



# THE BRIEFCASE

## PGCL NEWSLETTER

February 2026



Credits: Pinterest

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

The Briefcase returns this February with an edition that examines love beyond romance. Shifting focus from flowers and clichés, this issue explores love as a constitutional question; one that courts, families, and the State continue to negotiate.

Love is often treated as private, emotional, and personal. Yet, in India, it frequently becomes legal. From interfaith marriages and live-in relationships to same-sex unions and moral policing, the simple act of choosing a partner can invite scrutiny, resistance, and litigation. This edition asks: when does love become a constitutional issue?

Through landmark judgments and contemporary debates, this issue examines how courts have addressed autonomy, privacy, dignity, and equality. From constitutional morality to individual choice under Article 21, we trace how the judiciary has defined the boundaries of intimacy and freedom. We also revisit India's more fluid past, question the public notice requirements under the Special Marriage Act, and explore whether matters of the heart belong in courtrooms. From moral policing and prenuptial stigma to legal protections for couples defying social norms, this edition interrogates how law mediates love.

This edition also invites readers to engage through games, case law challenges, and reflections that test how well we understand the jurisprudence behind love. Because sometimes, the difference between romance and litigation lies in a landmark judgment. At its core, this Briefcase issue is about choice, the right to choose whom to love, how to love, and whether that choice must seek validation from society or the State. It is about the Constitution stepping into spaces where culture hesitates. It is about dignity in its most intimate form.

*The Editorial Board x*

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# THE BINDER



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

## The India That Didn't Fear Love, No Matter the Gender

Long before the emergence of modern rights discourse, the Indian subcontinent articulated conceptions of love, identity, and personhood through philosophical, mythological, and symbolic traditions that resisted rigid binaries. In Hindu theology, *Ardhanarishvara*, the composite form of Shiva and Parvati embodies the metaphysical indivisibility of masculine and feminine energies within a single ontological entity. The divine union is not a transgression but a cosmological truth. Likewise, in Puranic lore, Mohini, the enchanting female form of Vishnu, unites with Shiva, symbolising fluidity in divine manifestation. These narratives reflect a metaphysical comfort with gender plurality.

Epic literature echoes similar themes. In the Mahabharata, Arjuna lives as Brihannala during exile, adopting a gender-nonconforming role without moral condemnation. The story of Shikhandi, born female and later recognised as male, further illustrates that gender transformation existed within revered narrative frameworks. These characters are not erased; they shape history. Classical treatises were equally candid. The Kama Sutra of Vātsyāyana refers to the *trītiya-prakṛti* the “third nature” describing same-sex relations in categorised, observational terms rather than criminal language. Desire was analysed, classified, and contextualised, not subjected to blanket moral panic. Temple art at Khajuraho and Konark visually recorded a spectrum of intimacy, reinforcing the idea that sexuality, in its plurality, was acknowledged rather than erased.

In contrast, the formal criminalisation of same-sex relations in Europe evolved primarily through theological injunctions later absorbed into secular legal codes. Biblical passages were frequently invoked as doctrinal justification for prohibitory legal norms. Victorian moral philosophy subsequently entrenched these attitudes within statutory frameworks marked by heightened rigidity.

This moral-legal framework was transplanted into India through colonial codification. Drafted

under the stewardship of Thomas Babington Macaulay, Section 377 of the Indian Penal Code criminalised “carnal intercourse against the order of nature.” The provision reflected 19th-century English legal morality rather than indigenous Indian jurisprudence. For over 150 years, it cast a shadow over personal autonomy.

Constitutional transformation began in the 21st century. In Navtej Singh Johar v. Union of India, the Supreme Court of India read down Section 377 insofar as it criminalised consensual same-sex relations between adults. The Court grounded its reasoning in Articles 14, 15, and 21 of the Constitution, affirming equality, non-discrimination, dignity, privacy, and decisional autonomy. Constitutional morality, the Court held, must prevail over majoritarian social morality.

The recent enactment of the Bharatiya Nyaya Sanhita, which omits Section 377 in its previous form (retaining protection only against non-consensual acts and acts involving minors or animals), marks a legislative acknowledgment of this jurisprudential shift.

From Lord Ardhhanarishvara's theological ideas to the doctrine of constitutional morality, India's civilisational trajectory reveals that gender plurality was neither alien nor inconceivable. The decriminalisation of consensual same-sex intimacy is therefore not the creation of a novel moral order, but the constitutional recovery of a pluralistic civilisational ethos. If criminalisation was once imported through colonial codes, its deconstruction has been achieved through constitutional promise. The India that did not fear love is not a modern invention but a rediscovery.

**Ms. Shankari Arvind**  
Student, 3rd Year





# THE BINDER

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

## Love, Law and Privacy: The Constitutional Debate Around the Special Marriage Act

In a country where marriage is often inseparable from religion, caste, and community, the **Special Marriage Act, 1954 (SMA)** was designed as a radical legal promise that two adults could marry under a secular law, independent of personal religious codes. Seven decades later, that promise stands at the center of a constitutional storm where love confronts surveillance, autonomy collides with community scrutiny, and privacy meets procedural publicity.

### A Secular Escape Route

The SMA was enacted to provide a civil form of marriage for individuals who did not wish to marry under their personal laws- whether Hindu, Muslim, Christian, Parsi, or otherwise. It embodies the constitutional vision of equality under Articles 14 and 15, and the freedom of conscience under Article 25 of the Constitution of India. Unlike personal laws, which are religion-specific, the SMA offers a uniform, secular procedure. However, it also imposes a controversial requirement: Section 5-7 mandates a 30-day public notice period.

The intended logic was transparency, to prevent fraud, bigamy, or coercion. In practice, the notice requirement has become a mechanism through which families, vigilante groups, and local authorities can intervene in consensual adult relationships.

The constitutional landscape shifted dramatically after the Supreme Court's landmark judgment in **Justice K.S. Puttaswamy (Retd.) v. Union of India (10 SCC 1)**, which recognized the right to privacy as a fundamental right under Article 21. The Court held that privacy includes decisional autonomy; especially in matters of marriage, family, and intimate relationships. Justice Chandrachud wrote that privacy safeguards "the sanctity of family life, procreation, the home and sexual orientation." (page 262, para 1, 1st Line)

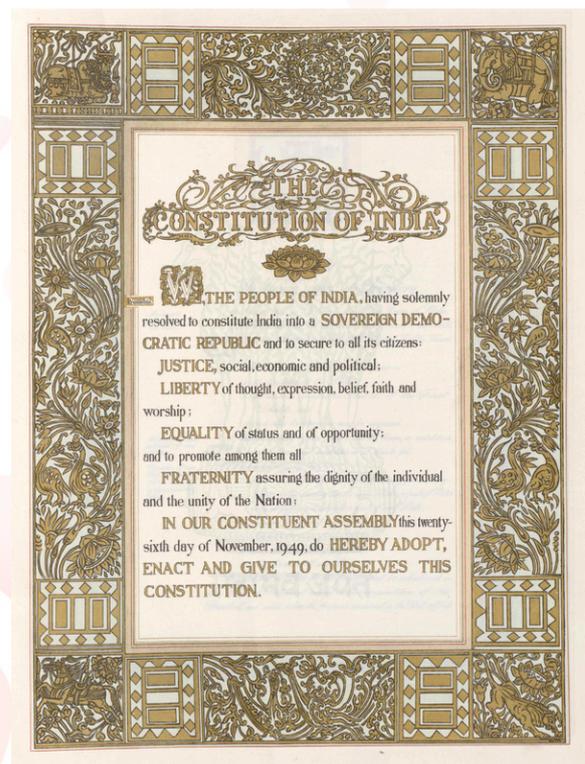
*If marriage is an intimate choice protected by privacy, critics ask: How can the State compel couples to publicly disclose their intent to marry for 30 days?*

For interfaith and inter-caste couples, particularly in regions where honour-based violence persists, the notice requirement may not merely be inconvenient; it may be dangerous.

### Autonomy and Choice: The Court Speaks

The Supreme Court has repeatedly affirmed that the right to choose one's partner is intrinsic to constitutional liberty.

In **Shakti Vahini v. Union of India MANU/SC/0291/2018**, the Court condemned honour killings and declared that community approval is irrelevant where two consenting adults choose to marry. Earlier, in **Lata Singh v. State of Uttar Pradesh MANU/SC/2960/2006**, the Court unequivocally protected inter-caste marriages and directed police authorities to shield such couples from harassment. Together, these judgments constitutionalize love, not sentimentally, but legally, by embedding personal choice within the framework of dignity and liberty.



Credits: Pinterest



# THE BINDER

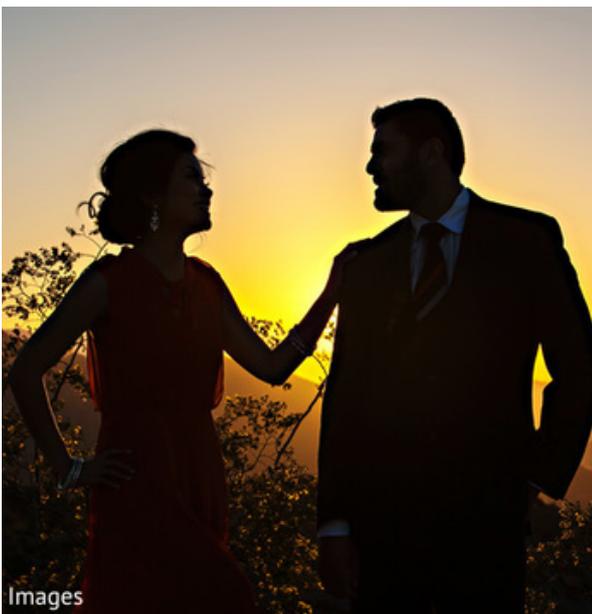
Your essential collection of the latest legal updates, neatly organised for a quick reference.

## Equality and Unequal Burdens

A striking feature of the SMA is that Hindu couples marrying under the Hindu Marriage Act do not face a mandatory public notice requirement. The 30-day disclosure burden applies only to those choosing the secular route. This raises a critical Article 14 equality concern: Why should couples seeking a secular marriage be subjected to greater procedural hurdles than those marrying under religious law?

Several High Courts have recognised this disparity. The Allahabad High Court in *Safiya Sultana v. State of U.P.* AIR ONLINE 2021 ALL 22 read down the mandatory publication requirement, holding that such disclosure is not compulsory where it violates privacy and safety concerns. Similar concerns have been raised before the Delhi High Court in petitions challenging the constitutional validity of Sections 5-7 of the SMA.

While the Supreme Court has not yet definitively struck down the notice provision, judicial trends increasingly align with privacy-centric reasoning.



Images

Credits: Light Rain Images

## The Paradox of the Special Marriage Act

The irony is striking. The SMA was meant to liberate marriage from religious constraint. Yet, its procedural architecture often renders it more intrusive than personal law regimes. What was envisioned as a secular shield risks becoming a bureaucratic spotlight. At its core, the debate around the Special Marriage Act is not about procedure, it is about who controls intimate choice. Is marriage a matter for families and communities or the administrative state or two consenting adults protected by constitutional guarantees?

Indian constitutional jurisprudence increasingly answers in favour of autonomy, dignity, and privacy. Whether the SMA's notice provisions withstand future constitutional scrutiny will determine whether the law continues to reflect mid-20th-century anxieties or 21st-century constitutional morality.

In the end, the question is simple:

Can love truly remain free if it must first be publicly declared for approval?

Ms. Shrishti Shastri  
Student, 4th Year



Credits: Pinterest

# THE GAVEL



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

## Can Your Partner's Friend Be Liable For Your Broken Marriage? Alienation of Affection in Shelly Mahajan v. Bhanushree Bahl

### Introduction

When a marriage breaks down because one spouse falls in love with someone else, the emotional instinct is often to blame the "third person" but can that emotional betrayal translate into legal liability? The Delhi High Court in *Shelly Mahajan v. Ms. Bhanushree Bahl & Anr. (2025)* confronts this deeply personal question through the lens of the tort of "alienation of affection" (AoA), a concept historically known as a "heart-balm" action. The plaintiff, Shelly Mahajan, alleged that her husband's colleague knowingly and intentionally interfered in her marriage, resulting in the withdrawal of his affection and companionship. She sought damages, arguing that such interference constituted a civil wrong. The case raises a sensitive legal issue: Can emotional betrayal and romantic interference become actionable civil injuries in India?

### Procedural History

The suit was instituted before the Delhi High Court seeking damages on the premise that the plaintiff was entitled to the affection and companionship of her husband, and that this was wrongfully alienated by the defendant's conduct. The defendants challenged the maintainability of the suit. They argued that Indian legislation does not recognize alienation of affection as an enforceable tort and that no legal duty restrains a third party from interacting with a married individual. It was further argued that matters arising from marital relationships fall within the domain of family courts, rather than the High Court. Thus, the Court examined whether such a claim could proceed in a civil court and whether Indian law provides space for such a cause of action in the said matter.

### Issues

1. Does Indian law recognize the tort of Alienation Of Affection?
2. Does a third party owe a legal duty not to interfere in a marriage?
3. Is emotional betrayal capable of judicial adjudication?

### Reasoning

The Hon'ble High Court acknowledged that Indian legislation does not expressly recognize Alienation of Affection and that the concept is derived from Anglo-American common law. While the Supreme Court in *Pinakin Mahipatray Rawal* described Alienation of Affection as an intentional tort involving interference in marital relations. Indian courts have not yet developed substantive remedies for it. Applying Hohfeld's theory of correlating rights and duties, the Court reasoned that if a spouse has a protectable interest in marital consortium, then a third party may have a duty not to intentionally and wrongfully interfere. However, mere association is insufficient, clear evidence of intentional and malicious conduct is required. The Court noted that no Indian court has granted damages solely on the ground of alienation of affection. It also recognized the varied stance on the issue, observing that while some U.S. states still permit such claims, many jurisdictions, including England and Canada, have abolished or rejected them.



*Credits: Style Craze*

# THE GAVEL



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

## Conclusion

The Delhi High Court did not dismiss the claim outright. Instead, it held that, conceptually, an Alienation of Affection action may be maintainable if the plaintiff can prove intentional and wrongful interference, causation, and measurable injury. Importantly, the Court clarified that such a claim is distinct from matrimonial remedies and falls within the jurisdiction of civil courts, not exclusively family courts. The Court held that the plaintiff's civil suit seeking damages for the tort of Alienation of Affection (AoA) is maintainable in a civil court and found that the plaintiff had prima facie made out a cause of action based on tortious interference in her marriage by the defendant no. 1. The Court rejected the argument that the suit should be transferred exclusively to a Family Court under the Family Courts Act 1984, observing that the claim for tortious interference and damages is distinct from matrimonial remedies such as divorce or maintenance. Since the plaint disclosed a civil cause of action, the Court directed issuance of summons to both defendants (the alleged lover and the husband), allowing the case to proceed to the next stages of civil proceedings.



*Credits: LiveLaw*



*Credits: Pinterest*

The Court did not decide the factual merits of whether the defendant actually interfered in the marital relationship; it only held that such issues must be determined at trial through evidence. It also recognizes the concept of Alienation of Affection (AoA), while acknowledging that it lacks firm roots in Indian jurisprudence. Ultimately, the case reflects the law's delicate balancing act. Marriage is both a personal bond and a social institution. While emotional betrayal devastates families, courts remain cautious about converting heartbreak into monetary compensation. *Shelly Mahajan* signals that Indian law is willing to consider such claims but only under strict proof and careful judicial scrutiny. In doing so, it opens an important debate: Should love and loyalty be protected by civil damages, or are they matters beyond the reach of legal enforcement?

**Ms. Alifiya Aliasgar Boxwala**  
Student, 3rd Year

# THE GAVEL



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

## When Does Saying “I Love You” Cross the Legal Line? Bombay High Court in Ravindra v. State of Maharashtra

### Introduction

“I Love You” is a 3-word expression ordinarily used to declare affection. Yet, when uttered by an adult man to a 17-year-old girl, it gave rise to a complaint under the POCSO Act (The Protection of Children from Sexual Offences Act, 2012). The minor alleged that the accused approached her on her way back home, physically restrained her, asked for her name and expressed his love for her. The trial court convicted the accused, sentencing him to imprisonment and imposed a fine.

### Issues

Whether the expression of feelings using words such as “I Love You” itself amounts to an illicit act punishable under Section 354-A or 354-D of the IPC as well as 7 & 8 of the POCSO Act?

### Reasoning

The Hon'ble High court of Bombay passed the judgement after a thorough examination of each section. Section 354 of IPC deals with “*assault or criminal force to woman with intent to outrage her modesty.*” Section 354 A of IPC penalises making sexually coloured remarks, demand for sexual favours etc. Section 354 D of IPC addresses the term stalking i.e. attempting to contact a woman via any mode of communication.

In the present case the court highlighted that the ingredients to constitute a crime and convict the said accused do not satisfy since he has attempted to contact her once, and mere utterance “I Love You” does not reveal the “sexual intent” of the accused. The court further emphasized on the term intention holding that “Intention is the inner compartment of mind of that person and has to be determined from surrounding facts and circumstances”. Words like “Sexual Intent” are not

defined in the legislature. The court in the absence of legislative interpretation has relied on Webster's *New Explorer Encyclopedic Dictionary*, in order to define the terms which were laid down in the case of Bandu Vitthalrao Borwar vs. State of Maharashtra. Lastly, Sections 7 & 8 of POCSO i.e. touching of private parts of a child or physical contact without penetration and the punishment for the same do not satisfy, because such an incident did not take place. This judgement highlights that not every statement made by a person is harassment. An isolated incident wherein a person communicates his feelings in the absence of sexual intention or repetition, merely represents human emotion.

### Conclusion

The Bombay High court in its ruling distinguishes between what constitutes harmless affection and criminal harassment. An expression such as “I love you” when made solitarily lacking sexual intent and repetition fails to establish that the accused had these intentions from the beginning. The judgement provides a nuanced understanding and avoids judicial overreach, by clearly demarcating a line that confessions do not equate with assaults at times. The judgment leaves an open question that in times when the situation escalates and turns into a sensitive matter, where do we as a society draw the line between a harmless confession and an assault which is punishable.

**Ms. Pari Jhaveri**  
Student, 4th Year



Credits: pngtree

# THE COMMENTARY



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

## The Cause, the Effect, and Everything in Between

At first glance, Bonnie Garmus' *Lessons in Chemistry* is a novel set in the 1960's America, about a female chemist who becomes an unlikely cooking show host. Beneath that, it is a precise and often unyielding portrayal of what the socio-legal norms do to love when it is allowed to govern it. Hastings Research Institute is more than just a workplace; it is a microcosm of a society that viewed a woman's intellect as a communal resource ready to be auctioned by men. On the other side of the same workplace is Elizabeth Zott, a chemist; in her world, everything has a cause and effect, and she applies that same unflinching logic to understand the consequences of a marriage for a woman in 1960's America.

Marriage was a chemical reaction that all but resulted in a diminished version that was so far from herself that she chose to remain unmarried to Calvin Evans, the man she loved so dearly and without reservation, a man who, notably, was one of the very few who loved her back in equal measure, as a mind and not merely a presence for him to prove a superficial point to society. Calvin's death early on in the story is the grief the entire story radicalizes around. It leaves Elizabeth alone, pregnant and entirely unprotected by a legal and social structure that was never built to protect or understand the likes of her. Without the formal institution of marriage, she had no claim, not to the recognition she deserved at the lab, not to her own research, which was eventually stolen by a male colleague, and definitely not to the dignity of being seen as anything more than an aberration.

Her refusal to marry was an act of self-preservation, and in hindsight of self-love, she chose to retain her autonomy instead of taking the protection marriage would have offered her. What follows in the story is the kind of quite radicalism that leads to generations of women, and men understanding what it's like when society expects half the world to make trade-offs that would strip them of their very thoughts, and choices and autonomy and complexity that makes them, them. When she is funnelled into hosting *Supper at Six*, a cooking show, she treats her audience of housewives less like kitchen makers and more like chemists managing a complex web of cause and effect. She very gently tells them, in the only language the society says they

must understand that their labour was intelligent and complex, and that their minds were their own.

Elizabeth's choice to remain unmarried, to raise her daughter Mad alone in a house built on logic rather than tradition, is her most profound act of love, not for Calvin, but for herself, it's also a very radical form of legislation she writes for herself and mad, on her own terms, one that says her life is her own, so is her brilliant mind, and autonomy, and dignity and everything in between that the society said isn't. In the end, the book asks us, with remarkable fury and patience alike, why should society's approval outweigh the intimacy of love.

**Ms. Ayushi Vanzara**  
**Alumni, SVKM's Pravin Gandhi**  
**College of Law**



*Credits: Goodreads*

# THE COMMENTARY



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

## Self-Love – The Courage to Choose Yourself

Self-love in a law college magazine might sound out of place. Between lectures, internships, moots, and the constant pressure to perform, it almost feels like a luxury we cannot afford. But maybe that's exactly why we need to talk about it.

We study justice every day. We analyse what is fair, what is lawful, and what consequences follow when lines are crossed. Yet, somewhere in the middle of chasing grades and building resumes, we quietly cross our own limits. We ignore exhaustion. We silence emotions.

We convince ourselves that rest can wait.

The truth is, being ambitious and being kind to yourself are not opposites.

Self-love isn't dramatic or glamorous. It's not about grand gestures. Sometimes, it's as simple as leaving a space that drains you. Saying no without over-explaining. Choosing sleep over scrolling. Protecting your peace even when others don't understand it.

It's showing up for a workout because it clears your mind. Keeping your circle small but genuine. Creating a routine that supports you instead of punishing you. Asking for help when things feel heavy, without attaching shame to it.

Most importantly, it's recognising that your worth is not tied to a rank list, a stipend, or someone else's timeline. In a profession where we are trained to fight for others, self-love is learning not to abandon ourselves in the process.

It doesn't happen overnight. Some days you'll get it right. Some days you won't. But choosing yourself, again and again, in small honest ways....that is where it begins! And maybe that is one of the bravest decisions we can make.

**Dr. Sahiba Sachdev**  
MBBS, MD Psychiatry

### Author's Recommendation:

#### **Queen (2013)**



Credits: Rotten Tomatoes

Starring Kangana Ranaut, playing the lead role of 'Rani' in the movie **Queen**. The movie revolves around Rani, a timid girl, from Delhi, whose fiancé calls off their wedding at the last minute, prompting her to take their planned honeymoon trip to Paris and Amsterdam alone. Self-loathing turns into confidence and self-love, along her journey as she makes new friends, embraces novel cultures, explores new cities and discovers a new version of herself. She metamorphoses into a confident and independent individual.

# THE COMMENTARY



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

## Recommendations from the Editorial Board:



### **Community (2009-2015)**

Starring Joel McHale, Gillian Jacobs, Danny Pudi, Yvettte Nicole Brown, Alison Brie, Donald Glover, Ken Jeong, Chevy Chase and Jim Rash. Community, is a cult-favourite sitcom which centers on Jeff Winger, a disbarred lawyer, who is compelled to enroll into a low-level community college in Colorado. He sets up a fake Spanish study group to woo a classmate, which instead draws a dysfunctional, eclectic mix of misfits who end up becoming a close-knit family.

### **Tamasha (2015)**

Featuring Ranbir Kapoor and Deepika Padukone, Tamasha traces the journey of Ved Vardhan Sahni through different stages of life from a curious child to an adult burdened by societal expectations. The film explores what happens when we abandon our authentic selves to fit into a template of success. It asks an uncomfortable question: are we living the lives we truly want, or the ones we were told to want? Self-love, here, is the courage to reclaim your story.

### **Crazy Rich Asians (2018)**

Starring Constance Wu and Henry Golding, Crazy Rich Asians is more than just a glamorous rom-com. At its heart, it's about knowing your worth. As Rachel navigates wealth, tradition, and intense judgment, she refuses to shrink herself to fit into someone else's expectations. It's a stylish, feel-good reminder that self-respect and self-love should never be compromised no matter how grand the setting.

# THE BLACK & THE WHITE



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

## On Valentine's Day, Who Really Breaks the Law?

India is known for its cultural pluralism and tolerance. This rich cultural heritage is often used as a soft power on the global stage. Yet paradoxically, some elements within the country invoke this "culture" to harass and restrict personal choices of young citizens. Every year, 14th of February is celebrated worldwide as Valentine's Day where couples across age groups celebrate their love, they take strolls in parks, go on dates, bring each other flowers and express their love and affection for one another. However, in several parts of our country, such celebrations are met not with tolerance but with hostility in the form of so-called moral policing.

Moral policing refers to the extra-legal interference by individuals or groups within society which seek to regulate conduct of others based on their own idea of culture and morals. Such policing lacks legal sanction and often relies on intimidation, public shaming and social coercion. Every year on 14th February, the self-proclaimed moral organisations harass consenting couples. Members of such organisations harass young couples in public spaces, threaten shopkeepers to refrain them from Valentines Day sales in an attempt to disrupt celebrations. These actions are justified in the name of preserving Indian Culture yet they operate outside the framework of Constitutional and Criminal Law.

The question therefore is not whether cultural values need to be remembered and imbibed in the members of the society, but whether private actors can enforce such values at the cost of Constitutional freedoms of consenting adults. Constitutional Validity of Moral Policing can be examined through the lens of Article 19 of the Constitution. Article 19 gives us certain fundamental rights such as freedom of speech and expression under 19 (1) (a), and freedom to move freely through the territory of India under Article 19 (1) (d).

The celebration on Valentine's Day by way of exchanging gifts, going on dates in public spaces, and expressing affection is covered under freedom of expression under Article 19 (1).

While Article 19 protects external manifestations of freedom, Article 21 safeguards its inner core. Right to Life and personal liberty under Article 21 has been held to include individual autonomy, privacy and dignity values that lie at the core of every individual. In the case of KS Puttaswamy vs Union of India, the Apex court held that Privacy of individuals is a fundamental right protected under Article 21 and this includes individuals choice of relationships and partners. When consenting young adults make a decision to meet a partner, enter into relationships and celebrate their love, it is a matter of individual autonomy which is protected by law. In the case of Shakti Vahani vs Union of India, the Supreme court condemned extra constitutional interference in adult relationships and held that choice of partners as a matter of individual freedom is a facet under Article 21. The court highlighted that social morals cannot override Constitutional protections.

Beyond Liberty, moral policing raises concerns under Article 14 of the Constitution which guarantees equality before law and prohibits arbitrary state action. In the case of Maneka Gandhi vs Union of India the Apex Court decreed Article 14 extends to curb arbitrariness. The Supreme Court has consistently held that arbitrariness is the antithesis of equality and that any action which is directly or indirectly permitted by the state which is irrational, discriminatory or selectively enforced fails the test of Article 14. Moral policing by vigilante organisations is inherently selective. They target individuals based on age, gender or perceived nonconformity to cultural norms. Such unequal and arbitrary interference into the lives of individuals violates their right to equal protection of law. Where the State fails to address such vigilantism, questions regarding states responsibility in upholding constitutional Rights also arise. Constitutional promise of equality cannot coexist with arbitrary moral enforcement that operates outside the framework of law.

### DISCLAIMER:

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# THE BLACK & THE WHITE



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

Culture is not frozen in time; it must grow with society or risk becoming a tool of exclusion rather than cohesion. Boycott, underscores the persistence of extra-legal social control in the name of preserving culture. Such measures seek to undermine individual autonomy and threaten the social fabric of our society.

A democratic country cannot sustain itself on such exclusion. It requires citizens to strike a balance between cultural values and constitutional morality. The responsibility rests not only on the state but also on the citizens to ensure individual autonomy.



*Credits: Times of India*

**Mr. Aryan Shah**  
Student, 4<sup>th</sup> Year



*Credits: Social Maharaj*



*Credits: The Federal*

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# THE BLACK & THE WHITE



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

## Why Prenuptial Agreement will Strengthen and not Undermine Indian Marriages

The big fat Indian wedding is a kaleidoscope of song, dance, festivities and rituals steeped in traditions that celebrate the union of not just the couple, but their families as well. Holding significant religious and social value, Indian weddings go beyond what can be described as legal drudgery. Even though it is the marriage certificate that formally and legally recognizes the union of a couple, the acceptance of the marriage in the eyes of the society and God holds far more social and moral significance. Thus, it would not be an understatement to say that in India, marriages are looked at as more than just a contract. It is a religious sacrament, a moral duty, and an important rite of passage which every person is socially expected to go through. In the light of this, it is not surprising that the very mention of a prenuptial agreement let alone divorce is socially frowned upon. But what is a prenuptial agreement and why does it face resistance in Indian society?

Generally, a prenuptial agreement is understood to be “a legally binding contract signed by a couple before marriage, specifying how their assets, debts, and spousal support will be handled in the event of divorce or death”. A prenuptial agreement is a written agreement signed before marriage that becomes enforceable only after the divorce of the couple or the death of either of the spouse. The agreement intends to provide more clarity and agency to the parties over the distribution of their rights and liabilities that would otherwise be decided by the customary personal laws depending on the religion professed by the parties. But many of the prominent legislations governing various aspects of marriages in India like the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954, etc. have failed to recognize the concept of prenuptial agreements. Although, pertinently, the Indian Divorce Act, 1869 (applicable only to Christians), enables the courts

to take prenuptial agreements into consideration. Remarkably, prenuptial agreements are legal and enforceable in the State of Goa under the Portuguese Civil Code, and draws its enforceability from Section 5(1) of the Goa, Daman and Diu Administration Act, 1962. So, India is not completely removed from the conversation surrounding prenuptial agreements. But due to the lack of mention of the same in prominent marital laws, for years, any litigation with respect to prenuptial agreements in the country, have been generally dealt with by the Indian Contract Act, 1872. In the Indian Contract Act, 1872, the courts have resorted to specifically apply Section 23 and its interpretation of the consideration or object of an agreement being “opposed to public policy”, as well as Section 25 where agreements made without consideration are void unless they come under certain exceptions like agreements made with natural love and affection.

In a societal atmosphere where families prefer “optical consonance” wherein members are purportedly in harmony with each other, instead of dealing with internal familial issues directly, the very thought of divorce becomes blasphemous. The thought becomes even more radical when couples express their intentions to talk about divorce and its repercussions even before tying the knot. This is the primary reason for apprehension about prenuptial agreements in India. The court’s stance on the legality of prenuptial agreements has been mixed. The Calcutta High Court and the Madras Court in the cases of Tekait Mon Mohini Jemadai v. Basanta Kumar Singh (1901), and Krishna Aiyar v. Balammal (1910), respectively have held prenuptial agreements to be void on grounds of being against public policy, while in the case of Pran Mohan Das v. Hari Mohan Das (1925), the Calcutta High Court recognized the validity of prenuptial agreements, since the object of the agreement in the present case was “not brokerage of marriage, but distribution of property” and hence, the agreement was not opposed to public policy. While the notion of an impending divorce before the marriage even takes place is undoubtedly scary, the prospect of being left vulnerable in the face of an emotionally tumultuous legal procedure with no adequate

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# THE BLACK & THE WHITE



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

financial and legal subsistence seems even more gruelling.

As times change, so should we. Contrary to popular beliefs, prenuptial agreements do have some overlooked advantages, and we, as society, must acknowledge them. Firstly, the envisagement of a prenuptial agreement necessitates transparency between the parties with regards to their finances. Often seen as a polarizing topic, discussions regarding finances are a point of contention in Indian households. Further, while dowry is illegal, streedhan is not, and the latter belongs to the woman, prenuptial agreements can help them protect the often sentimental and lucrative possessions. Moreover, as is stated earlier, prenuptial agreements enable parties to have greater influence and control over the terms and conditions in the likelihood of their divorce or death.

As we enter the new age of rewriting old customs and conventions, we must accommodate and be open to ideas that might seem counterintuitive. Prenuptial agreements must not be used to arrive at the inference of the parties' intention to divorce in the future, rather it must be viewed as an insurance *if* they divorce. After all, we must always be ready to have tough and radical conversations for it is these conversations that drive change.

**Ms. Ishwari Salunke**  
Student, 4<sup>th</sup> Year



Credits: Ipleaders



Credits: latest laws



Credits: Live Law

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# THE BLACK & THE WHITE



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

## The Runaway Couples

If contemporary couples were required to confront only the cinematic melodrama that defined Raj and Simran's romance, the legal landscape would indeed appear far more benign. Reality diverges significantly from romanticized portrayals of love in popular cinema. Couples who elope today face tangible threats to life and liberty; the issue transcends mere familial disapproval. The situation today is so dire, that courts are inundated with litigants seeking protection from their families. Their first move is not to their excursion but to the court to file a writ petition of Habeas Corpus as seen in Kamalpreet Kaur v. State of Punjab, 2025 SCC OnLine P&H 2777.

The couple's decision to turn into litigants to seek protection stems from the ignorance of the administrative authorities. The couple claim that the bench failed to implement the Standard Operating Procedures (SOPs) as notified by the government of The Union Territory of Chandigarh and The state of Punjab and Haryana in compliance with the court's orders dated 14.06.2024 in Kajal v. State of Haryana & Ors CRWP No.12562 of 2023. The bench of Justice Rohit Kapoor also observed that failure to do so is the reason the courts are flooded with litigants. But should they be seeking protection in the first place?

Several states across India, including Punjab, Maharashtra, Tamil Nadu and Kerala, have reported instances of honour-based violence linked to inter-caste unions.

In Gurudev Singh v. State of Haryana, 2011 SCC OnLine P&H 3628; 2011 2 RCR (Cri) 950 (DB), the landmark judgement from March 2011, from the Karnal District Court in the case of Manoj & Babli was both the first in convicting the Khap Panchayats (local caste-based council in the State of Punjab & Haryana) and the first verdict of capital punishment for honour killing in India. In this case, five offenders and the head of the Khap panchayat who ordered the young couple- Manoj and Babli's killing were executed for their murder. The couple belonged to the same clan as

them and had eloped to get married in April 2007. Their mutilated bodies were found in an irrigation canal a week later. Local- based panchayats and such honour killings often function contrary to constitutional principles.

Article 21 of the Indian Constitution guarantees the fundamental right to life and personal liberty, a provision interpreted to encompass decisional autonomy, including the freedom to choose one's spouse. Yes, traditions are important, culture is necessary, it is what sets us apart, yet, when traditions transition into daggers, with statistics like nearly one-third of 5000 honour killings being from India and Pakistan, we must draw a line.

Against this historical backdrop of caste- and community-based violence, the aim of the Punjab & Haryana High Court formulating the SOPs as directions in the case of Kajal v. State of Haryana provided a time-bound, systematic administrative remedy to couples and individuals under threat. Further, it would also help by reducing the burden of cases from the judiciary, and make it less time consuming. Other state governments like Maharashtra and Rajasthan also issued Standard Operating Procedures for inter-faith married couples.

In conclusion, while tradition is a necessity in our nation, they shouldn't be forced upon those who do not want to follow them. While the SOPs do mark a progressive step, a true change will only be witnessed with an increase in awareness and a cultural shift, heading toward inclusivity. Ultimately, allowing couples to live the lives they want, without having to seek shelter and protection.



*Credits: Indian Express*

**Ms. Aanya Naqvi**  
Student, 4<sup>th</sup> Year

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# THE WIG & THE WIT



Simple and fun puzzles to judge your wit!

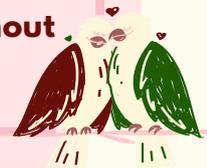
## LEGAL FLAG OR RELATIONSHIP RED FLAG?

How to play: Read the situation below and decide if it is a legal flag (lawful and acceptable) or a relationship red flag (unhealthy, problematic, or potentially illegal)

- Your partner jokingly checks who liked your photos and asks questions about them...
- Your employer asks you to sign a confidentiality agreement before starting work...
- A restaurant refuses service to someone who is being aggressive or disruptive...
- Someone repeatedly messages you after you've clearly asked them to stop...
- A friend shares your private secrets with others without your permission...
- Your partner spends time with their friends without always inviting you...

### FIND ME

**C**ONSENT  
**D**IVORCE  
 MARRIAGE  
**S**TALKING  
**P**RVACY  
 ALIMONY  
**D**OWRY  
 LAWYER  
**C**COURT  
 TRUST



*Your task is not to seek for love, but merely to seek and find all the barriers within yourself that you have built against it.*  
-Rumi



C	A	M	A	L	I	M	O	N	Y
C	O	L	A	W	Y	E	R	A	R
O	A	U	X	K	A	M	A	G	W
N	F	P	R	I	V	A	C	Y	O
S	E	I	S	T	T	R	U	A	D
E	L	A	C	A	K	R	Q	U	T
N	S	T	A	L	K	I	N	G	R
T	N	A	S	Z	M	A	A	P	U
Q	U	Z	V	B	W	G	L	A	S
D	I	V	O	R	C	E	A	N	T

# THE WIG & THE WIT



Simple and fun puzzles to judge your wit!

..... ♥ .....

## I WOULD... BUT ARE YOU NERDY ENOUGH TO NAME THE JUDGMENT?

I would decriminalise your existence in my heart...  
but are you nerdy enough to name the judgment  
that restored constitutional morality?

I would refuse to treat you like property...  
but are you nerdy enough to name the judgment  
that struck down adultery as a crime?

I would defend your right to choose me...  
but are you nerdy enough to name the judgment  
that upheld autonomy under Article 21?

I would respect your privacy...  
but are you nerdy enough to name the judgment  
that made privacy a fundamental right?

I would enter into a live-in relationship with clearly  
defined rights...  
but are you nerdy enough to name the judgment  
that explained 'relationship in the nature of  
marriage'?

..... ♥ .....

## FOUNDATIONS OF A LEGALLY HEALTHY RELATIONSHIP

*Consent: Both partners freely choose the relationship without pressure or coercion.*

*Autonomy: Each person retains individual freedom and identity.*

*Privacy: Personal space, communication, and boundaries are respected.*

*No Abuse: There is no physical, emotional, verbal, or financial harm.*

*Equality: Neither partner treats the other as property or inferior.*

*Financial Fairness: Money is not used as a tool of control or exploitation.*

*Freedom to Exit: Either partner can leave without fear, threat, or violence.*



# THE CAUSELIST

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



### JANUARY ANSWER REVEAL!!!

India became a Democratic Republic in: **B. 26 January 1950**

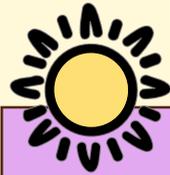
The principle of "One Person, One Vote" ensures: **B. Equal political participation**

India follows which form of democracy? **C. Parliamentary**

The right to vote in India is: **B. A legal right**

The minimum age to vote in India is: **B. 18 years**

Which amendment lowered the voting age to 18 years? **C. 61st Amendment**



## March

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
29	30	31				



4<sup>th</sup> - 7<sup>th</sup> March 2026  
Cultural Week

6<sup>th</sup> March 2026  
Bollywood Day

16<sup>th</sup> - 18<sup>th</sup> March 2026  
Juriscine- Film Festival

23<sup>rd</sup> March 2026  
Kalakshetra

25<sup>th</sup> March 2026  
Lecture by Justice Oka

**SVKM'S PRAVIN GANDHI COLLEGE OF LAW**  
Center for Taxation Law Committee  
*PRESENTS A SEMINAR ON*

### "Introduction to Taxation Law" & Discussion on Union Budget 2026"

**CA Akshay Thakkar Sir**

This session aims to provide students with foundational understanding and practical insights into Taxation Law, covering essential concepts and real-world applications.

**CA Shallesh Solanki Sir**

This session will provide in-depth analysis of the Union Budget 2026, highlighting key amendments, policy changes, and their impact on taxation and the economy.

**Date and Venue**

- March 5<sup>th</sup> & 6<sup>th</sup>, 2026
- 8:00 AM to 10:00 AM
- MCR 8<sup>th</sup> floor

**Student coordinator**

Darshita Solanki  
Anusha poojari

**Faculty convenor**

Dr. Vanita Agarwal

SVKM's PRAVIN GANDHI COLLEGE OF LAW  
CENTER FOR CORPORATE LAW & IPR

*Presents*

## INTRA CONTRACT DRAFTING COMPETITION

*Along with contract drafting workshop*  
(FOR REGISTERED PARTICIPANTS)

**WORK SHOP BY**

**MS. RAVI RAJKUMAR SHARMA**  
Counsel at AM SPORTS LAW & MANAGEMENT CO.

**STUDENTS OF ALL YEARS CAN PARTICIPATE**

WINNERS RECEIVE INTERNSHIP OPPORTUNITIES  
AT AM SPORTS LAW & MANAGEMENT CO !

**Student Co-ordinators**

Manasvi Makwana - 8828902113      Nikita Muddalgundi - 93721 11461

# THE POST-ITS



Sticky Notes to tack up some fun legal facts.

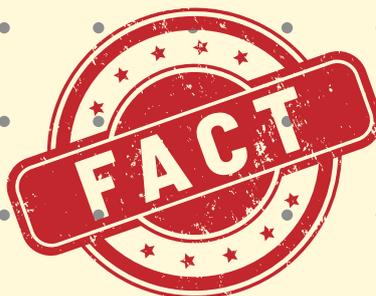
As per Space Law, one cannot technically "own" a star to gift to a lover; the Outer Space Treaty (1967) forbids nations from claiming celestial bodies.



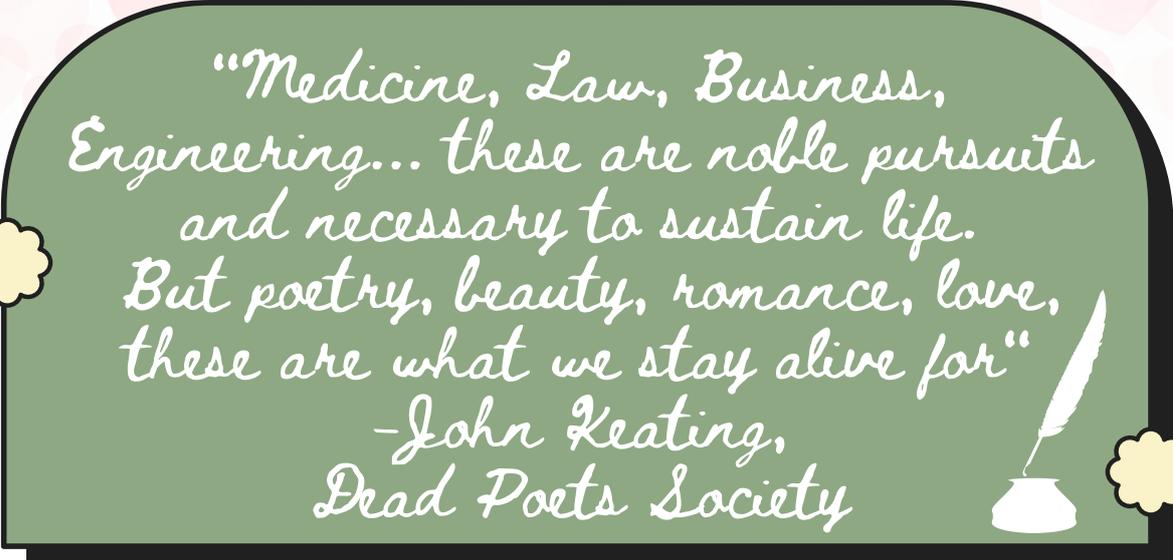
Heart Balm laws in North Carolina allow a jilted spouse to sue a third party (a "paramour") for damages if they deliberately damaged love and affection in a marriage.

These lawsuits, particularly for Alienation of Affection, need evidence that a genuine, loving marriage existed prior to the third party's intentional interference, which caused the relationship to end.

During World War I, a French rule was created that allowed women to marry deceased males. It was most likely implemented to allow fiancées and girlfriends to receive death benefits. The legislation was clarified in 1950, and new restrictions made it considerably more difficult to marry posthumously, requiring approval from the President of France. It is also necessary to provide proof that the deceased intended to marry you before their death.



*"Medicine, Law, Business,  
Engineering... these are noble pursuits  
and necessary to sustain life.  
But poetry, beauty, romance, love,  
these are what we stay alive for"*  
-John Keating,  
Dead Poets Society



## Until Next Time...

Drawing the curtains on the February edition of The Briefcase, we call upon you, the readers, to critically examine the legal architecture that shapes the most personal and dearest bonds in our lives. Having analyzed the convergence of love and law against the backdrop of traditional Indian society, we explored various legal nuances and complexities that love presents itself in.

Through this issue, we tried to navigate sentimentality by moving past romantic ideals and facing realistic rights and concepts that have helped rebuild relationships in modern India. Whether it was through understanding the evolution of Indian queer history, scrutinizing the validity of a critical marriage act, or understanding the ethos behind moral policing of love in India, we can conclude that the purpose of law is realized only when it strives to protect individuals' right to dignity, even in matters of the heart.

The Briefcase shall return next month with incisive legal commentaries, insightful analysis, innovative perspectives, interactive games, and much more!

As the legal conversation continues, we're grateful to have you on this journey!

With conviction and curiosity,  
The Editorial Board

This month's issue is brought  
to you by: -

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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!

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