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TABLE OF CONTENT

ORACULUM

INTRA-ARTICLE COMPETITION

1. Samya Saxena- WINNER

2. Manya Verma- PAPER RECOGNITION

3. Saubhagya Rathi- PAPER RECOGNITION

Life's Final Choice and Constitutional Morality: Common Cause v. Union of India (2018)

NAME- SAMYA SAXENA
4TH YEAR, B.A.LLB

Right to Die with Dignity: A Constitutional Turning Point

The Supreme Court's landmark 2018 judgment in Common Cause v. Union of India redefined the meaning of life and dignity under Article 21 of the Indian Constitution. Moving beyond a narrow interpretation of mere survival, the Court recognized that the right to life includes the right to die with dignity, especially in cases of terminal illness or irreversible medical conditions.

Historically, Indian jurisprudence on this issue evolved through conflicting decisions. While P. Rathinam v. Union of Indiabriefly recognized the right to die, it was overruled in Gian Kaur v. State of Punjab, which upheld the sanctity of life. Later, Aruna Shanbaug v. Union of India allowed passive euthanasia under strict conditions, setting the stage for further clarity.

The Common Cause judgment brought that clarity. A Constitution Bench unanimously held that passive euthanasia is legal and recognized the validity of advance medical directives (living wills). This empowers individuals to refuse life-sustaining treatment in advance, ensuring that their autonomy and dignity are respected even when they cannot communicate their wishes.

A key foundation of this decision is constitutional morality, a principle that prioritizes individual rights and dignity over societal or majoritarian views. Drawing from the privacy judgment in Puttaswamy, the Court emphasized that autonomy, dignity, and personal choice are inseparable components of Article 21.

The ruling also has far-reaching implications for India's healthcare system. It calls for a shift toward patient-centered care, ethical medical practices, and clearer legal frameworks for end-of-life decisions. Subsequent developments, including the 2023 guidelines, have further simplified the process of executing living wills, making this right more accessible.
However, challenges remain. There is a pressing need for legislative codification, greater public awareness, and structured training for medical professionals to ensure consistent and compassionate implementation.
Ultimately, the judgment marks a profound shift in constitutional thought—affirming that dignity is not only a right in life but also in death.

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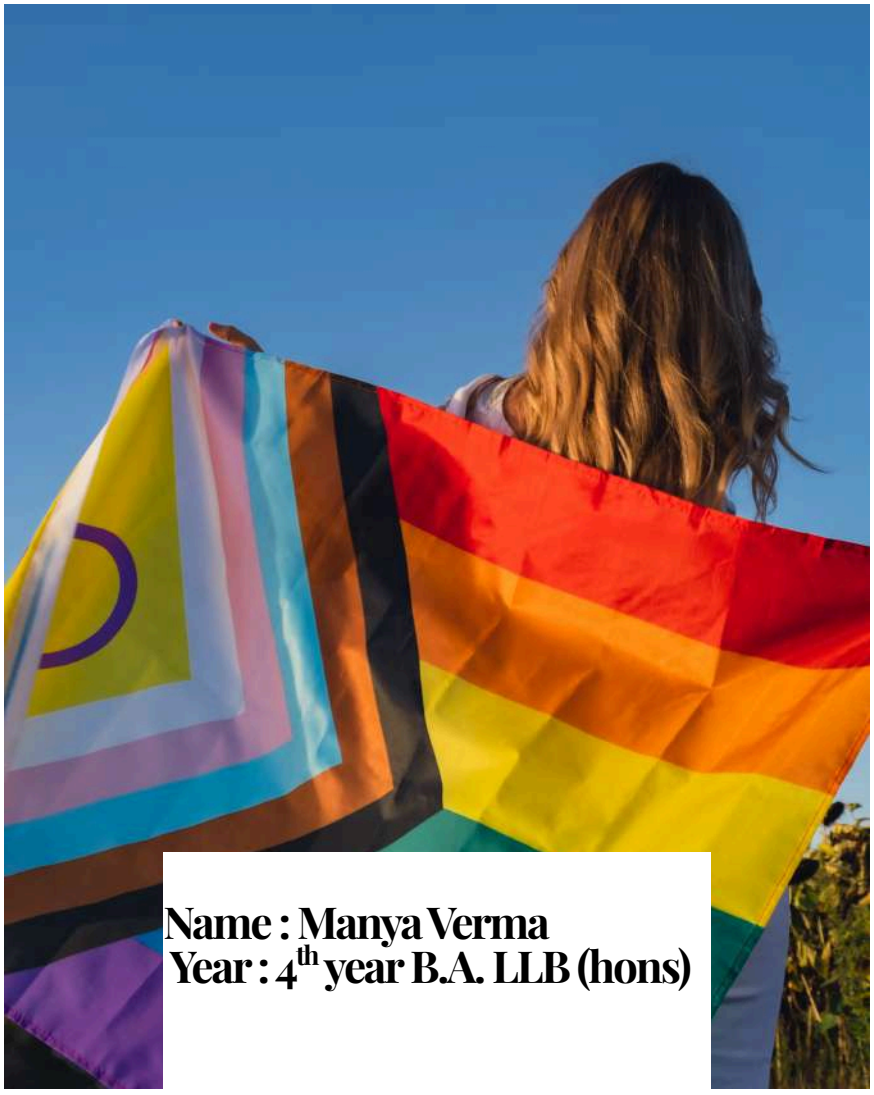
From Criminalization to Constitutional Protection



Name : Manya Verma
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The Supreme Court's landmark ruling in Navtej Singh Johar v. Union of India marks a defining moment in India's constitutional journey—from colonial repression to the recognition of dignity and equality for sexual minorities.

At the center of this transformation was Section 377 of the Indian Penal Code (1860), a colonial-era provision that criminalized "carnal intercourse against the order of nature." Rooted in Victorian morality, the law imposed over a century of stigma, fear, and invisibility on LGBTQ+ individuals, standing in stark contradiction to the Constitution's promise of liberty and equality.

The road to change was neither linear nor easy. In Naz Foundation v. NCT Delhi (2009), the Delhi High Court decriminalized consensual same-sex relations, recognizing sexual orientation as intrinsic to dignity and autonomy. However, this progress was reversed in Suresh Kumar Koushal v. Naz Foundation (2013), where the Supreme Court upheld Section 377, controversially dismissing LGBTQ+ persons as a "minuscule minority."

A turning point came with K.S. Puttaswamy v. Union of India (2017), where the Court recognized privacy as a fundamental right, explicitly affirming that sexual orientation is integral to dignity and personal autonomy. This doctrinal shift paved the way for Johar.

In 2018, a five-judge Constitution Bench unanimously read down Section 377, decriminalizing consensual same-sex relations between adults. The Court grounded its reasoning in dignity, autonomy, privacy, and equality, holding that the Constitution protects the right to love and identity. It also emphasized constitutional morality over social morality, asserting that fundamental rights cannot be curtailed by majoritarian prejudice. Justice Indu Malhotra's powerful remark that "history owes an apology" captured the moral weight of the judgment.

Despite its transformative impact, significant challenges remain. LGBTQ+ individuals in India continue to face social stigma, exclusion, and lack of legal recognition in areas like family law and workplace equality. The absence of comprehensive anti-discrimination legislation highlights the gap between formal constitutional rights and lived reality.

Ultimately, Johar is not the end of the struggle—it is the beginning. It represents both a repudiation of colonial injusticeand a foundation for future equality claims. The decision reimagines the Constitution as a living document that protects identity, love, and autonomy, but its promise can only be fulfilled through continued legal reform, social acceptance, and cultural change.

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GODS OF TRADITION, LAWS OF EQUALITY: UNVEILING THE SABARIMALA PARADOX

Name : Saubhagya Rathi
Year : 2nd year B.B.A. LLB (hons)

The landmark decision in Indian Young Lawyers Association v. State of Kerala stands at the intersection of faith and constitutional values, raising a fundamental question: Can religious traditions override the right to equality?

The dispute arose at the Sabarimala Temple in Kerala, where women aged 10–50 were traditionally barred from entry, citing the celibate nature of Lord Ayyappa. This exclusion, backed by Rule 3(b) of the Kerala Hindu Places of Public Worship Rules, was upheld by the Kerala High Court in 1991. However, in 2006, petitioners challenged the ban before the Supreme Court, arguing that it violated fundamental rights—particularly equality, dignity, and non-discrimination under Articles 14, 15, 17, and 21.

In a 4:1 majority judgment (2018), the Supreme Court struck down the restriction, holding that religious practices cannot trump constitutional morality. The Court ruled that the exclusion was not an essential religious practice and emphasized that public temples must uphold equality. Justice Chandrachud went further, characterizing the practice as a form of "untouchability" rooted in notions of purity and pollution.

However, Justice Indu Malhotra's dissent offered a powerful counterpoint. She cautioned against judicial overreach into matters of faith, arguing that courts should not determine what constitutes essential religious practice. According to her, such intervention risks undermining India's pluralistic secularism.

The case significantly reshaped constitutional doctrines. It re-examined the Essential Religious Practices (ERP) test, strengthened the role of constitutional morality, and expanded the scope of equality in religious spaces. While hailed as a victory for gender justice and dignity, critics argue that it blurred the line between judicial review and theological interpretation.

The aftermath revealed the complexity of enforcing legal change. The verdict triggered widespread protests, political polarization, and resistance on the ground, highlighting the gap between constitutional ideals and social acceptance. The issue remains unsettled, with broader questions referred to a nine-judge bench for reconsideration.

Ultimately, Sabarimala is more than a temple entry dispute—it is a constitutional moment. It showcases both the transformative power of the judiciary in advancing equality and the risks of intervening in deeply held religious beliefs. The case underscores a crucial reality: lasting reform requires not just judicial pronouncements, but societal dialogue and acceptance

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ORACULUM

INTRA- ESSAY COMPETITION

1. Ananya Parial- WINNER
2. Ananya KC Subhash- RUNNER UP
3. Ruqayya Malim- PAPER RECOGNITION
4. Devanandha Aeran- PAPER RECOGNITION

ANANYA PARIAL 1st Year, B.A. LLB (hons)

BAN ON CERTAIN FILMS AND BOOKS, CENSORSHIP VERSUS ARTISTIC FREEDOM.

Freedom of speech and expression is the foundation of all freedom.
-------Dr. B.R. Ambedkar.

Introduction:

Art and literature are the mirrors of society. Films and books are the physical representation of art and literature. Through films and books, we question the government, and we express dissenting ideas that differ from the popular choice. It is a form of indirect protest that questions authority. Our question ensures our right to freedom of speech and expression to express our ideas and perspectives to the world. Films and books fill the gap between citizens and government. These are the medium of our voice, our right to question, our right to dissent. Those reflect how normal citizens think, how their perspective follows, how their voice will be raised, and restricting the films and the books which are against popular choice or certain political point of view restricts our right to exercise the fundamental right to freedom of speech and expression. Silence our voice to question, suppress our right to question and dissent.

Issues:

Multiple issues arise from how societies' artistic forms, researchers, and books get restricted.

1. Who defines what ought to be restricted? Who defines and sets the measurement?

The first question should be, what content makes certain books and films end up being banned, and who shapes the measurements?

2. Dissenting from one popular belief doesn't always mean wrong.

If a content is against one conventional belief, it can be in favour of another.

3. Does banning certain films and books erase the question that has been conveyed by those?

Banning particular films and books doesn't erase the question that has been raised by civilians. It is showing them that if the question is against

the authority, they are going to suppress, just like the films and books got suppressed.

Statutes and laws concerning the banning of films and books:

Our constitution gives us the right to freedom of speech and ensures that our right to question doesn't get curtailed.

1. Article 19(1)(a): Right to freedom of speech and expression is protected under this fundamental right.
2. Article 19(2): Article 19A is not absolute. It is subject to certain restrictions like sovereignty, security of the state, defamation, contempt of court, friendly relations among other countries and public order.
3. The US Constitution: The First Amendment in the US Constitution offers a near-absolute right to freedom of expression.
4. EU laws: while the US protects the right to express, the EU has certain criteria and requirements that need to be followed.
5. The Cinematograph Act: checks if the films meet certain requirements, then the films get the allowance to pass.

Cases:

1. K.A. Abbas vs UOI: In this case, the Supreme Court upheld that the government can ban certain films, but that must be under reasonable reasons.
2. Rangarajan vs Jagjivan Ram: In this case, it was presented that only an artistic work would be restricted if it violates morality and the basic foundation of society.

Bans on books. and films.

1. The Satanic Verses by Salman Rushdie was banned in India due to concerns that certain sections could offend religious sentiments within the Muslim community.
2. Tasleema Nasreen's Lajja got banned in India for offending certain stereotypical orthodox belief systems.

More examples like Padmavat, The Bengal Files.

Analysis:

Argument 1: Certain films and books contain offensive materials that can disrupt the communal harmony and the stability of society created by the masses.

Counter-argument: Banning films and books that go against certain communities' beliefs amounts to allowing a mob veto, which is offensive to a particular community, and needs to be offensive to the other.

Banning the content on the basis of protecting the sentiments from getting hurt amounts to partiality and creates bias.
Argument 2: A total ban on books or films is not necessary. Only removing the obscene or offensive part can solve the mess.
Counter-argument: Sometimes, to maintain the public order and ensure peace and communal harmony and to pacify the crowd, only removing the sensitive part is not enough.
Argument 3: Political power authorities can use the law to satisfy and meet their certain objectives, which need not be in people's favour.
Counter-argument: Even if political objectives are not being met by the ban, some are, even if the political objectives are being met by the ban. Somehow, a state protects the stability in society.

Suggestions:
I.The definition of offensive: There should be a precise, dedicated, particular, transparent definition of what amounts to being offensive. It should be neutral and impartial.
II.Independent Authority: Instead of leaving the matters unchecked on the discretion of executive, there should be an independent authoritative body to review.
III.Laws should be precise, dedicated, and transparent: The laws related to restriction and ban need to be precise and transparent and not vague and ambiguous and spread with ambiguity and applied for all regardless of any particulars, community, caste and religion.
IV.Not compromising the democratic right to question: The aim is to maintain harmony by removing controversial, sensitive content, not to suppress the democratic right of people to question the authority. The restriction should not come at the price of losing democratic rights of people.

Conclusion: The bans and restrictions are made to meet certain objectives, so the objectives must be in favour of the welfare of people, must be in goodwill to avoid riots and communal disturbance, to protect the peace and maintain public order to ensure stability. These objectives need to be clear from ambiguity, biasness, and political reasons. Objectives should not come at the sacrifice of people's right to question dissent from popular choice or belief. Restriction needs to be reasonable. The aim is to maintain fraternity, not hurting the people's sentiment, but it needs to be checked if the ban or restrictions are for people at large, people regardless of their social identities and status or for some particular community. Banning should be applied when it is crucial not to satisfy any one certain community's sentiment or belief system. It needs to be checked if it is real, pragmatic, content fact, or is offensive and unreasonably unjust against certain beliefs. Banning and restrictions should be in favour of the democratic right and not against it; they should benefit the justness and fairness, not be adverse of it or suffocate the idea of it. It should protect and strengthen democracy, not weaken it.

Ananya KC Subhash

1st Year, B.B.A. LLB (hons)

BAN ON CERTAIN FILMS AND BOOKS: CENSORSHIP VS ARTISTIC FREEDOM

In a democratic society, Artistic freedom is highly important. This is because only then people and organisations can express their opinions and views feely. A society where such freedom of speech and expression is not enforced, is not a democratic society.

Freedom of Speech and Expression is the right which is involved in artistic freedom. This freedom involves the right to publish artistic works without fear of disapproval, restriction and regulation. Artists can exercise their right while publishing artistic works like Books and Films.

This freedom however is not absolute and can be met with censorship, i.e. modifying, restricting or banning a particular film or book or other forms of creative work. This usually happens when a particular work is deemed to be against public morality, national security and other such reasons.

In an ever-changing society, there needs to be a balance between Artistic freedom and Censorship. This is because if one of them overpowers the other, there will be no order and peace in the society.

The moral dilemma over how to achieve this balance is crucial. This has led to many legislations and norms by different countries. These legislations are aimed at ensuring that Artistic Freedom is not compromised due to excessive regulation.

These regulations are supposed to be used to control the spread of false information, to protect public sentiment and prevent any act which can lead to disaffection against the country. In some cases, the concerns are legitimate, however there is an increasing fear that such regulations are aimed at curbing any form of speech and expression which tends to challenge the government and its policies.

In spite of these concerns countries have still kept certain regulations. For instance, in India, Article 19(1)(a) of the Constitution provides the right to freedom of Speech and Expression. This right enables artistic works to be published without any problems. However, Article 19(2) of the Constitution adds an exception to the above. According to this article, the rights granted in Article 19(1)(a) can be restricted on the grounds of National Security, Public morality and relations with other countries. In India there have been instances where artistic works like Films and books had to face some or the other form of restriction or modification.

For example:

In the film Padmavat (originally titled Padmavati) the movie faced a huge amount of backlash mainly by the Rajput community which claimed that the facts presented in the movie were inaccurate in nature. They also criticised the portrayal of the relationship between a Hindu female and Allauddin Khilji. The people involved behind the movie claimed that the film was fictional. However the film was banned in certain states. Later the Supreme Court intervened and removed the ban on the movie in certain states. Finally the movie underwent some changes and was released in the theatres.

The above example depicts how in India, the fine balance between Artistic Freedom and Censorship is important and defining in nature. Laws related to this are still evolving, keeping in mind the challenges associated with excessive artistic freedom and excessive censorship.

However this issue of the conflict between Artistic Freedom and Censorship is not limited to India alone; internationally this conflict has gained relevance. For example: George Orwell's works i.e. '1984' and 'Animal Farm' had to face challenges similar to Censorship. These works were deemed to be anti-communist in nature and had to face restrictions in Communist countries.

Proponents of Censorship have argued that without these restrictions, artistic works can have a negative influence on the society. Further they believe that if such restrictions are not enforced, sensitive information will be published which will pose as a threat to National security. Thus they believe that censorship is crucial in order to maintain peace and harmony.

However the proponents of Artistic Freedom believe that the Right to Freedom and Speech is essential to protect the rights of artists. According to them, individuals who do not have this right have no real freedom and such a society is not a society where individuals can progress.

Considering both these viewpoints, it is essential to find a clear balance, which ensures that the works which are not good for the society and contain sensitive information, are regulated or restricted.

To achieve this, policy makers and those involved in making legislation should form clear specifications and set limits on what will be the basis for restricting an artistic work. Setting these standards and maintaining transparency on these limits will ensure that artists do not feel excessively restricted and accurate information will be published. Only those works which are harmful will be met with censorship.

The right way to legislate is essential so that information which is factually correct and important to the public do not get distorted or go unpublished, just because the government finds it to be a threat to its power. People with useful information can be more well informed and empowered.

International and National regulatory frameworks are currently trying to maintain this balance; for example, The European Union is working on laws which are not excessively restrictive in nature.

Thus, Censorship and Artistic freedom is an evolving concept which changes according to the needs and demands of the contemporary society. The CBFC in India is undergoing a significant change in accordance with these changes.

In the future there will be clearer censorship rules which are not arbitrary in nature. Only by way of extensive regulation can the Constitutional provisions guaranteed to the citizens and organisations be actually ensured.

Freedom of Speech and Expression along with certain clear restrictions can ensure that not only artists have their freedom but also that the true spirit of Artistic freedom is maintained.

Ruqayya Malim

1st Year, B.A. LLB (hons)

BAN ON CERTAIN FILMS AND BOOKS: CENSORSHIP VS ARTISTIC FREEDOM

Humans thrive on creativity. It is the very fuel that us going, the very splash of color that we need in our otherwise monotonous lives. From the concept of creativity, stems the term, 'creative expression'. Creative expression is as significant as oral or written expression.

We have an innate mechanism which drives us to express creatively. This tendency to express creatively has resulted in the regulation of outputs such as dance, songs, cinema, art, literature, etc. Creative expression plays an integral role in our daily lives. From choosing which playlist to play while commuting to binge-watching a new show, it is creative expression that makes all of these delights possible for us.

In the same way, creative expression holds the power to influence the minds of masses altogether. The right exposure can uplift people and on the other hand, the wrong exposure can lead to a backward society. And in India, the two most popular forms of creative expression are books and films. We're quite famous for writing timeless classics and making star-studded movies.

While, in India, people are still condoned for choosing creative careers, imagine how our lives would have been without Sanjay Leela Bhansali, Sudha Murty and Konkona Sen Sharma. On the daily, it is this very creative expression that, knowingly or unknowingly, influences us. Like I had mentioned earlier, good or bad creative expression can make or break a society. Which is why the very men who criticized Barbie went on to become misogynistic fanatics of Kabir Singh. The release of the latter makes me wonder whether anything and everything can be released.

The answer to that question would be no, because here the concept of censorship comes into play.

Censorship refers to the restriction on some releases and works of creative expression, which is done by regulating government authorities. Upon seeking the consent to release publicly, these government authorities scrutinize the work. They will then release it either unedited, or with cuts, or will not release it altogether.

There have been examples of there being either a ban on some films and books, and the ban either being lifted as is, or after revision. A few instances would be films like 'Sins' and 'Fifty Shades of Grey', which were barred from release due to their "extreme sexual content". Films and books have also been banned for showing queer relationships, being anti-national in nature and having vulgarity. Movies such as 'The Kerala Story' had also not been released in specific states due to its sensitive nature.

If censorship can be regulated by government authority, on the other hand, Article 19 has been enshrined in the Constitution. Article 19 (10) protects our very expression, immaterial of its medium and Article 19 (2) states that reasonable restrictions can be imposed on it. Our right to freedom of expression, while it can be used to any extent, must be used for the right purpose nonetheless.

Censorship, from the point of view of the government, is helpful in approving and propagating what is needed for public welfare and what is not. It is an extremely important task to select what the public and common man can be exposed to. It is very vital to declare what can be viewed by everyone and what cannot. And while censorship is an absolutely necessary procedure, it must not infringe on people's right to expression.

The government must keep in mind that the times are changing. Values, morals and cultures and changing. We are being exposed to numerous ideals, thoughts, expressions.

And, creative expressions such as books and films have the capacity to change minds for the better or worse. They are ways in which we are subject to the thoughts and voices of others and can change ours accordingly. They are not merely books and films, they are an expression of humanity, rebellion, emotions, innovation, so on and so forth.

Books and films are instruments for the public to evolve. We learn through them and explore newfound identities through them. For many, they are a source of solace, knowledge and articulation. The government should not impose strict and stringent restrictions on the same. They should carefully analyse the impact of the release of a specific work but also, should not be overly conservative. Because, by the end of the day, these instruments of creative expression hold an important place in our lives, and it is our very existence that flourishes on creative expression. Whether it be reading a book in the train or watching a new movie in a theater, these books and films are our very voices and a hope for the future.

DEVANANDHA AERAN

1st Year, B.A. LLB (hons)

BAN ON CERTAIN FILMS AND BOOKS: CENSORSHIP VS ARTISTIC FREEDOM

Would it be right if we shut the mouths of artists who speak truth? Why particularly on artists ? Shutting the mouth of a common man when he speaks the truth has to be considered undemocratic. Don't you think the very fact that the government starts to panic when someone tries to portray certain matters within the country or globally, shows there are discrepancies in governing and policies? They use excuses such as public disorder , chaos in society and a few others to justify their actions. But what about the time and effort these artists had put in to open the eyes of the innocent citizens who blindly believe in the government? The same citizens who had elected them but being misused because of their ignorance. Someone should take stand for them right ?

If we talk particularly about India , a democratic country, which has a vital article in it's 78 year old constitution- Article 19 . Clause 1(a) of Article 19 of the Indian Constitution talks about - Freedom of Speech and Expression . Freedom is not absolute . It comes with clause 2 which mentions the restrictions we have on their Freedom. But implying these restrictions without a valid reason is undemocratic. Recently , a film named 'Empuraan' was released in theatres . It was a Malayalam movie but it was released in more than 3 languages . Right after its release , the movie faced backlash. It was said that the movie contained some highly violent scenes and was asked to trim those scenes. At the same time, a movie named 'Marco' which had been released a few weeks before Empuraan , was certified 18+ due to its violent contents . 'Marco' was not asked to trim any of it's scenes. An additional note : Empuraan mentioned certain historic events that happened in India , which slightly posed a threat to the government. This was more than enough for the citizens to understand why the Censorship Board of India asked to trim certain clips from that movie. This is just one example of how the government misuses their power for their personal needs.

Books and films are the two most important ways by which artists who have critical views about society , polity , contemporary events happening or historic events , bring them to the eyes of the common people and the authorities . Instead of admitting the corruptions and improving the governing skills, they shut off the person , the book or the film making the claim. If it is known that people would criticize , then why keep on creating opportunities for people to do so ? You could just put a full stop to corruption.

It is completely understood that if controversial topics float it would create huge havoc in the society. So , for valid and just reasons, the government must imply restrictions. Safety of the citizens matters. But the government should cease clipping the lips of people who criticize because that is not how a nation works. Criticism is important as appreciation. It is the best way to improve governing, understanding the citizens, source of acknowledgement of the citizens' needs, getting to know their perspectives and to see if the common people are happy and satisfied with the government or not. And this is applicable only if the governing bodies genuinely want a betterment in society and improvement in their citizens' economic and social conditions.

In conclusion, as every coin has two sides, every other thing can also be used for good deeds as well as for bad deeds. Article 19(1)(a) must be used for optimistic goals and not for demeaning anything. At the same time , Article 19 (2); those restrictions should also be implied only for valid reasons, not to just shut off people from
speaking truth,because...Democracy runs in India’s veins, not Dictatorship.

Dissenting Financial Creditors under IBC: Trends, Judicial Evolution and Future Scope

By- Disha Jain, 3rd Year B.B.A. LLB (hons)

ABSTRACT

Insolvency and Bankruptcy Code (IBC), 2016 is one of India's most important economic reforms. IBC provides ways to revive a company and to protect it from liquidation. This systematic approach has improved creditor's confidence and enhances the ease of trade amongst various businesses.

This article mainly highlights on the provisions mentioned under the Insolvency and Bankruptcy Code for creditors who chose to vote against the Resolution Plan. This article mentions the unfair treatment against such creditors who have no other choice but to be bound by such resolution plan; critically analysing section 30(2)(b) which mandates a payout to the creditors but limits the enforcement against the interest of their security below the liquidation value. This study focuses on how the judiciary has interpreted and taken its stance on such issues over the span of time to improve the scenario of such dissecting financial creditors by passing landmark judgements like Essar Steel vs Satish Kumar Gupta and India Resurgence which have shaped these debates.

The article further concludes by discussing other fair mechanisms that can be introduced to ensure equity of treatment amongst all creditors. These ways will not only ensure protection of viable companies but also give due consideration in securing individual's security to a certain extent, which has been a prevalent ethical dilemma.

A1.1 Introduction

Insolvency and Bankruptcy Code (2016) has always been clear on its stance on financial creditors who, do not approve of the resolution plan. Prior to 2019, there were no defined set of rules to govern such classes of people which lead to discretion of the commercial wisdom by the Committee of Creditors (CoC)- the most important and powerful decision-making body.

However, after the amendment in 2019, the provision 30(2)(b)(ii)1 has elaborated on its stance to mandate a minimum payment of the liquidation value restricting them their right to fully recover their security. This has however, improved the situation of the Dissenting Financial Creditors (DFC), by at least giving them the liquidation value. If we analyse this situation closely, Dissenting Financial Creditors (DFC's) are compelled to accept amounts below the liquidation value of their security, it effectively puts them at par with unsecured creditors. This threatens the fundamental principles of lending, where the value of underlying assets secures favourable credit terms for the creditor

This question of unfair treatment majorly arises due to a difference in treatment in liquidation process where the secured creditors in such instances have two options: 1) To hand over their collateral to the liquidation estate and get paid according to the waterfall mechanism mentioned under section 53 2or 2) The creditor keeps the right on the asset and later sells it on his own. In such cases, the creditors freely exercise their right over their asset irrespective of the company being shut, which, contrasts with the rights exercised by the creditors in resolution of a company. They are compelled to follow the plan and receive the decided liquidated value even if they have not consented to such a decision.

1.2 Judicial Interpretation

The courts have time and again limited judicial intervention in decisions taken by CoC by giving primacy to the commercial wisdom of the CoC. The National Company Law Tribunal (NCLT) also, rather only advice if the plan contravenes with the basic provisions of section 303 and section 31. Supremacy of commercial wisdom of CoC has been reaffirmed in cases like K Shashidhar v Indian Overseas Bank & Ors4 where; Supreme Court was of the view that, the financial creditors usually know the situation and the decisions made by the CoC are collective business outcomes after weighing all the possible risks and options. Thus, no foreign body, not even the courts, can question the wisdom of such decision-making process, as it defeats the very sacrament and purpose the process; clearly establishing the fact that CoC's commercial wisdom is non- justiciable. The judgements clearly impart that if there is no ambiguity or abdication of provisions of the Code & Regulations, the Committee of Creditors cannot be enquired with matters relating to the commercial wisdom during Corporate Insolvency Resolution Process (CIRP). There is an absolute protection of commercial wisdom from judicial review of NCLT or NCLAT. The code further, has been designed in a way to minimise intervention by other bodies by giving discretionary powers to the committee who are best placed to take business decisions quickly and wisely. However, the courts certainly ensure fairness and legality of the process.

Subsequently, the judiciary has intervened when the discretion exercised by CoC has resulted in arbitrariness, by delivering landmark judgements to uphold the rights of the dissenting creditors, especially when their treatment was unfair or violated by law. They have shaped the landscape of this arena, which includes cases like Essar Steel vs. Satish Kumar Gupta,5where the Supreme Court affirmed that once the Committee of Creditors (CoC) approves a resolution plan by the requisite 66 % majority, that decision, binds all stakeholders, grounded in commercial wisdom, including dissenting financial creditors and courts have only limited judicial review to ensure statutory compliance to not second guess the CoC's distribution decisions. Importantly, the Court interpreted the 2019 Amendment Act to section 30(2)(b) of the IBC to guarantee that dissenting financial creditors are entitled to receive a minimum amount not less than what they would have received under section 53(1) in hypothetical liquidation of the corporate debtor

The judgment clarifies that entitlement for secured dissenting financial creditors can be satisfied in two ways, (i) by cash payment or (ii) by allowing enforcement of their security interest to the extent of the liquidation value of such security, thus meeting the Code's "payment" requirement without undermining the resolution plan. Also, the Court rejected arguments that dissenting creditors must receive full fair-market value or that distributions in the resolution plan must match liquidation value, emphasizing that the amendment only protects the minimum threshold entitlement and not guarantee a windfall beyond the admitted claim or statutory waterfall entitlements. The judgement made sure that while the CoC retains broad discretion to allocate proceeds, the resolution plan respects the minimum guaranteed rights of dissenting financial creditors under the Code's hierarchy. The judgment stated that judicial review is narrow and limited to ensuring legal compliance, preserving the primacy of CoC's commercial decisions but requiring that the mechanism for dissenters is adequately cash based or enforce security based, consistent with section 30(2)(b) and section 53 protections.

Further in Jaypee Kensington6, the Supreme Court underscored that dissenting financial creditors, are entitled only to payment in cash or through enforcement of their security interest to the 'extent of value receivable,' and even if the CoC unanimously approves such noncash modalities, the dissenting creditors cannot be compensated by non-monetary means like equity shares, land parcels, or others. The Court reasoned that DFCs cannot be forced to remain attached to the fate of the corporate debtor by way of continued exposure through equity or land, and that "payment" under section 30(2)(b) IBC must mean direct money, not barter or in-kind transfer. Thus, a dissenting creditor must either receive the liquidation value that would accrue under section 53 or be allowed to enforce its security to recover that amount, but no creative swaps or conversions are allowed under the plan. The judgment reaffirmed that adjudicating authorities like the NCLT/NCLAT may, when a plan fails statutory compliance, modify the plan to the extent necessary (e.g. to insert cash only payment terms) while preserving its basic structure, rather than embracing non-cash compensation proposed by the CoC. Importantly, the Court held that this cash only principle cannot be bypassed even if the assenting financial creditors accept non cash forms of payment, reinforcing that dissenters are not bound by that accommodation. By so doing, the Court enforced a strict minority protection: those who dissent must be disengaged financially from the corporate debtor and not exposed to further risk through equity or asset transfers but must be made whole in money, up to their liquidation entitlement.

In India Resurgence Arc v. Amit Metaliks7, the Supreme Court addressed that the entitlement of a dissenting secured financial creditor, who objected to a resolution plan approved by Committee of Creditors (CoC) with 95% majority, arguing that it failed to account for the actual value of its exclusive security interest and instead offered only a little of what was claimed.

The Court reiterated its earlier rulings in Essar Steel and Jaypee Kensington, asserting that while 2019 Amendment Act, Section 30(2)(b) of the IBC guarantee dissenting financial creditors a minimum payment equal to what they would receive under Section 53(1) in a hypothetical liquidation, the entitlement does not extend to claim the full fair market value of their security interest. The Court emphasized that the word “may” in Section 30(4) reflects the CoC’s commercial discretion in distributing proceeds among its creditors, and dissenting creditors cannot demand preferential treatment on their security interest. It held that judicial review for Sections 318, 329, and 6110 remains limited to checking statutory compliance and cannot be used to disturb the CoC’s policy decisions. The Court clarified that the dissenting creditor’s right, secured or unsecured, is confined to enforcement of its security interest only to the ‘extent of the liquidation value’ proportionate to similarly placed secured creditors, and not beyond that threshold. Further, an appeal was made which was dismissed by the court upholding the resolution plan’s pro rata payment basis and rejecting any argument that dissenters are entitled to a higher payout reflecting full security value.

Further in 2024, in the case of Paridhi Finvest v. Value Infracon Buyers Association11, the Supreme Court upheld the principle of India Resurgence case, affirming that dissenting secured creditors cannot claim amounts based on their security interest holdings and are limited to the minimum liquidation-value entitlement under Section 30(2)(b)(ii) and Section 53(1).

Subsequently, in DBS Bank Ltd. v. Shailendra Ajmera12, the two judge Bench led by Justice Sanjiv Khanna held that Section 30(2)(b)(ii) of the IBC guarantees dissenting financial creditors a monetary amount not less than the value they would receive upon liquidation, but clarifies that this means value equivalent to their security interest, not necessarily tied to their voting share in the CoC. The Court expressly diverged from the interpretation in India Resurgence Arc Pvt. Ltd. v. Amit Metaliks Ltd., holding that a secured dissenting creditor is entitled to payment of the value of its security interest, i.e. the liquidation-value equivalent for that security, and not limited to the pro rata share of CoC distributions based on voting percentage. It reaffirmed that while the CoC retains commercial discretion under Section 30(4), dissenters cannot demand preferential treatment over other secured creditors, and the entitlement is confined to ensuring they are not worse off than in liquidation. The Bench found Indian Resurgence’s view where secured dissenters were limited to liquidation value proportionate to exposure or CoC share that is to be inconsistent with precedents in Essar Steel and Jaypee Kensington, prompting reference to a larger bench for resolution of this interpretative conflict. The Court also emphasised that the amended Section 30(2)(b)(ii) applied to pending appeals by virtue of Explanation 2 in the IBC Amendment Act, 2019, thereby extending protection to dissenters even if the appeal was filed before the amendment was notified. Further, it clarified that "payment" under Section 30 must necessarily be in monetary form, either by direct cash payment or recovery via enforcement of security interest, which ensures enforceability of dissenting creditors’ rights while preserving the viability of the resolution plan by preventing piecemeal enforcement of security assets. The ruling thus strengthened dissenting secured creditors’ rights by tying their minimum recovery to the actual value of their security interest, not merely their claim or CoC vote share, while maintaining that they cannot claim more than liquidation value and cannot disrupt CoC-approved distribution structures.

The decision in DBS Bank Ltd. v. Shailendra Ajmera must be seen as a continuation through statutory interpretation of the principle earlier embedded in Regulation 38(1)(c) of the CIRP Regulations, which, prior to 5 October 2018, made it mandatory for a resolution applicant to provide for payment of liquidation value to dissenting financial creditors. However, the National Company Law Appellate Tribunal ("NCLAT") held that due to the absence of any specific provision in the Code, there could be no discrimination amongst the financial creditors as far as the distribution of resolution funds were concerned and that the said Regulation 38(1)(c) of the CIRP Regulations was inconsistent with the provisions of the Code. After this, the CIRP Regulations were amended to do away with the mandatory requirement of payment of liquidation value to the dissenting financial creditors. Further, while dealing with the issue of providing differential treatment to secured creditors based on value or priority of security interest, the NCLAT had held that all the financial creditors were to be treated in a similar manner if situated similarly and that no distinction was allowed between first charge holders and second charge holders at the CIRP stage. However, after the 2019 amendment act, which amended 30(2)(b) to guarantee a minimum amount of the liquidation value in the waterfall mechanism (sets the order in which the proceeds from the sale of the assets should be distributed amongst the creditors).

1.3 Way Ahead

The courts and the IBC code have given a better status to dissenting financial creditors over the years, by giving them the minimum protections, but their rights still aren't fully recognised. DFC's are not allowed to recover their entire amount from the CIRP even though they can in liquidation, this can result in misuse in decision taking. Therefore, creditors may fear to oppose the plan and might refrain from openly expressing their opinion because it may lead to their financial disadvantage. Overall, this undermines the spirit of transparency and fair resolution process.

To address these concerns, certain initiatives can be taken to overcome these difficulties making it an equitable arrangement. One such solution is to allow dissenting financial creditors to recover a proportion of the realizable value of their security other than providing them a minimum decided value. In practice, liquidation value is far lower than the value of their security, thus introducing such practices will create a robust system based on a fair market value. Such a flexible environment will encourage creditors to negotiate on the proportions of their assets. There should also be arbitration and mediation mechanisms to ensure an amicable outcome for both the parties. DFC's can be allowed to file formal objections if their rights are being compromised.

Methods adopted by many foreign countries can also be inculcated in our country to tackle this situation. One such system is the cram down mechanism, which is widely used outside India, this

is a situation wherein; the resolution plan is approved despite people opposing it, provided, certain
conditions are met. The idea is to prevent any sort of supremacy among creditors solely based on
their opinion.
USA is one such country which follows the cram down method which advocates to pay the dissenting creditors in full, with interest over time or are allowed to retain their lien and receive payments equivalent to their security. UK is another country which aims to handle the situation
by ensuring fairness by introducing cross cram method, in which the plan must be approved by at
least one class of directors, it is established that the dissenting class would be no worse off than in the otherwise suggested plan and the plan must be sanctioned by the court after due diligence. Such methods seek to not only protect the shutdown of companies but also to safeguard the interest of other creditors by giving them what they deserve.
Though, India has tried to maintain an equitable balance between protecting individual rights and preserving collective resolving mechanisms through judicial interventions, India must strive towards achieving a justiciable system where courts further expand their scope of judicial scrutiny
in cases of unfair treatment, integrating alternate dispute resolution mechanisms within the insolvency framework which can enhance the outcome. These steps would not only promote creditor confidence but will also align India with other standard global practices.

THE RISE OF "AGENTIC AI": FROM CHATBOTS TO PERSONAL EMPLOYEES

By: JANVI PRAKASH, 4th Year B.A. LLB (hons)

INTRODUCTION:

Suppose you are a student in Mumbai. You have a long to do list including your gym workout plan, diet plan, and your research for college. It is now midnight and you have to complete all these for the next day. The work is done in minutes, all while you are binge-watching Netflix. How? Only by chatting with AI.

Artificial Intelligence (AI) was created to help human beings and make their work easier. By 2023-24, the use of AI included: helping students find answer to questions relating to any field, helping in preparation of exams, and if needed, write captions for Instagram, etc. Overall, it involved academic related use. It was more of a Generative AI whose work was to generate answers. But by 2025-26, it became more of an Agentic AI, your personal employee. You need any good place to eat, want a proper diet plan to lose or gain weight, need a workout plan, want an itinerary for your trip or need booking details for your flight, AI is your answer. It has become an individuals' personal agent. People have been depending on AI for the everything, from asking question to booking entire vacation, or negotiating cable bill etc.

[1]Artificial intelligence (AI), is a term coined in 1955 by John McCarthy, Stanford's first faculty member in AI, who defined it as "the science and engineering of making intelligent machines". The main aim of it is to perform tasks and to which are associated to human intelligence. Understanding the definition of AI is easy, but getting to know how to use it and when is the main question. And this is where agentic and generative AI comes. Generative AI only includes 'to generate' as the name suggests. However, Agentic AI includes AI to be used as an agent instead of a tool.

GENERATIVE AI v AGENTIC AI:

Let us now delve deeper into what generative and agentic ai really is. A simple analogy can be, Generative AI = intern taking notes whereas an agentic AI= junior lawyer filing motions independently. In essence, generative assists thinkers; agentic empowers doers. To be generative, it meant to generate answers for the user related to their research, their academia, etc. And now, as time evolved, AI has also evolved to become the user's personal employee, taking charge and managing, not only academic but all aspect of the users' life.

Nowadays, as people has been using AI for everything, from personal to professional, it has become more independent resulting in gaining all information related to you and to your data. And that is why, rather than giving suggestions, AI has now taken control and gives results accordingly. And now that AI is being used constantly, there comes a risk of an unchecked agentic AI. It means that people trust it blindly without checking its credibility.

THE TRUST PARADOX:

When AI acts, who is to be held accountable? When machines are given the responsibility to handle every aspect of life of a person, accountability blurs as the question arises as to who should be responsible?

While people are very much dependable upon AI, what happens if AI makes any mistake, who is supposed to be held responsible for such act. When AI is asked any question, it performs its algorithm and provides answers accordingly. It has been observed that AI gives wrong answers for academics related question and in such a case, no harm is inflicted on the user. But when people use AI as their personal employee and asks questions that involves their workout, diet, place to visit, or any deal involving any purchase and a mistake takes place. In such a scenario, who is to be held responsible: the user who delegated the work to AI, the developer of such AI or the platform hosting it?

In India, the IT Act provides various sections addressing cybercrimes and gives a safe harbour to intermediaries like: [1]Section 43 penalizes unauthorized data access (e.g., agent scraping without consent), [2]Section 66D criminalizes AI-driven impersonation (up to 3 years jail), and [3]Section 79 offers intermediaries "safe harbour" only if they exercise due diligence. The [4]Digital Personal Data Protection (DPDP) Act, 2023 mandates explicit consent for data handling, which is Section 6. But India lacks a clear law explicitly stating who is responsible when AI (including agentic AI) causes a mistake. It means that India has reactive laws instead of AI specific laws and the laws that are present in India does not regulate and are not sufficient for agentic AI. Unlike India, European Union introduced the AI Act to regulate artificial intelligence, focusing on safety, fairness, and transparency. It uses a risk-based system to classify AI tools and sets rules accordingly. According to this act, AI falls into 4 main levels of potential harm, namely, Minimal Risk, Limited Risk, High Risk and Unacceptable Risk. This act also bans risky practices to ensure balance of innovation with safety.

ETHICAL AND SOCIETAL LOSS:

With increase in the use of AI, people have started depending on it entirely and leaving all their work on it. And due to this dependency, the originality of the people has somewhere been lost. Almost all and everything has become AI generated which led to lack of authenticity and credibility of the work of individuals. In case of students, all their assignments and papers are entirely AI generated which affects their skill and their level of creativity. Other cases involve people using AI for health-related matters, that should be always consulted with professionals, and which, if mistaken, can affect with their health and life. AI also has access to personal data and information which can be accessed by hackers as well.

AI offers speed in the completion of task and for this speed people are trading their skill, security and fairness. And this is why instead of entirely depending on AI, we should use it only to get information and then using that information in a way to enhance our work and make it more accurate without losing the originality and authenticity of it. It should be used to only generate and not become personal employees and get control over our work and life.

FUTURE SUGGESTIONS:

To take back control, there are some changes that can be done. Firstly, "AI suggests, user approves" approach should be adopted. It means that AI would not have complete authority, the final approval and control will be in the hands of the user. Secondly, users should always track the decision of AI, and should not leave the decision completely in its hands. Users should always cross-check its decision and have a track of it. Apart from user-based practices, legal framework must be extended, including DPDP Act, to hold liability in case of any mistake committed by AI, that results in severe loss of the user. Lastly, users must be made aware about the extent to which users must trust AI and its decision and not to cross this boundary.

CONCLUSION:

Concluding, the control must be taken back from AI, and it must be used as a tool and not as a decision maker. Users should start directing AI and use its decision wisely after analysing it and not delegate their work on it and relying on it completely and lose their authenticity over it. AI has been introduced to help people and improve their work and to provide them with information that can be used to enhance their knowledge. And this is the reason why it must be used carefully and in a way that is beneficial for the user without hampering the original work of the user. The absolute control given to it should be stopped and it should be limited to only gaining knowledge and not relied upon entirely. So, the next time you use AI for your task or work, what are you going to do, delegate or direct?

Article 25 Meets Article 14: Women's Access to Worship – Indian Young Lawyers Association v. State of Kerala (Sabarimala, 2018)

By: Saubhagya Dutt Sharma, 4th Year B.A. LLB (hons)

Introduction

The Sabarimala Temple is one of the most prominent Hindu pilgrimage destinations in India, located in the Western Ghats mountain ranges of Kerala. It is devoted to Lord Ayyappa, a deity worshipped uniquely as a Naishtik Brahmachari (celibate ascetic). A longstanding custom prohibits the entry of women aged 10 to 50 years (considered to be of menstruating age) into the temple. The rationale given for this exclusion centers on preserving the sanctity of celibacy attributed to the deity and concerns rooted in traditional religious beliefs regarding menstruation and ritual purity.

The exclusion sparked intense public debate, polarized religious devotees and activists, and raised profound constitutional issues when the Indian Young Lawyers Association filed a petition challenging the ban in 2006. After a series of legal developments, the Supreme Court of India, in September 2018, delivered a constitutional verdict on this matter, weighing the right to religious freedom against the constitutional right to gender equality and non-discrimination.

At stake were several fundamental questions. Does the exclusion of women infringe on the constitutional right to equality and non-discrimination under Articles 14 and 15? Is it an essential religious practice protected under Article 25? Do the devotees of Lord Ayyappa form a distinct religious denomination entitled to autonomy under Article 26? And to what extent can state-backed rules permit exclusion on the basis of custom? The judgment represents a crucial moment in Indian constitutional history where traditional religious customs were scrutinized under the rigorous lens of fundamental rights and constitutional morality.

Historical and Religious Context of the Sabarimala Ban

The practice of barring women from the Sabarimala Temple has deep cultural roots, deriving from the belief that Lord Ayyappa is a celibate deity and that the presence of women within menstruating age would violate the deity's celibate status. Menstruation is traditionally linked with ritual impurity in many Hindu customs.

While precise historical documentation is sparse, the practice is traced back to at least the early 20th century and solidified in the 1950s with formal enforcement. However, there have been instances in older temple practices where women did enter, signaling the prohibition was more a recent rigid custom than a continuous age-old essential ritual.

The Travancore Devaswom Board and some devotees defended the ban as an expression of religious faith and doctrine, capturing the sanctity of the pilgrimage and the deity's immutable nature. The Kerala High Court in 1991 upheld the ban as a valid religious custom.

Arguments Presented Before the Supreme Court

The Sabarimala case presented a conflict rooted deeply in constitutional rights and religious beliefs. The parties involved made their arguments based on interpretations of fundamental rights and religious customs.

Petitioners' Arguments

The Indian Young Lawyers Association and other petitioners contended that the practice of excluding women from the Sabarimala Temple on the basis of menstruation was unconstitutional and discriminatory.

- Violation of Equality and Non-discrimination: The ban discriminated against women on grounds of sex, violating Articles 14 and 15. The exclusion was based on biological characteristics rather than reasonable classification, which amounted to arbitrary discrimination.
- Violation of Freedom of Religion: Women were denied the freedom to profess and practice religion under Article 25. The exclusion from worship directly impinged on their ability to exercise their religious beliefs.
- Non-essential Religious Practice: The petitioners argued the ban is not an essential or integral religious practice. Essential religious practices are those obligatory, fundamental tenets that define a religion. The ban emerged as a later custom and cannot override fundamental constitutional guarantees.
- Corporate Religious Autonomy Questioned: Petitioners argued that devotees of Lord Ayyappa do not constitute a separate religious denomination under Article 26. Therefore, they cannot claim autonomy to exclude women.
- Invalidity of Rule 3(b): Rule 3(b) of Kerala Hindu Places of Public Worship Rules, 1965, which permitted exclusion of persons "by custom," was challenged as unconstitutional. The rule was inconsistent with the spirit of equal protection.
- Gender Stereotyping and Patriarchy: The custom reinforced regressive notions about purity and patriarchy that undermine women's dignity and autonomy in a constitutional democracy.

Respondents' Arguments

The State of Kerala, represented by the Travancore Devaswom Board and other respondents, defended the exclusion as a legitimate religious practice protected under the constitution.

- Essential Religious Practice: The respondents asserted that the exclusion of women was an essential religious practice necessary to maintain the celibate status of Lord Ayyappa, underlying the sanctity of the religious ritual.
- Right to Manage Religious Affairs: Devotees of Lord Ayyappa constitute a distinct religious denomination entitled to manage their temple and worship under Article 26. The State and courts should not interfere in these internal religious affairs.
- Respect for Religious Beliefs: The Court was urged to show judicial restraint and respect religious beliefs and sentiments, even if they seem irrational to outsiders.
- Rule 3(b) as Valid and Reasonable: The Kerala rule authorizing exclusion based on custom was reasonable and lawful. It acknowledges longstanding religious traditions and provides a framework for managing temple affairs.
- Distinction from Fundamental Rights: Religious rights should not be conflated with fundamental rights guaranteeing equality. Religious freedom has its own domain with reasonable limits.

Supreme Court Judgment

On September 28, 2018, a five-judge Constitution Bench of the Supreme Court delivered a historic judgment by a 4:1 majority. The bench comprising Chief Justice Dipak Misra, Justices A.M Khanwilkar, D.Y. Chandrachud, Indu Malhotra, and Rohinton Nariman carefully examined the constitutional dimensions.

Majority Opinion

The majority consisting of Chief Justice Misra, Justices Khanwilkar, Nariman, and Chandrachud held that the exclusion of women between 10 and 50 years violated Articles 14, 15, and 25.

- Breach of Equality and Non-discrimination: The Court concluded the ban was a violation of the right to equality as it discriminated solely on the basis of sex and reproductive physiology. Such classification was not based on an intelligible differentia or reasonable nexus and amounted to arbitrary exclusion.
- Violation of Freedom to Worship: The restriction denied women the freedom to access and participate in religious worship, thereby infringing Article 25. The Court asserted this was not a case of protecting religious practices but a denial of religion itself to women.

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- Rejection of Essential Religious Practice:
- The key finding was that the ban was not an essential religious practice under the doctrine established in Shirur Mutt v. Commissioner of Hindu Religious Endowments (1954). The respondents failed to establish that the exclusion was an essential tenet or obligatory practice defining the faith.
- Devotees not a Separate Religious Denomination:
- The Court held that Ayyappa devotees are part of the Hindu fold and do not qualify as a distinct religious denomination under Article 26. Therefore, they cannot claim independent rights to frame exclusionary rules under Article 26.
- Invalidation of Rule 3(b):
- Rule 3(b) of the Kerala Hindu Places of Public Worship Rules, which empowered exclusion of women by custom, was declared unconstitutional as contrary to Articles 14, 15, and 25.
- Constitutional Morality and Gender Justice:
- Justice Chandrachud emphasized constitutional morality transcending religious morality. The practice was inconsistent with modern principles of liberty, dignity, and gender justice. He extended the ambit of Article 17 on untouchability to include any form of social exclusion based on purity notions.
- Balancing Rights:
- The judgment stressed harmonization between religious freedom and equality, holding that religious rights do not confer arbitrary powers to discriminate or exclude.

Chief Justice Dipak Misra's Opinion

Chief Justice Misra described religion as a way of life linked to dignity. Exclusion of women could not be justified as it undermined women's rights to worship. He underscored that the admissibility of a restriction depends on the essentiality and reasonableness of the practice.

Justice Rohinton Nariman's Opinion

Justice Nariman concurred, holding the exclusion rendered women's right to worship meaningless. He rejected the claim of separateness of the Ayyappa sect and held social reform is permissible under Article 25(2)(b). The practice was discriminatory and violative of the fundamental rights enshrined in the Constitution.

Critique of Public Interest Litigation

Justice Malhotra raised procedural concerns by stating that public interest litigation filed by petitioners who are not devotees or active members of the Ayyappa sect risk opening floodgates for judicial interference in internal religious practices of various faiths.

Impact of the Dissent

The dissenting opinion underscores a broader judicial philosophy advocating minimal intrusion into religious affairs unless extreme oppression or social injustice is present. It reminds of the necessity to balance constitutional values with the pluralistic diversity of faiths in India, safeguarding religious autonomy.

While the majority propelled progressive gender equality principles, Justice Malhotra's dissent reflects deep concerns about preserving religious traditions and caution against judicial overreach.

Public and Political Responses

• Fierce demurrers: Following the ruling, numerous addicts and religious groups launched demurrers, hartals(strikes), and agitations against the entry of women between 10 and 50 times into the tabernacle. The demurrers turned violent at times, involving competitions with the police and destruction of property.

• Resistance to perpetration: Several women who tried to enter the tabernacle were blocked or faced social acceptance. Some were subordinated to importunity and physical attacks. For case, Kanaka Durga, one of the first women entrantspost-verdict, was disowned by her family.

• Police and Government Challenges: The Kerala government faced difficulty maintaining law and order while trying to uphold the Supreme Court's verdict. Police stationed at the tabernacle demesne had to use force to help violence and insure safe passage for women addicts.

• Political rallying: Colorful political parties took divergent daises. Some supported the verdict citing indigenous values, while others opposed it appealing to religious sentiments and traditions. The verdict came a high- profile political issue at both state and public situations.

Legal Developments

• Review desires incontinently after the verdict: Multiple review desires were filed in the Supreme Court challenging the decision, seeking to reevaluate the indigenous questions involved.

• Pending Review: As of 2025, the Supreme Court has appertained the case to a larger bench for reviewing the issues of essential religious practices and the compass of rights under Articles 25 and 26. Meanwhile, the 2018 verdict remains in effect.

• Broader Legal Impact: The review hail is anticipated to impact other cases involving religion, gender, and indigenous rights, similar as practices related to womanish genital mutilation, access to kirks by women, and rights of Parsi women.

Comparative and International Perspectives

Similar tensions between gender equality and religious freedom exist globally. For example:

• Israel: Women's rights to supplicate at the Western Wall have faced restrictions grounded on Orthodox religious doctrines, leading to legal activism.

• Saudi Arabia and Middle East: Women's access to certain kirks or religious practices is frequently confined citing religious authenticity.

• Western republic: Court opinions have balanced religious freedoms with gender equivalency, frequently placing limits on religious practices when discriminative.

The Sabarimala judgment therefore resonates with ongoing global debates concerning the compass and limits of religious freedom vis- à- vis individual rights.

Conclusion

The Supreme Court's decision in Indian Young attorneys Association v. State of Kerala(2018) marks a watershed moment in Indian indigenous justice, setting a precedent where the right to equivalency and indigenous morality decisively cross with religious freedom.

The Court decisively held that religious practices that distinguish on the base of coitus and biology cannot be naturally defended unless they meet strict tests of quiddity and reasonability. By vacating the centuries-old ban on women's entry into Sabarimala Temple, the Court reaffirmed the supremacy of indigenous rights in a temporal, pluralistic republic.

The judgment enshrines the principle that religious faith cannot be used to marginalize or delegitimize the abecedarian rights of women. It fosters a progressive interpretation of Articles 14, 15, 25, and 17 predicated in gender justice and quality. nevertheless, thepost-verdict resistance and ongoing review desires reflect the complex challenges in coordinating traditional religious beliefs with ultramodern indigenous values.

The Sabarimala case remains a living testament to India's popular struggles over identity, faith, and equivalency. Eventually, the case underscores that indigenous morality must guide the adjudication of abecedarian rights, balancing respect for religious diversity with an unvarying commitment to equivalency and mortal quality. It poses continuing questions for unborn courts, lawmakers, and society on forging a fair and inclusive path where faith and freedoms attend harmoniously.

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