



THE BRIEFCASE



**VOL.#2
ISSUE #01**

PGCL NEWSLETTER

January 2026



Here's what has happened in the last month and what's to come!

The Briefcase returns this January with an edition that examines democracy beyond the ballot. Shifting focus from voting alone, this issue explores democracy as a layered and evolving system that shapes how power is exercised, contested, and shared in everyday life.

Democracy is often reduced to elections, but its lived reality unfolds far beyond polling booths, through environmental decision-making, public participation, transparency, and accountability. This edition asks who truly has a voice in these processes, whose interests are represented, and how democratic spaces are structured to include or exclude.

We explore electoral democracy alongside environmental democracy, questioning how laws, institutions, and policies translate democratic ideals into practice. From informed public choice to community participation in decisions affecting land, resources, and climate, our writers examine the gaps between formal democratic frameworks and meaningful engagement. This issue also reflects on how democracy is understood and narrated, whether as a periodic exercise or a continuous responsibility. Moving beyond symbolism, the edition frames democracy as a lived, contested, and constantly negotiated relationship between the state and its citizens.

At its core, this Briefcase is about participation in everyday life, about the right to be heard, to question power, and to shape collective futures. Let's step into this issue with curiosity and intent, because democracy does not end at the vote, and engagement should never be optional.

The Editorial Board x

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THE BINDER

Your essential collection of the latest legal updates, neatly organised for a quick reference.

When the Vote is Compromised: The Pervasiveness of Electoral Malpractice in India

Electoral democracy relies on the premise that citizens must be able to choose their representatives freely, and without the fear of inducement. Vital for India's political landscape, this concept also finds its roots in India's constitution, embedded in the guarantee of universal adult franchise and a commitment to free and fair elections (Part XV of the Indian Constitution). However, electoral malpractices such as vote buying, electoral violence, the spread of deliberate misinformation, and the abuse of financial power undermine the democratic ideal, violating electoral purity and distorting the very core of democratic representation. As a result, electoral outcomes risk losing their legitimacy, turning elections into smoke shows and weakening public trust in democratic institutions.

Vote buying is one of the most pervasive and dangerous electoral malpractices in India. Ranging from direct cash payments to distribution of liquor, utensils, and other consumer goods, the promise of short-term benefits clouds voter vision and sways electoral choices. In the run up to the 2024 Lok Sabha elections, the Election Commission of India (ECI) reported unprecedented seizures of cash, liquor, and other inducements amounting to several thousand crore rupees. While this does signal increased vigilance on behalf of the ECI, it also sheds light on the scale at which money influences Indian elections. Vote buying is a particularly corrosive practice because it exploits poverty and political 'debt' creation to sway voters; political choice in such a context no longer remains an expression of preference, but turns into an obligation tainted by external influences.

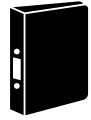
Similarly, electoral violence is an even more direct assault on voter autonomy. Incidents of intimidation, booth capturing and post poll reprisals have been reported across various regions, especially during state and local body elections.

The violence witnessed during the recent panchayat elections in West Bengal, as well as sporadic clashes during national elections, are reflections of the use of fear to suppress voter freedom. Such practices restrict the right to freedom of expression and smother dissent, endangering the election process.

Political financing is yet another facet of electoral malpractice. Historically, the opacity surrounding party funding has created an uneven playing field in politics, stripping it of its merits and allowing corporations as well as affluent individuals to have a disproportionate stake in electoral matters. The electoral bonds scheme (which permitted anonymous donations to political parties) intensified these concerns and worsened transparency. A 2024 landmark judgement by the Supreme Court struck down the scheme, stating that anonymity in political funding violates voters' right to information, which is an essential component of free and fair elections. While this judgement is an important step towards ensuring accountability in the electoral context, it also highlights the dire need for comprehensive reform in political funding to encourage transparency, responsibility and fair practice.



Credits: Observer



THE BINDER

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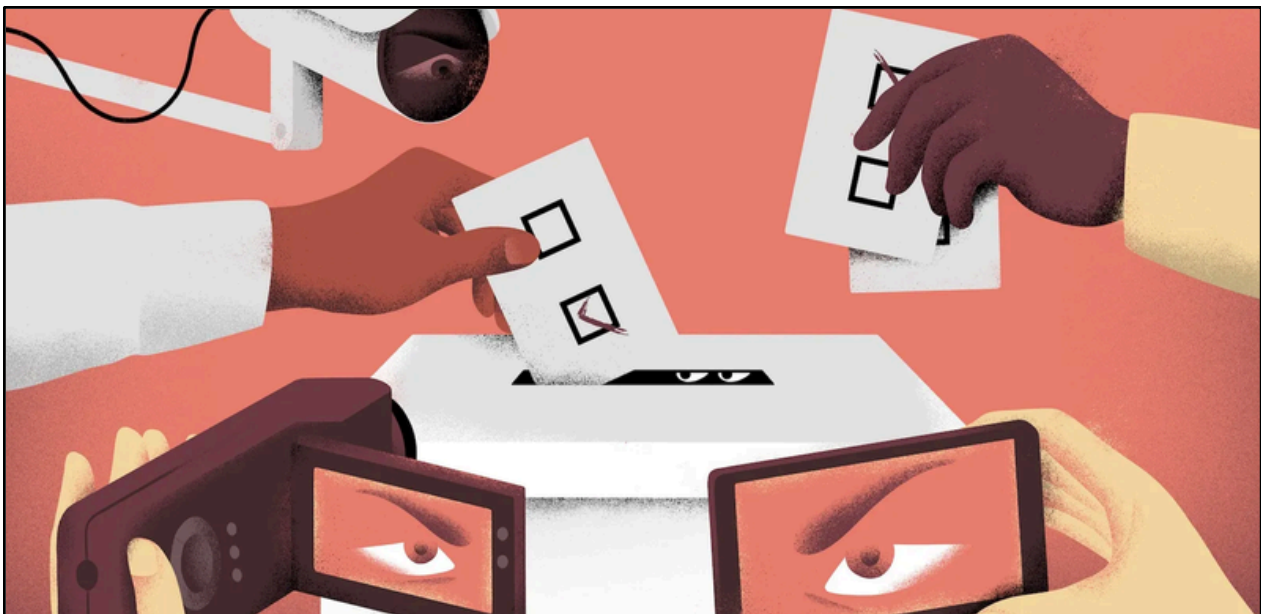
The latest frontier for electoral malpractice are digital platforms, capable of reshaping discourse around elections. The rampant spread of misinformation, manipulated videos, deepfakes, and targeted political advertising has created hurdles that existing legislations struggle to address. During the 2024 Lok Sabha elections, the Election Commission issued advisories to political parties to curb fake content and ensure online transparency; despite such efforts, the rapid spread of misinformation often reveals gaps in existing regulatory mechanisms. Digital manipulation operates subtly, influencing perceptions and shaping opinions online, and this poses complex legal questions about free speech and platform accountability. The adequacy of current election laws in maintaining free and authentic discourse is under question.

The cumulative effect of these malpractices is a gradual erosion of public trust in elections. When elections are influenced by money, fear, and manipulative tactics, the legitimacy of democratic institutions wanes, leading to voter apathy, political cynicism, and disengagement from public, fruitful discourse. From a constitutional perspective, a compromised electoral process weakens the link between the executive and the legislature, affecting effective governance and accountability far beyond the lifespan of the electoral cycle.

Addressing electoral malpractices, therefore, requires more than sporadic enforcement or mere judicial intervention. Reforms must address deficiencies that allow electoral malpractice- such as opaqueness in party funding and weak deterrence- in order to strengthen institutional independence and increase the enforcement capacity of regulatory bodies like the ECI. Civic education is equally important; educating voters and empowering them to resist unjust electoral practices is the key to reestablishing faith in the electoral process and revitalising the ethical basis of democratic participation.

In conclusion, electoral malpractices in India represent a serious challenge to the constitutional promise of democracy. While recent measures signal growth in electoral reforms, sustained and holistic reform is necessary to preserve the integrity of elections. Electoral democracy can only endure if elections remain a genuine expression of popular sovereignty rather than a procedural exercise shaped by power and money. Safeguarding the sanctity of the vote is not merely a legal requirement but a democratic imperative central to the constitutional vision of India.

Ms. Tanaya Damle
Student, 2nd Year



Credits: Reveal News

THE BINDER



Your essential collection of the latest legal updates, neatly organised for a quick reference.

Democracy at the Ballot Box: Elections, Accountability, and Corruption

Democracy rests on the idea that ultimate authority belongs to the people and is exercised through regular, genuine, and competitive elections. Elections are the primary means through which popular will is converted into representative government. In constitutional democracies, voting is not simply a political ritual; it is a legally governed process shaped by constitutional principles, statutory rules, and ongoing judicial oversight. Yet, despite these safeguards, corruption continues to pose a serious challenge to electoral systems, raising fundamental questions about the legitimacy and effectiveness of democratic governance.

Legal Framework Governing Elections

In India, the constitutional foundation for elections is found in Part XV of the Constitution. This framework is further reinforced by the Representation of the People Acts of 1950 and 1951, with the Election Commission of India exercising supervisory authority under Article 324. Together, these provisions regulate every aspect of the electoral process, including voter registration, constituency delimitation, campaign conduct, electoral offences, and the resolution of election disputes. The judiciary has consistently emphasised that free and fair elections form an essential part of the Constitution's basic structure, most notably affirmed in Indira Nehru Gandhi v. Raj Narain (1975).

Similar constitutional arrangements exist in other democratic systems, reflecting a shared understanding that electoral integrity is central to democratic legitimacy (Dahl, 1989). However, legal regulation alone cannot eliminate corruption. Instead, corrupt practices often evolve in response to legal controls, exploiting

loopholes, weak enforcement, and institutional opacity. Corruption as a Democratic Paradox.

Electoral corruption takes many forms, including vote-buying, misuse of public office, manipulation of electoral machinery, opaque campaign financing, and the disproportionate influence of wealth. Among these, political finance presents one of the most pressing constitutional concerns. The rising cost of elections increasingly compels political actors to rely on private funding, creating opportunities for quid pro quo arrangements that undermine principled governance after elections.



Credits: Pinterest

A contemporary illustration of this paradox can be seen in India's Electoral Bonds Scheme (2018–2024). Introduced as a reform measure to curb black money in elections, the scheme allowed individuals and corporations to donate to political parties through banking instruments while maintaining donor anonymity. However, this lack of transparency raised serious constitutional concerns regarding voters' right to information and the unequal influence of wealth in the electoral process. In Association for Democratic Reforms v. Union of India (2024), the Supreme Court struck down the scheme, holding that anonymous political funding undermined electoral fairness and distorted democratic choice. The Court emphasised that informed voting is a constitutional necessity, and that opacity in campaign finance facilitates quid pro quo arrangements between donors and political actors. This decision demonstrates how even legally sanctioned electoral mechanisms can enable corruption, thereby weakening democratic accountability despite formal constitutional safeguards.



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As Schumpeter warned, electoral democracy can deteriorate into a contest among elites, where formal participation exists but meaningful political equality is eroded. This paradox highlights a core tension within democratic systems: elections are intended to ensure accountability, yet they may simultaneously encourage corrupt strategies designed to secure electoral dominance. Such distortions weaken constitutional values of fairness, equality, and informed choice, allowing economic power to translate into political influence.

Impact on Democratic Legitimacy.

The effects of electoral corruption extend far beyond individual elections. Corruption erodes public trust in democratic institutions, weakens the rule of law, and discourages citizen participation. When electoral outcomes are widely perceived as compromised, the foundational democratic principle of consent is undermined. The Transparency International Topic Guide on Electoral Corruption outlines how electoral corruption, such as abuse of state resources or vote buying, undermines the integrity of electoral systems and highlights the need for robust legal frameworks and independent oversight to protect democratic processes.

Although courts play an important role in addressing electoral misconduct, their interventions are often corrective rather than preventive. Election petitions, disqualifications, and criminal prosecutions may remedy specific violations, but they cannot fully restore public confidence once trust in the democratic process has been damaged.



Credits: Pinterest

Democracy as a Corrective Mechanism

Despite these vulnerabilities, democracy possesses built-in mechanisms for self-correction. Independent election authorities, effective judicial review, a free press, and an engaged civil society all function as safeguards against electoral corruption. Comparative constitutional research suggests that democracies with strong institutions and effective enforcement mechanisms tend to experience lower levels of systemic corruption than authoritarian regimes, where secrecy and lack of accountability prevail (Rose-Ackerman & Palifka, 2016).

Democratic constitutionalism therefore allows corruption to be exposed, contested, and addressed through legal and participatory means. While corruption may persist, it is neither hidden nor beyond challenge.



Credits: Pinterest

Conclusion

Corruption remains a serious threat to electoral democracy, but it is not an inevitable feature of democratic systems. Rather, it reflects weaknesses in institutions, regulatory frameworks, and enforcement practices. Strengthening electoral law, improving transparency in political financing, and fostering informed civic engagement are essential to protecting the constitutional promise of free and fair elections. Despite its imperfections, democracy remains the most resilient system for identifying, confronting, and correcting corruption through lawful and participatory processes.

Ms. Kinjal Sinha
Student, 2nd Year

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Association for Democratic Reforms & Ors. v. Election Commission of India (2025 SCC Online SC 1408)

Introduction

The foundation of a constitutional democracy is the conduct of free and fair elections. In India, the Supreme Court has reinstated on several occasions that electoral integrity depends not merely on procedural fairness, but on informed participation by voters as well.

The writ petition of 2025, filed by the Association for Democratic Reforms (ADR) and others against the Election Commission of India (ECI) challenges the Commission's "Special Intensive Revision" (SIR) of the electoral rolls in Bihar and the procedures adopted for the inclusion and removal of electors. This landmark case gained immense public and political attention because it implicated the franchise, transparency in the process and fundamental rights under Articles 14, 21 and the guarantees of free and fair elections under Articles 324 and 326 of the Constitution.

Background of the Case

This case arose on August 1st, 2025 wherein the ECI notified a draft electoral roll after conducting a state-wise Special Intensive Revision (SIR) in Bihar. The publication of the draft list illustrated that roughly 65 lakh electors were omitted in this new list. The failure to disclose the reasons for removal caused concern with regards to transparency amongst the public. The widespread exclusion of electors has led to allegations with regards to serving natural justice, arbitrary disenfranchisement and the integration of procedural safeguards required by law.

Issue(s) Before the Court

The Supreme Court was primarily called upon to decide the following issues:

1. Whether the ECI's SIR procedures complied with statutory and constitutional safeguards (due to the imposition of disproportionate documentary requirements & deadlines);
2. Whether the ECI's publication practices undermined public verification and remedial mechanisms; and
3. Whether commonly held identity documents (such as Aadhaar and electoral photo identity card) should be acceptable for claims and objections.

The issues mentioned above led to both procedural correction and upliftment in the democratic value of enfranchisement.

Ruling

The Supreme Court directed the ECI to notify the public, by a specified deadline, a district-wise and booth-level searchable list of omitted electors from the draft roll with the necessary reasons mentioned. Thereafter, ensuring that these lists are made available at local offices, Booth Level Officer (BLO) points and online. Additionally, the two-judge bench permitted the use of Aadhaar and EPIC as supporting identity proof for filing claims or objections against omission and following which, the Commission is required to file a consolidated compliance report. These guidelines emphasised by the court were framed to protect the franchise and reinstate the need for transparency to ensure effective public oversight.

Subsequently after the order, the ECI complied with the decision, by publishing deletion lists on district portals and allowed claim submissions supported by Aadhaar or EPIC. All in all, these directions balanced the need for administrative accuracy in the rolls along with the principles of natural justice to protect voter rights.



Credits: Sabrang India

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Conclusion

This judgement elucidates the Supreme Court's active role in monitoring electoral administration and a lawful voting process. It ensures to uphold the fundamental democratic rights of electors while prioritising accessibility, heightening the duty transparency and suggesting practical remedies. Thereby, operationalising the right to fair and accountable participation in the electoral process and initiating to curb disenfranchisement.

To encapsulate, this case is a timely reminder that procedural legitimacy in voter rolls is inseparable from the substantive right to vote, and that courts will demand regulation where mass exclusion is alleged.



Credits: Supreme Court Observer

Ms. Prasanna Mour
Student, 2nd Year

SCC TIMES

भारत निर्वाचन आयोग
Election Commission of India

Bihar's Electoral Roll Revision:

Supreme Court urges Election Commission to accept Aadhaar, Ration Cards, and EPICs for voter identity verification

Justice Sudhanshu Dhulia . Justice Joymalya Bagchi

Credits: SCC Online

THE GAVEL



The strike of the mallet, in recent judgements, summarised for easy reading.

Padi Kaushik Reddy v State of Telangana

Introduction

The Supreme Court in the case of Padi Kaushik Reddy v State of Telangana, examined delays in disqualification proceedings under the anti-defection law. The Court directed the Speaker of the Telangana Legislative Assembly to conclude proceedings against ten MLAs within a stipulated time frame while upholding the spirit of the act.

Background and procedural context

The Telangana elections were held on 30 November 2023 and the result was announced on 3rd December 2023, 10 MLAs who were elected from Bharat Rashtra Samithi (BRS) defected to Indian National Congress (INC) between March and April 2024. In response to the same a disqualification petition was filed by 2 MLAs under Paragraph 2(1) of the Tenth Schedule. Under paragraph 6 the Speaker acts as a tribunal and is empowered to decide on such petitions. Due to inaction from the Speaker, the MLAs then approached the High Court wherein a single judge of the HC directed the secretary of the assembly to place the disqualification petitions before the Speaker within 4 weeks. The Secretary of the Assembly challenged the Single Judge's decision before a Division Bench of the High Court following which the decision was set aside.

Aggrieved by the same, the MLAs filed an appeal in the apex court against the judgement of the division bench of the High Court and a writ petition was also filed for disqualification petitions pending against the MLAs. Their prayer was to direct the Speaker to decide the disqualification petitions in a time-bound manner and preferably within an outer limit of 4 weeks.

Issues

1. Whether the Speaker's seven-month delay in acting on disqualification petitions under the Tenth Schedule constituted a failure of jurisdiction and a breach of constitutional

duty.

2. Whether courts can issue time-bound directions to a Legislative Assembly Speaker to decide disqualification petitions under the Tenth Schedule.
3. Whether the Speaker, while exercising powers under the Tenth Schedule, enjoys immunity from judicial review under Articles 122 and 212 of the Constitution.

Ruling

The bench of Chief Justice B.R.Gavai and A.G. Masih, relying on the judgement of the constitution bench in Kihoto Hollohan vs Zachillhu And Others (1992) held that the Speaker is a tribunal and does not enjoy constitutional immunity under article 122 or 212 of the constitution. The court also relied on Sri Rajendra Singh Rana & Ors vs Swami Prasad Maurya & Ors and held that the Speaker needed to operate in a time-bound manner.

The court recognised that an arbitrary delay would defy the very purpose of the tenth schedule and it would permit for a situation of "operation successful, patient died". The court directed the Speaker to conclude the proceedings against the 10 MLAs within a period of 3 months from the judgement and not allow the MLAs to protract these proceedings.

The court also noted that while it does not have advisory jurisdiction, the recurring delays in disqualification proceedings raise serious institutional concerns. In an obiter observation, it noted that the parliament should also consider if giving the power of deciding disqualification petitions due to deflection to the Speaker/chairman is serving its purpose and if the present mechanisms are sufficient in safeguarding the foundation of our democracy.

Conclusion

The case is a cornerstone in ensuring that the will and mandate of the voter is respected and that deliberate delays or intentional procedural inaction do not erode the spirit of democratic governance. It highlighted the need for institutional reform while also strengthening representative democracy.

Mr. Gourav Arora
Student, 2nd Year

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

The Celluloid & the Politics of Development

With many states undergoing Special Intensive Revisions (SIR) of electoral rolls and the recently concluded, long over-due municipal elections in Maharashtra, the headlines have kept students of politics and law quite occupied. News reports about fears of mass disenfranchisement, candidates wining unopposed, unusual party alliances, and the easy erasure of the indelible ink mark, has raised many concerns about the working of our electoral democracy. This makes the current theme of the newsletter on Democracy and Elections, very opportune. For students, good cinema can be an effective medium to understand substantive issues in our society and polity.

The parallel cinema movement in India has raised a critical consciousness in the audience via its realism. This piece introduces the readers to one such political yet commercial film Shanghai (2012), by Dibakar Banerjee and co-written by Urmi Juvekar which is an adaptation of Vassilis Vassilikos' Z. The film uses a video recording of a political murder conspiracy as the central plot device and effectively captures the rot in our electoral politics.



Reminiscent of the plans to remodel Mumbai like Shanghai (read Mumbai 3.0), the film is based in poll-bound Bharat Nagar, where its locals are being promised an International Business Park and endless opportunities. The film unravels the state-led discourse on "development," appropriation by dispossession, media trial, villainization of intelligentsia, shoddy investigations, and moral dilemmas of a careerist bureaucrat. It paints a realistic image of the state of the nation in the cusps of a growth spurt and entrenched corruption, where human lives are expendable for higher investments and generous electoral donations. Watch for excellent performances by Emraan Hashmi (as photographer Joginder Parmar), Abhay Deol (as bureaucrat TA Krishnan), Kalki Koechlin (as Shalini) and Prosenjit Chatterjee (as charismatic Dr Ahemadi), available on Amazon Prime Video.

~ Ms. Saranya Nair
Visiting Faculty for Political Science
NMIMS Kirit P. Mehta School of Law



Credits: IMDb

THE COMMENTARY



Straight from the commentary box of our editorial board, curated reads to expand your legal mind.

Get In: The Inside Story of Labour Under Starmer

The book is a riveting journalistic retelling of recent history; it uncovers the journey of the UK's Labour Party from a historic defeat in 2019 to forming a government in 2024. *Get In* is the story of how a Party that evolved to stand up for the aspirations and rights of the working class and the middle voter, lost them and then worked to regain them over five years.

Established in 1900, the Labour Party was a political expression of the labour movement. Lead by Keir Hardie, a Scottish trade unionist, the party evolved into a fiercely organised pressure group representing the interests of trade unions and the urban working class in Parliament.

Over the last 126 years, Labour governments have successfully passed progressive reform, such as, establishing the NHS, social welfare, creating a minimum wage, and pushing for devolution and decolonisation.

After the heady success between 1997 - 2010, the Labour Party had suffered three electoral defeats. In 2019, the Party faced the ballot with a weak and embattled organisation, and a progressive but controversial leader. At the 2019 General Elections, the party suffered its fourth defeat, with its worst seat-share in 30 years. Relegated to the opposition for five more years, the Party was psychologically decimated and ideologically rudderless.

The Party leadership was taken over by Keir Starmer, a barrister eponymously named after the first Labour leader, and Morgan McSweeney, his Chief of Staff. Their efforts and machinations lead the Labour Party to a shallow but wide majority in the 2024 General Elections pushing the Conservative Party out of power after a fourteen-year rule.

As writers and journalists, Pogrud and Maguire deploy humour and deft when retelling this story and their sharp writing spares no character. They explain the oversized role of McSweeney, how deracinated the Party was from voters, the failures of the Conservatives, and the ideological elasticity of Keir Starmer.

The book regales the reader about covert meetings, crumbling relationships, back-door connivances, and constitutional crises. The writers reference interesting sources and analyse how personal relationships can change a large political party, and colour major political decisions in a democracy. The book reads like a political thriller, employing wit and satire to highlight the negotiations a party makes with its workers and shifting allegiances of political players.

The writing is peppered with stories of the many successes and shortcomings of the British Labour movement which is redolent of the protests pioneered by activists like Mrinalini Gore, George Fernandes and SA Dange in Maharashtra. This is a fascinating element of the manuscript which make it relatable to us, as Indian readers.

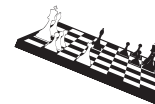
To me, Pogrud and Maguire's prolific writing demonstrates the accountability, decentralised structure and inner - democracy within European political parties. The writing explores how democracy truly touches citizens in a society which has been marinating in democratic rituals for more than a century. *Get In* is highly readable and unputdownable.

Mr. Samar Rege
Alumni, SVKM's Pravin
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Credits: Goodreads

THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

The Democratic Deficit in India's Environmental Governance

India's environmental predicament cannot be understood just as a failure of bureaucratic regulation; but it reflects a deeper democratic deficit in the overall process of decision making. Although courts have widened the interpretation of Article 21 of the Constitution to include environmental safety, and Articles 48A and 51A(g) furthers the notion, contemporary governance increasingly treats ecological safeguards as procedural hurdles rather than constitutional imperatives. Environmental Impact Assessments (EIAs), public hearings, and community consultations were instituted to embed public participation within environmental decision-making, reflecting the democratic values in India's constitutional framework. In recent years, however, these processes have undergone significant changes aimed at facilitating faster approvals and administrative efficiency. This increasing reliance on executive-led technical assessments has, at times, reduced opportunities for meaningful engagement by affected communities, raising concerns about transparency and accountability. Consequently, environmental degradation is increasingly viewed not only as an ecological challenge, but also as an indication of stresses within participatory governance forums.

Constitutional Mandate and the Right to Environment

The Supreme Court has consistently held that the right to a clean and healthy environment is integral to Article 21, with Articles 48A and 51A(g) imposing duties upon both the State and citizens to protect nature. Vanashakti v. Union of India (2025) reaffirmed that the Environment (Protection) Act, 1986 was enacted to give effect to the fundamental right to a pollution-free environment. It emphasised that even the Government bears a constitutional obligation to improve

environmental quality.

This jurisprudence builds upon landmark decisions such as M.C. Mehta (1986) and Vellore Citizens' Welfare Forum (1996), which recognised the State as a trustee of natural resources and embedded principles like sustainable development, precaution, and equity into constitutional interpretation.

Procedural Safeguards

The EIA Notification, 2006 establishes a mandatory pre-clearance regime involving screening, scoping, appraisal, and public consultation (Stage 3) through hearings and written objections, ensuring that affected communities participate in environmental decision-making. Similar participatory requirements exist under forest and wildlife laws, particularly through Gram Sabha consent in forest diversion cases. The Supreme Court has repeatedly affirmed that these processes are not formalities but substantive safeguards; in Vanashakti (2025), the Court categorically held that environmental clearance must precede project execution, warning that ex post facto approvals render public hearings meaningless and undermine the very purpose of environmental appraisal.

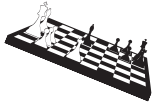
Dilution of Participation in Policy and Law

Despite settled constitutional principles, executive action in recent years serves to weaken participatory safeguards, most notably through the Draft EIA Notification, 2020, which proposed exemptions from public hearings and legitimised retrospective clearances. Subsequent ministerial circulars further waived hearings for projects nearing completion, justifying these measures in the name of efficiency and economic growth. The Ministry of Environment, Forest and Climate Change's 2017 and 2021 amnesty frameworks allowed violators to regularise illegal projects without renewed public consultation, incentivising non-compliance and reducing citizen participation to a procedural afterthought, often in direct defiance of earlier judicial directions.

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

Judicial Reaffirmation of Due Process

Indian courts have increasingly acted as constitutional correctives to executive overreach in environmental governance. In *Vanashakti v. Union of India* (May 2025), the Supreme Court struck down post-facto clearance regimes as fundamentally incompatible with Indian environmental jurisprudence, holding that prior appraisal is non-negotiable. Similarly, in *Vanashakti v. Union of India* (August 2025), the Court invalidated exemptions granted to large institutional and educational projects. This reaffirmed that all major constructions exceeding statutory thresholds have significant ecological impacts and must undergo full environmental scrutiny. These decisions reinforce that development cannot bypass constitutional safeguards under the guise of administrative convenience.

Judicial precedent demonstrates both the power and erosion of participatory mechanisms. In *Niyamgiri* (2013) and *Samata* (1997), the Supreme Court upheld the primacy of Gram Sabha consent, recognising community decision-making as central to environmental justice, particularly for forest dwellers and tribal populations. Conversely, contemporary projects, from mining to infrastructure, have frequently proceeded amid truncated or inaccessible public hearings, with affected communities forced to seek judicial intervention post-clearance.

This uneven enforcement reveals a governance structure where participation exists in law but is frequently neutralised in practice unless revived through litigation.

Democratic Deficit and Ecological Decay

The weakening of participatory environmental governance reflects a broader democratic erosion, where citizens are reduced to passive recipients of executive decisions rather than active constitutional stakeholders. Courts have repeatedly emphasised that environmental protection cannot be outsourced solely to courts and activists but must be internalised as a constitutional duty of the State and citizenry alike. When public participation is sidelined, environmental harm becomes inevitable, and democracy itself is diminished. Restoring meaningful consultation, transparency, and accountability is therefore essential, not only to prevent ecological degradation but to preserve the constitutional promise of democratic governance in India.

Ms. Tisha Manek
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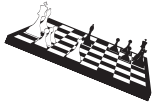


Credits: ET Education

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

How Gen Z's Social Media Scrolling is Reshaping Political Discourse in India

Before the 2024 Lok Sabha Elections, I vividly remember, my entire Instagram feed would be one political party dissing the other or it would be some influencer giving me a short, quick explanation as to what the party manifesto states. With the rise of Gen-Z voters, and their habit of being chronically online, most of them often gain their news updates from social media. In a recent survey conducted by Pew Research Centre in the United States in 2025, it showed that 43% of the young adults aged 18-29 got their news updates from Tik-Tok. We have seen similar trends in India during the 2024 elections, where political parties had started targeting these voters through Instagram reels and memes.

The consumption of traditional media like Prime-time debates and even newspapers has reduced among the Gen-Z according to the Pew Research report. Social media with its short, simple and quick messaging has simplified complex ideas and led to easy and accessible consumption of content for the young adults. However, a major question arises, are these videos actually educating them? Political ideals are often extremely nuanced and can not be covered in a short 3-minute video on Instagram reels. For instance, one cannot cover topics like economic or foreign affairs in mere 180 seconds without losing its context. This often leads to people having half-baked knowledge on topics.

"It is better to know nothing than to half-know many things," said by Friedrich Nietzsche. When young adults consume content on social media in relation to politics, the algorithms are built in a manner as to showcase ideals or values, they already resonate with creating an

"echo chamber", instead of forcing the person to think critically by presenting opposing views, they further deepen the ideals one already has to keep the viewers engaged.

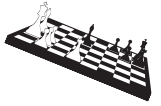
In most cases content on social media is backed by political parties to promote their own propaganda, through paid influencers, IT cells and algorithm boosting. Since 2014, Indian elections have seen a rise in political parties utilising social media as a manner to spread their ideals and promote their candidates. During this time, we saw the Bharatiya Janata Party (BJP) appealing themselves to 150 million new first-time voters, through their clever campaigning strategies, mainly using social media platforms like Twitter and Instagram. Their advertising and campaigning among other factors resulted in them winning with a soaring majority during the 2014 elections. Since then, we have seen political parties like Indian National Congress (INC) use social media for their campaigns as well.

Gen-Z is also more susceptible to believing fake news, a study conducted by a Professor at the University of Virginia using the Misinformation Susceptibility Test (MIST), it showed that only 11% of 18-29 year olds were able to yield a high score in being able to differentiate between fake and real news. News on social media can often be fake and these young adults believe them without cross verifying and this could lead to them creating their own 'echo chambers' and polarizing their views.

However, social media has played an important role in aiding Gen-Z feel connected to the political discourse. Before the 2024 General Elections, the Election Commission of India (ECI) released a campaign called 'Turning 18' and 'You are the One' to nudge first time voters into participating in the elections. It has been used by the young adults as an extension of traditional activism methods, with trending hashtags and viral posts, they create awareness about extremely important current issues.

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THE BLACK & THE WHITE



A legal chessboard of diverse opinions, which shade of justice are you going to checkmate?

In June 2024, the youth of Kenya took to TikTok and X and started using the hashtag '#RejectFinanceBill2024', in order to protest against a new tax bill with raised taxes on items like bread, financial services, motor vehicles and more. Later, the bill was withdrawn amidst protests. This was Africa's first 'TikTok revolution'.

In September 2025, the youth of Nepal took to Instagram and started exposing politician's nepotism through hashtags like '#NepoKids', that highlighted the politician's lavish lifestyles while raising concerns around inequality, youth unemployment and poverty. This led to the government imposing a ban on 26 major social media apps.

The social media black out was seen as silencing dissent and led to the youth taking to the streets and protesting, demanding their then Prime Minister KP Sharma Oli's resignation. The protests turned deadly due to police crackdowns, which led to the ban being lifted and the government collapsing.

Social media is empowering Gen-Z to reshape political discourse, from viral hashtags forcing change to ECI campaigns boosting youth voter turnout. Yet, echo chambers, half-knowledge and misinformation threaten true understanding. The solution lies with us; to build media literacy, engage ourselves in fact-checking any news we come across and turning our doom-scrolling into sustained action through voting, activism and leadership.

Ms. Stutee Doshi
Student, 2nd Year



Credits: The Economic Times

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THE WIG & THE WIT

Simple and fun puzzles to judge your wit!

WE, THE PEOPLE: A DEMOCRATIC QUIZ ON INDIA

**INDIA BECAME A
DEMOCRATIC REPUBLIC
IN:**

- A. 15 AUGUST 1947
- B. 26 JANUARY 1950
- C. 26 NOVEMBER 1949
- D. 2 OCTOBER 1950

**THE PRINCIPLE OF
“ONE PERSON, ONE VOTE”
ENSURES:**

- A. EQUAL WEALTH
- B. EQUAL POLITICAL
PARTICIPATION
- C. EQUAL EDUCATION
- D. EQUAL LAWS ONLY

**INDIA FOLLOWS WHICH
FORM OF DEMOCRACY?**

- A. DIRECT
- B. PRESIDENTIAL
- C. PARLIAMENTARY
- D. MILITARY

**THE RIGHT TO VOTE IN
INDIA IS:**

- A. A FUNDAMENTAL
RIGHT
- B. A LEGAL RIGHT
- C. A MORAL DUTY ONLY
- D. A NATURAL RIGHT

**THE MINIMUM AGE TO
VOTE IN INDIA IS:**

- A. 16 YEARS
- B. 18 YEARS
- C. 21 YEARS
- D. 25 YEARS

**WHICH AMENDMENT
LOWERED THE VOTING
AGE TO 18 YEARS?**

- A. 42ND
- B. 44TH
- C. 61ST
- D. 73RD



THE CAUSELIST

The Newsletter's schedule for all things high and happening around the world.

SVKM'S PRAVIN GANDHI COLLEGE OF LAW, MUMBAI
Accredited 'A+' Grade by NAAC

Shastrartha -
A Legal Philosophical Discourse
2026
An IQAC Initiative

Interactive Sessions By Eminent Speakers
&
Online Intercollegiate Competitions

DONNING THE WIG
A Judgement Writing Competition
9th February 2026 | 2:00 p.m. - 4:00p.m.

REVERSE ENGINEERING
A Petition Drafting Competition
9th February 2026 | 6:00 p.m. - 8:00p.m.

NARRATIVE JURISPRUDENCE
An Oral Advocacy Competition
10th February 2026 | 6:00 p.m. - 7:30p.m.

20th Edition

FACULTY CONVENOR
DR. KAVITA RAI

STUDENT CONVENOR
SOUMYA BHATTAR

STUDENT CO-CONVENOR
ISHANI MOHAN

Last date for Registration : 5th February 2026

SVKM'S PRAVIN GANDHI COLLEGE OF LAW
CENTRE FOR ROBOTICS, ARTIFICIAL INTELLIGENCE
& TECHNOLOGY LAW
In association with
TECHNOLOGY LAW FORUM
presents

**ONLINE CERTIFICATE COURSE IN
ARTIFICIAL INTELLIGENCE
IN CORPORATE FUNCTIONS
& ITS LEGAL IMPLICATIONS**
23 February - 3 March, 2026

KEY HIGHLIGHTS

Who does it benefit:

- Students (open to all streams)
- Lawyers & Policy Makers
- Company Secretaries
- Technologists
- In-House Counsel
- Management Professionals

Course Details:

- Faculty: Industry experts
- Duration: 30 Hours - 9 days
- Timing: 5:00pm - 8:00pm
- No of Seats: 100

Course Fees:

- SVKM Students: 2,400/-
- Other Students: 3,000/-
- Professionals: 4,000/-
- Fees inclusive of GST

STUDENT ORGANISING TEAM
Ms. Anjani Chandra: 9823805150
Mr. Andre Fernandes: 9820050284

COURSE DESIGN & MENTOR
Mr. Subramaniam Vutha
Dr. Suman Kalani

craftpgcl21@gmail.com www.pgcl.ac.in

EVENTS TO LOOK OUT FOR:

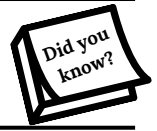
- L'AVOCAT'S GRAND INTRA DEBATE COMPETITION (16TH - 24TH FEBRUARY 2026)
- SAIL'S STUDENT-LED DISCUSSION (DATES TO BE ANNOUNCED)

2026		FEBRUARY					
SUN	MON	TUE	WED	THU	FRI	SAT	
1	2	3	4	5	6	7	
8	9	10	11	12	13	14	
15	16	17	18	19	20	21	
22	23	24	25	26	27	28	

DECEMBER ANSWER REVEAL!

- True
- False
- True
- False

THE POST-ITS

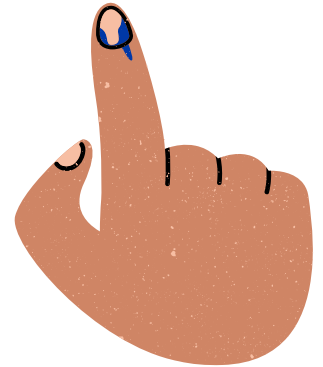


Sticky Notes to tack up some fun legal facts.



INDIA IS THE WORLD'S LARGEST DEMOCRACY, WITH OVER 900 MILLION ELIGIBLE VOTERS, MORE THAN THE POPULATION OF ALL OF EUROPE COMBINED.


INDIAN ELECTIONS ARE THE LARGEST LOGISTICAL EXERCISE IN THE WORLD



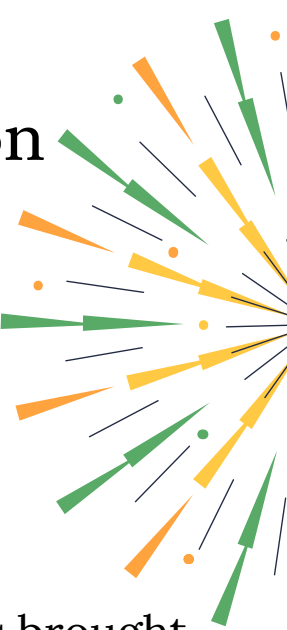
INDIA'S CONSTITUTION IS THE LONGEST WRITTEN CONSTITUTION IN THE WORLD, ORIGINALLY HANDWRITTEN AND ILLUSTRATED BY ARTISTS FROM SHANTINIKETAN.

NOTA (NONE OF THE ABOVE) WAS INTRODUCED IN 2013, ALLOWING VOTERS TO REJECT ALL CANDIDATES WHILE STILL EXERCISING THEIR DEMOCRATIC RIGHT.





Democracy Arises out of the Notion That Those who are Equal in any Respect are Equal in all Respects



Until Next Time...

As we close this January edition of The Briefcase, we invite you to reflect on democracy beyond the simple act of voting. Across these pages, we have explored democracy as a layered and evolving system, one that shapes how power is exercised, challenged, and shared.

This issue sought to move past symbolic understandings of democracy and engage with it as a lived and contested relationship between the state and its citizens. While elections remain central to representative governance, their strength lies in transparency, accountability, and informed public choice. Equally vital is environmental democracy, which asks whether communities truly have a voice in decisions that affect land, resources, and climate, often with unequal consequences.

This is not a conclusion, but a checkpoint; an invitation to question, participate, and reimagine democratic engagement. The Briefcase returns next month with sharper legal insights, fresh perspectives, engaging games, and thoughtful surprises. We're growing, listening, and learning, and we hope you are too.

With conviction and curiosity,
The Editorial Board

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Thank you for reading!

We'd love to hear from you!
Share your thoughts, ideas, or
suggestions to help us make this
newsletter even better. Tell us
what you loved or what you'd like
to see in our next edition!

[Click here to provide feedback](#)

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