digital awareness and vocational training. Some nations have even introduced a silent **revolution** in the way they approach teaching. By **experimenting** with new methods such as project-based learning and skill-driven modules, schools are creating a more engaging atmosphere. The **foundational** years in particular need special attention where literacy and **numerary** skills are built carefully. Without a strong base, later learning becomes difficult and uneven. The quality of knowledge **imparted** must be regularly evaluated to ensure that students do not merely pass examinations but gain practical wisdom for life. Teachers should be given adequate **exposure** to global best practices and regular **campaigns** should be launched to inspire them to become lifelong learners. Furthermore, a **mentor** in every child's journey can play a decisive role in shaping character, values and aspirations. The way forward requires courage to challenge the status quo. True reforms demand not only financial support but also bold leadership.

It is time to replace rigidity with innovation replace fear with confidence and replace uniformity with diversity in learning styles. 407

In the ongoing debate concerning the future of legal education and the larger justice delivery system the necessity of **aligning** educational objectives with constitutional mandates has become increasingly significant. Courts have often reminded the authorities that mere expansion of institutions without strengthening **numeracy** and literacy in foundational stages would be meaningless. Various **critiqued versions** of reform reports have pointed out that the absence of a uniform standard in law schools is creating disparity among graduates who later join the bar. Judges have observed that when reforms are introduced abruptly, they may **disrupt** the existing framework and create confusion. Therefore, the judiciary has underlined that reforms must come through careful study, dialogue and consensus rather than by sudden compulsion. In several cases, resistance from traditional institutions has been noted. Such **resistance** has delayed the implementation of progressive measures which were otherwise in the larger public interest. The Court noted that the **spectre** of inequality has always **loomed** over education and justice systems alike. Unless decisive steps are taken to ensure equal access to resources, disadvantaged sections will continue to be deprived of opportunities. The Court further emphasized that the law cannot ignore the **subtle** realities of discrimination that exist in social and institutional structures. Though not always visible, such inequalities silently obstruct the growth of marginalized communities. At the same time, the judiciary has maintained that a **consistent** policy approach is vital to create stability. Frequent alterations in examination patterns, curriculum and recruitment rules generate instability among aspirants. The **dynamics** of governance require that once a policy is framed after due deliberation, it should not be altered repeatedly without strong justification. Arbitrary changes not only harm the credibility of institutions but also burden the students and professionals who are directly affected. In its observations, the Court clarified that legal education is not merely about reading statutes or memorizing case laws. It is about training the mind to reason, to argue and to uphold justice. Therefore, aligning educational policies with constitutional goals is not optional but mandatory. The absence of such alignment has been repeatedly **critiqued** by commissions and expert bodies, yet concrete action has often been delayed due to administrative inertia. The Court also recognized that reforms may at times face **resistance**, but resistance itself cannot be a reason to abandon progressive steps. On the contrary, constructive dialogue with stakeholders must

continue so that reforms are accepted without unnecessary confrontation.
399

Where reforms seek to address Fundamental Rights, the judiciary has consistently held that executive hesitation cannot override constitutional obligations. Ultimately, the Court concluded that the task of strengthening education and justice requires vision, patience and accountability. By aligning the goals of the State with the aspirations of the people and by ensuring that **numeracy**, literacy and critical thinking are fostered from the ground level, the system can move towards inclusivity and excellence. Failure to act decisively would allow the **spectre** of inequality to continue, whereas timely reforms can transform both the classroom and the courtroom into instruments of true justice. 499

In the present case, this Court is called upon to render an affirmative finding regarding the applicability of the Indian Penal Code to an incident that occurred on the date of the alleged offence. The record shows that a juvenile was injured when a bullock cart was driven recklessly leading to an altercation between villagers. The trial Court relied on a binding precedent and ultimately acquitted the accused. However, the High Court took cognizance and on the basis of the statements of witnesses convicted one person described in the complaint as a bastard a term which the Court disapproves of in the strongest terms. Before this Court, counsel exhorted the Bench to examine whether the findings of the High Court were sustainable. The conduct of the accused was alleged to be recalcitrant but the law demands proof beyond reasonable doubt. In its analysis, the Court emphasized that justice must be delivered in the letter and spirit of established procedure. Alongside, a connected matter involving a divorce petition under the Hindu Marriage Act was also listed, wherein the requirement of cruelty was examined as a sine qua non for granting relief. The Appellate Bench noted that the High Court's reasoning was patently unsustainable and accordingly reversed the conviction. The principles applied in the matrimonial dispute were found to be akin to those applicable in criminal jurisprudence, insofar as the standard of proof is concerned. The Court clarified that only matters entertainable under statutory provisions may be adjudicated and reliance was placed on well-known authorities. Insofar as procedural irregularities were concerned the Court discerned no violation that could vitiate the trial. It was further observed that the trial Judge had correctly applied the mould of justice envisaged in the Civil Procedure Code, while also keeping in view the reliefs contemplated under substantive law. The constitutional mandate requires Courts to uphold fairness and transparency in every proceeding. At this juncture, the Court turned its attention to administrative lapses. It must be kept in mind that authorities are obligated to act with due diligence. Merely deferring compliance with judicial directions amounts to dereliction of duty. Where errors occur, they must be rectified immediately. Rights guaranteed under law are not impregnable fortresses that stand without enforcement they require constant vigilance. Judicial review does not permit abnegation of responsibility nor an abdication of constitutional function. The Bench reiterated that access to justice is of grave importance and cannot be denied under any circumstance. 407

Legal Dictations

In this view, the Court proceeds to examine a matter where the relief sought was originally **contemplated** under the Consumer Protection Act but the question of proper **forum** was raised. The petitioner had approached a **Consumer Forum** alleging that the opposite party had given a false assurance regarding property **resale** and by such conduct committed a **mis-statement** and **suppression** of material facts. The opposite party appearing **on behalf of the** company contended that all contractual obligations had been duly **complied** with and that the complaint itself was misconceived. The Bench noted that the proceedings before the District Forum were decided **de novo** because earlier directions had not been followed in **letter and spirit**. Upon appeal, the State Commission cursorily examined the material and dismissed the claim. This **mirrored** a trend of treating consumer disputes in a mechanical manner without appreciating the **onus** placed on traders and service providers. The Court emphasized that under the governing **canon** of consumer jurisprudence, remedies must not be denied through technicalities. It was argued that the petitioner being an **unruly** litigant had filed successive complaints and thereby abused the process of law. However, this plea could not be accepted because the record demonstrated that the complainant had consistently pursued the **lis** within limitation. The allegation that the petitioner deliberately **eluded** disclosure of documents was considered but the explanation offered appeared reasonable. The Court further observed that justice cannot rest on mere **nomenclature**. Whether a complaint is styled as deficiency in service or unfair trade practice substance must prevail over form. The Appellate Authority, however, had only **cursorily** looked into the pleadings and failed to appreciate the evidence. Thus, interference by this Court was justified. In consumer disputes, the standard of proof is not beyond reasonable doubt but upon a **preponderance** of probabilities. If the complainant can **probabilize** the case through relevant documents and testimony relief cannot be **deferred** indefinitely. Moreover, the obligation to compensate does not vanish merely because the seller later **exhausts** available stock. Once an assurance is made, the trader is **obligated** to honour it in the **eyes of law**. The Court held that technical objections such as improper **nomenclature** or minor defects cannot defeat substantive justice. The doctrine of **res integra** was not attracted since several decisions had already clarified the issue. Having been **appraised** of binding precedents, the Commission ought to have followed the law laid

down. Instead, it **invoked** irrelevant considerations and thereby erred in exercise of jurisdiction.⁴⁰⁸

In the present matter the Court is called upon to examine whether the conduct of the appellant amounts to **abandonment** of his marital obligations or whether the allegations are a mere mis-statement arising from inconsistent pleadings. The case involves questions of personal law, matrimonial rights and remedies available under the statutory framework. The respondent wife alleged that she suffered emotional injury and even **disfigurement** of reputation owing to the repeated public humiliation caused by the appellant who was a local **celebrity** known in social circles. She submitted that the appellant's behaviour was **inconsistent** with his duties as a lawful spouse and that such conduct cannot be condoned. The appellant on the other hand sought to **extinguish** the proceedings by urging that the marriage had broken down irretrievably and therefore the Court ought not to interfere. The property aspects of the case were also contested. Certain agricultural lands were managed by **trustees** and the Court had to issue directions to the **bailiffs** to prevent any **trespasser's** entry into the disputed property. It was argued that the rights of possession were **synonymous** with lawful ownership but the Court clarified that **by and large** such a proposition cannot be accepted without clear title. By **dint** of continuous possession, the respondent claimed a right as a **tiller** of the land which gave rise to questions regarding tenancy and cultivation. The appellant further contended that no decree for divorce should be granted because the law **confers** upon both spouses the right to seek restitution before the drastic remedy of dissolution. He also contended that the land in question was **cultivable** and income therefrom had been utilized to perform **ceremonies** and acquire **ornaments** all of which were **attributable** to his contribution. However, the Court noticed clear **animus deserendi** which means intention of **deserendi** on part of the appellant. **It is not necessary that** physical desertion be proved in every case even **de facto** separation coupled with refusal to **commence** normal marital life is sufficient. The respondent proved that her **spouse** wilfully **abandons** the matrimonial home, thereby constituting desertion under law. The doctrine of **implied** obligation is also relevant. When marriage is solemnized, there is an **intention** to live together in mutual trust and affection. **For example**, the law insists on **cohabitation** as a central element of a **marital** relationship. When the parties cease to cohabit and such cessation **coincide** with animus deserendi the ground of desertion stands established. 402

In view of the above, the Court holds that the respondent has successfully proved the allegations. The appellant not only failed in his marital duties but also attempted to misuse the property rights to frustrate the lawful claims of his wife. Accordingly, the decree of divorce is granted in favour of the respondent with liberty to seek partition of cultivable land and ornaments before the appropriate forum. Costs imposed on the appellant shall include **hard labour** for default in maintenance payment. Thus, the petition succeeds. 487

In the present case the Court is called upon to consider whether the principle of **democracy** has been properly applied in the trial of the accused and whether the prosecution has maintained the required **simultaneity** between the presentation of evidence and the framing of charges. The matter before us reflects a certain **duality** in arguments wherein one side has treated the mandate of law as **sacred** while the other has approached it from a merely **managerial** perspective. The **trial** commenced in due course and the Court has examined whether the delay sought by the defence was at all **desirable** or whether it amounted to **excessive** indulgence in procedural **dependence**. The submissions of counsel demonstrate that the atmosphere of litigation has at times become **volatile** and even **vitriolic**, thereby impairing the dignity of judicial proceedings. Courts are not concerned with **appearances** but with substance and in that regard we cannot allow rhetorical expressions such as or casual references to **Palestine** or **Bangladeshi** migrants to derail the specific issues at hand. It was urged by the defence that a certain **Congresswoman** namely **Alexandria** had in a public **debate** expressed concern about the rights of the **elite** and the oppressed and that such remarks had influenced public perception. While such **fiery** political statements may have their own place they cannot determine the guilt or innocence of an accused. Courts are bound by evidence not by speeches. During arguments, repeated emphasis was placed on so-called **wearable** devices, **jackets** and other **accessories** which were allegedly **donned** by the accused as a mark of **solidarity** with one group or another. While such matters may affect **wardrobe** discussions in social media, in the eye of law they remain irrelevant unless connected with the offence. Similarly, the reading of a political **manifesto** or the issuance of **criticism** against Government policies may constitute legitimate expression but cannot by themselves be equated with criminal acts. The Court is aware that in a democratic framework the scope of **violence** is absolutely prohibited and any **extension** of peaceful protest into violent means must be dealt with sternly. At the same time, mere expression of dissent the wearing of symbolic **outfits** or delivery of fiery speeches do not amount to sedition unless they cross the threshold of law. Having heard learned counsel and having examined precedents, this Court holds that the prosecution has failed to establish beyond reasonable doubt the specific charge of conspiracy. 401

The reliance upon symbolic acts and public statements was misplaced and could not substitute for concrete evidence. The defence has successfully demonstrated that the alleged accessories and garments even if connected to political expression were not connected to the alleged offence. Accordingly, this Court directs that the accused be acquitted of the present charges. This judgment reinforces that in a constitutional democracy, Courts must protect freedom of expression while condemning actual violence. The rule of law requires not merely a managerial exercise of power but a sacred adherence to fairness, simultaneity of justice and respect for rights. 498

In the present matter, the Court is called upon to examine whether the decisions of the **electorate** and the promises made during the last **general election** can be relied upon in determining the scope of governmental accountability. It is well-settled that democratic institutions must balance the principle of **demand and supply** of resources with the **aspirations** of citizens. A political **manifesto** may not be a binding contract, yet it often **convinced** voters through **assertions** that the policies **drafted** therein would be implemented in good faith. It is equally true that some commitments are by their very nature **foregone** in the complex field of governance. The Court cannot allow the voice of the people to be **truncated** by arbitrary executive action, and therefore, scrutiny must be undertaken to see whether promises were pursued **vigorously** or ignored altogether. Judicial review does not extend to political wisdom, but it certainly examines the **implementation** of statutory obligations. Citizens are often **far aware** of the difference between rhetoric and reality and in that sense the Court acknowledges the **farsightedness** of constitutional framers who anticipated such disputes. Counsel for the petitioner raised an **intriguing** question as to whether the State had shown sufficient **alacrity** in discharging its duties. Evidence on record shows that certain departments have indeed **exhibited** diligence while others have failed to act. The Court cannot overlook that governance is a collective exercise requiring **unanimity** of purpose, institutional **mindedness** and at times, political **consensus**. Without such cooperation, the **vicissitudes** of politics can easily disrupt administration. The **dynamics** of a welfare State reveal that every policy has an **ingredient** of distributive justice. However, rights cannot be **curtailed** by citing financial limitations when the law itself mandates protection. The **outgoing** Government was duty-bound to **pave** the way for continuity, but instead attempted to **substitute** substantive obligations with token measures. Such a course of action cannot be justified merely as a **fetish** for reform. The record also shows a deliberate **twisting** of figures in official reports so as to **diminish** the accountability of decision-makers. This Court observes that the electorate is entitled to expect sincerity of purpose. While political promises are not enforceable contracts once they are translated into statutory schemes they assume the nature of enforceable rights. Any attempt to frustrate such rights by inaction, by manipulation of records or by curtailing statutory benefits amounts to violation of constitutional guarantees. Having considered submissions on both sides, this Court concludes that the respondents failed to discharge their obligations with fairness and transparency. 415

The constitutional scheme requires the Government of the day to act with diligence not as a matter of political convenience but as a legal necessity. In the ultimate analysis, democratic governance must rest on sincerity of purpose, stability of institutions and respect for the rule of law. Accordingly, directions are issued to ensure immediate compliance with the statutory scheme so that the rights of citizens are neither curtailed nor diminished in the future. 488

The present writ petition raises important questions regarding the role of governance in balancing constitutional principles with political **appeasement**. It is urged by the petitioners that the respondents have been selectively **prioritising** certain communities while the genuine rights of others have been **brushed** aside. The submissions reveal a **defiant** posture by the authorities, which the Court cannot approve when Fundamental Rights are at stake. The petitioners have further contended that administrative actions are influenced by remnants of **patriarchy**, producing a disproportionate **backlash** against women and marginalized groups. The Court notes that in a democracy, equality before law is not mere **symbolism** but a substantive guarantee. However, political decisions often operate like a **double-edged sword**, as they may confer benefits on one side while injuring the legitimate expectations of another. Learned counsel has submitted that the impugned order **captures** a political **gesture** which may look noble at first glance but in reality **transcends** into arbitrariness. Judicial scrutiny cannot be misled by **theatrics** nor can Courts ignore the plight of the **oppressed** merely because Governments seek to justify actions under the garb of **statehood** or sovereignty. This Court is conscious that political **posturing** cannot substitute the actual discharge of statutory duties. It was urged that certain policies were presented as **activism** and the entire exercise was even **dubbed** as part of a **global** movement. Yet the record shows that such measures lacked true **humanitarian** basis and remained largely **superficial** in their application. While considering the **desirability** of any executive action, the Court must weigh its constitutional validity, its social impact and its legal enforceability. The petitioners demonstrated a clear **divergence** between stated objectives and actual implementation. Attention has also been drawn to the recently concluded **byelection**, where political speeches promised reforms that were never implemented. Courts cannot adjudicate on political manifestos per se, yet when promises translate into statutory schemes they assume legal force. The Constitution guarantees that rights once conferred cannot be denied through inaction. The respondents contended that citizens may derive satisfaction **vicariously** by seeing progress in other fields even if specific promises remain unfulfilled. This argument is untenable in the eyes of law. Constitutional rights are not to be enjoyed indirectly but are to be made available concretely and directly to the beneficiaries. Upon careful consideration of precedent, statutory provisions and constitutional directives, this Court finds that the respondents' actions suffer from arbitrariness, lack of transparency and

deviation from constitutional norms. Rights guaranteed under Articles 14 and 21 cannot be curtailed by political convenience or symbolic gestures. 418

Accordingly, the writ petition is allowed in part. The respondents are directed to reconsider the impugned policies in accordance with constitutional requirements, ensuring that promises made under statutory schemes are implemented with fairness, transparency and without political theatrics. This judgment reiterates that democracy thrives not on appeasement or posturing but on the rule of law, equality and justice for all. 478

In this landmark case, the Bench is required to distinguish between pure figment of imagination and facts established through evidence. The matter before the Court is of significant public interest involving the nobility of the legal system in ensuring justice is administered without any negligent delay or procedural flaw. The plaintiff has attempted to conceive a scenario where their rights have been dented by arbitrary decisions. Under the relevant article of the Constitution, the petitioners argue that fundamental rights are inseparable from civil liberties and any irreparable damage to these would undermine the trust in the judiciary. After a deliberate and exhaustive examination, the court finds systemic flaws in the system that need urgent redressal. The opposing counsel attempted to scandalise the process with rumors, but the bench found such allegations outright false, lacking any legal foundation. The evidence produced included invoices for beverages, among which alcoholic drinks were procured for official gatherings contrary to state Ayurvedic policies and instructions. The accused tried to avoid excise duties, claiming exemption on the grounds of traditional medicine, which is not tenable. Currently, investigative agencies are also probing possible espionage and the sharing of confidential information causing detriment to the administration's integrity. The evidence suggests that certain workaholics in the department instead of adhering to ethical boundaries, planned to dominate official functions and misused resources. Some were indulged in activities outside their purview, resulting in multiple procedural lapses. The Court is guided by eternal principles of jurisprudence indicating the necessity to switch off personal benefits in view of their constitutional duties. Throughout the proceedings, several officials acted with their heart and soul showing exemplary dedication and absence of bias or discretion favoring any party. The crime having occurred in broad sunlight leaves little room for doubt regarding the sequence of events. The Bench notes the importance of swift, impartial action for delays and negligence erode the nobility of the system making justice seem like a distant figment to those seeking it. In conclusion, the Bench directs corrective actions and issues a warning against any attempt to conceive or propagate false narratives that might dented the institution's repute. The State is instructed to review all official functions serving beverages ensure strict compliance with Ayurvedic guidelines regarding alcoholic procurement and seal loopholes in excise processes. Officials who colluded to dominate workflows beyond their charge will

face departmental inquiry and those found negligent or indulged in misconduct will be penalized as per law. 407

The Court appreciates those who with heart and soul acted in public interest. To ensure such infractions are not repeated, auditing will increase and periodic training shall be provided to all staff that eternal vigilance is essential for justice lest discretion turn to abuse. Let this order serve as a for beacon, ensconced evermore in the sunlight of transparency the judiciary remain the most inseparable pillar of democracy. 473

In the present matter it has been contended before this Court that various **audiences** were misled by the claims made by the company and the **stakeholders** failed to disclose the correct position of law. The inspection carried out within the **precincts** of the office revealed that several irregularities had **accumulated** over a long period of time. It was urged that the authority was expected to act in an **impartial** manner, yet the office of the **Registrar General** has **amply** demonstrated that the proceedings were neither fair nor reasonable. The Court found that many of the documents filed were wholly **unrelated** to the issue and that the imposition of **excise duty** had not been justified. It was further noted that proper **monitoring** of the accounts had not taken place and the benefit which was meant for **medicinal** purposes had been misused. In several judgments, this Court has held that the right to **minimum education** cannot be denied. In the present case also the right to **minimum education** has been **contended** by the petitioners. The respondents have argued **notionally** that the situation of the present case is **analogous** to the earlier one but such a claim cannot be accepted. The learned counsel submitted that the **craft** of drafting the legislation was poor and the doctrine of **paramountcy** of law must prevail. Reference was made to the history of the **Maharaja** and the system of **monarchy** but such historical references cannot **conceivably** affect the present constitutional mandate. The Indian Constitution recognizes the people as **sovereign** and no other authority can be **inserted** above their will. It was argued that the respondents were **flouting** the clear directions of law. The Court observed that, **inter alia**, several rules were violated and the compliance certificate was misleading. The petitioner produced documents **therewith** to demonstrate that the authorities had failed to **regulate** the conduct of the concerned officials. It was clarified that **if and when** such violations occur in future the **State of Uttarakhand** shall be entitled to take strict action. The record reveals that during the period of natural disaster, the **calamity** relief fund was not properly utilized. The amount had been misdirected to unrelated purposes and the real sufferers were deprived. Such an act amounts to misconduct and breach of trust. The Court is of the opinion that financial irregularities cannot be condoned merely on the plea of urgency. Accountability is an essential element of governance. 401

The constitutional framework places an obligation upon the State to protect Fundamental Rights. Any deviation from the principle of equality before law shall be unconstitutional. The authorities must remember that

rule of law is the bedrock of the nation. In the instant case, the action of the respondents has shaken public faith. Therefore, this Court directs that ~~an~~ independent enquiry be conducted, responsibility be fixed appropriate steps be taken in accordance with law. 475

In the present appeal it has been urged that the inspection team found irregular storage of essential commodities in a **godown** situated near the industrial area. When the officers arrived, the accused suddenly **bolted** the premises and refused to cooperate. The **latter** conduct of the accused **albeit** explained by him as an act of confusion could not **fetch** him any benefit in law. The witness made a **candid** statement that the vehicle was **halted** outside the premises and the accused **misbehaved** with the officials. The Court noted that the **frankness** of the witness during **converse** examination reflected a **modest** approach which could not be doubted. The statement of the **prosecutrix** was supported by **cogent** evidence which made her version fully **believable**. The argument of the defence was **blown** away by the testimony of **innumerable** witnesses who appeared before the Court. It is well settled that every citizen is **amenable** to the jurisdiction of the Court and must abide by the **statutes** enacted by the Legislature. The Constitution imposes **duties and responsibilities** upon the State to enforce labour welfare laws. Under the **Industrial Disputes Act**, the employer is bound to **dispense** wages in accordance with the settlement. Any **non-compliance** thereof would render him liable to penalty. The Court emphasized that such provisions are **statutorily** enforceable. Similarly, the **Factories Act** and the **Minimum Wages Act** provide safeguards to the workers and ensure that exploitation does not take place. The learned counsel submitted several examples. **For example**, he contended that a **non-statutory body** cannot claim power which the Constitution itself does not **command**. The law **appertains** to public interest and, **for instance**, where a worker is deprived of wages the Court is duty-bound to grant relief. In the ~~instant case, deliberately violating labour laws and the~~ **instant case**, the defence could not justify the deliberate obstruction. The employer had failed to maintain proper records had made false entries, and had attempted to mislead the inspectors. Such actions clearly indicated wilful disobedience. The Court held that industrial peace cannot be maintained if employers are permitted to flout statutory obligations. The purpose of social welfare legislations is to protect weaker sections of society. Non-observance of these laws not only causes financial hardship but also undermines the faith of the working class in the system of justice. Therefore, strict compliance is mandatory and cannot be left to the discretion of employers. 402

In the instant case, the petitioner has raised serious grievances regarding her matrimonial rights. It has been argued that the respondent is suffering from **diabetes** which was concealed at the time of marriage solemnization. Under the **Hindu Marriage Act**, concealment of such facts amounts to fraud, thereby giving the wife a ground for separation and **maintenance**. The petitioner further prayed for **restitution of conjugal rights** but owing to continuous cruelty she had to approach the Court **to set aside** the earlier settlement. The trial Court delivered a **divorce judgment** declaring that the marriage was not validly **solemnized**. The relationship between **husband and wife** has broken down irretrievably and the **territorial jurisdiction** of this Court has been established. It was shown that **on receipt of** a duly executed **general power of attorney** the respondent had **voluntarily** transferred certain immovable properties but such transfer was against the **domicile of India** restrictions. The counsel also relied on the provisions of the **Divorce Act** citing various **precedent** decisions. The Court appointed an Officer for **investigating** the misuse of funds. It was found that several documents were **misused** in order to **grab** property under the **garb** of family settlement. The Court also noted the peculiar situation of **Non-resident Indians** who often face hurdles in obtaining reliefs. In the present case, the petitioner sought **dissolution** of marriage and filed a formal **divorce petition** before the competent Court. The **Deputy Commissioner** submitted his report stating that certain transfers were **fraudulent** and contrary to law. The Court observed that there exists a **dichotomy** between personal liberty and social order but constitutional principles must prevail. The issue of health hazards was also raised since the respondent was a patient of **non-communicable** diseases aggravated due to **tobacco** consumption resulting in serious **cardiovascular** complications. The medical report clearly showed that the risk was **greater than** what was admitted by the respondent at the time of marriage. The Court held that such concealment creates a **distinction** between ordinary hardship and fraudulent suppression. A spouse entering into marriage has a right to be fully informed of the medical condition of the other partner. Concealing material facts amounts to fraud under matrimonial law. Accordingly, this Court concludes that the marriage stands dissolved. The respondent is directed to pay permanent **maintenance** to the petitioner. The concerned authorities are directed to register the decree and ensure enforcement. It is further clarified that misuse of legal process shall invite strict penal consequences. 405

According to him the dispute arose **on the date of** execution of the **sale deed** whereby the property situated within the **State of Haryana** was transferred. The appellant felt **constrained** to approach the Court in view of the **proximity** of the land to his own plot. It was argued that the trial Court had **erred** in appreciating the evidence and that the **impugned judgment** must be set aside. The appellant prayed that the matter be heard **afresh** since the trial Court had only examined the records **cursorily** and without referring to the **exemplar khasra numbers** produced by the Revenue Department. On the other hand, the respondent submitted that there existed no **sufficient ground** to interfere with the decree and that minor **infirmities** or **illegality** in procedure cannot vitiate the trial. The learned counsel further argued that the matter involved no real **controversy** and even if considered **controversial**, it did not justify reopening. The **commencement** of litigation, according to him, was at the instance of certain **revisionists** who pointed out **irregularities** in demarcation. Having heard both sides, the Court initially seemed inclined to **come to the conclusion** that the appellant's claims were weak. However, upon deeper scrutiny, it **came to the conclusion** that the authorities had indeed adopted an **anomalous** method causing a sudden **spurt** in disputes. **In view of the** above and also **on account of the** continuous **escalation** of land prices within the **municipal limits**, the Court held that a **three-fold** test must be applied while considering such disputes. Firstly, whether there was a genuine grievance secondly, whether the authorities acted in excess of jurisdiction and thirdly, whether the litigant approached the Court with clean hands. The appellant had also filed a **Special Leave Petition** before the Apex Court contending that certain plots had been converted into **warehouses** without consent of the landowners. The respondents, however, stated that this was **one of the** development schemes already approved. They relied upon earlier judgments where the Court had **set aside** similar claims holding that acquisition was **in accordance with the** law and rights already **vested**. The Court heard several **lecturers** and **professors** of town planning as expert witnesses. They testified that the scheme was prospective and not retrospective though the appellant insisted that authorities **does not** follow uniform standards. While the Court observed that **it is clear** some **retrospective** application of rules existed it also held that **we are unable** to find the scheme wholly **discriminatory**. 405

At the **core** of the matter lay the question **to say that** regulations were **diluted** to benefit powerful **degree holders** and land developers. The Court had to **see that** higher principles of fairness were not ignored. Various **modes** of allotment in **higher education** institutions were cited by analogy. **Regulations** framed under statutory authority must be followed and **as to whether** officials deviated remained the central issue. ~~The Court noted that~~ **for the period of** interim relief no further construction would be allowed. An **interim order** was accordingly passed protecting the rights of **landowners**. The judgment clarified **in other words** that while the scheme was valid, there were lapses. 513

The matter before this Court concerns a property dispute wherein the building in question was found in a **dilapidated** condition. The report submitted by the local authority records that the walls were not properly **white-washed**, the plaster had **eroded** and the wooden **stairs** supported by old **battons** were in danger of collapse. On careful **perusal** of the **photographs** produced, it is clear that rain-water had caused further damage and the house was no longer **fortified** at the **floor-level**. The structure also consisted of a projecting **chhajja** which was hanging loose and posed risk to pedestrians. The **flooring** showed cracks and **during the course of the** inspection it was discovered that the building had become unfit for **habitation**. **In the first place**, the property was inherited **by him** from his father but no proper maintenance was carried out. As a result, **dampness** spread in the walls and **efflorescence** was visible on the slabs. An **affidavit** filed by the municipal engineer states that the building is unsafe and could collapse at any time. The Court also considered the **digital camera** evidence which confirmed the physical condition of the premises. The **Appellate Authority** in its earlier order had observed that such structures must either be repaired or vacated in the interest of public safety. The respondent argued that the building is his ancestral property and that eviction would cause hardship. However, the record clearly shows that the premises are **unsafe** and dangerous. **According to him**, he had applied for permission to carry out repairs, but no such permission was granted. The inspection note **also mentions** that even minor repairs cannot restore the building as the damage is beyond repair. The Court while examining the legal position held that ownership rights cannot override the right to safety of the public. The judgment emphasized that the right to residence must be balanced with the duty to maintain the property in a condition suitable for **physical** use. The Court also noted that **fiscal** constraints cannot be a justification for neglect. The Court observed that it is the responsibility of the municipal authority to ensure that such buildings are not used for residential or commercial purposes once declared unsafe. A person cannot claim absolute ownership over property if it endangers others. The legal maxim that personal liberty ends where public safety begins applies here. On this basis, the Court ordered that the property be vacated within one month failing which the municipal authority shall take steps to demolish the structure. 413

The Court clarified that the owner may apply for reconstruction in accordance with law but until such permission is granted, the premises

shall remain sealed. In conclusion, the Court reiterated that the safety of the citizens is paramount. The findings of the inspection supported by **photographs**, **affidavit** and **digital camera** evidence establish beyond doubt that the building is in a **dilapidated** and **unsafe** condition. The appeal was accordingly dismissed and directions were issued for compliance. 488



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