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THE BRIEFCASE

PGCL NEWSLETTER

✦

March 2026

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

The Briefcase returns this March with an edition that examines regulations as a systematic challenge, one where technology, markets, and environments are evolving faster than the machinery of the State. Shifting focus from innovation and wellness, this issue explores emerging fault lines where innovation frequently moves at a faster pace than responsibility and where regulatory silence leads to uneven consequences.

In today's rapid age with increased use of artificial intelligence and digital platforms governance is no longer limited to visible institutions. However, the law that governs them remain disjointed and narrow in scope. This edition asks: can the Indian law machinery manage what is cannot fully see and understand in a traditional manner? We also scrutinize the illusion of clean air, debating whether the AQI monitory systems truly provide a reflection of the air we breathe in our environment or are merely a statistical placebo creating the illusion of accountability.

Through various judgments such as Dabur India Ltd v. State of Maharashtra, and Dr. Reddy's Laboratories Ltd. Union of India, this issue examines how courts have addressed regulatory loopholes, when promoting health or wellness becomes a marketing strategy to earn profits rather than a clinical fact. The edition traces systematic failure and weak enforcement though the lens of Scam 2003: The Telgi Story, and The Bleeding Edge documentary which follows an investigation of the under regulated health care industry worth billions of dollars.

At its core this Briefcase Edition is about transparency and the right to know about the air we breathe and the food we consume under the disguise of having nutritional benefits. It is about the law stepping in when technology has no regards for ethics and when companies use loopholes in marketing strategies to mislead thousands of consumers. It is about questioning whether existing legal frameworks can meaningfully respond to new-age challenges, or whether they merely react after the damage is done.

The Editorial Board x

In this newsletter you can expect:

THE BINDER

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

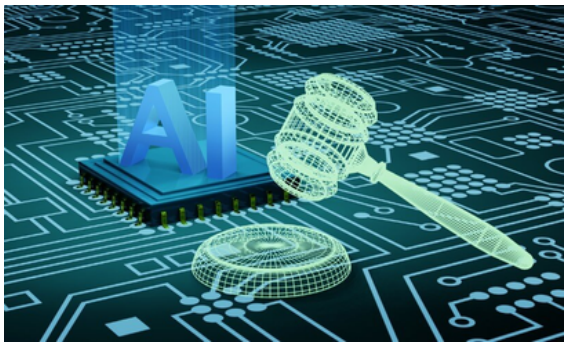
Code Without a Constitution: How India's AI Governance Is Outrunning Its Laws

In 2016 Telangana's government under the BRS party implemented "Samagra Vedika", an algorithmic system that created detailed digital profiles of 30 million residents by consolidating data from various government databases. Officials were required to consult the system's eligibility predictions for welfare benefits, with the option to overturn its decision by providing reasons. Thousands of citizens were wrongly excluded from welfare benefits due to faulty data and algorithmic errors, placing the burden of proving eligibility on them. The system's effectiveness in preventing welfare fraud has not been officially investigated. The system has further faced criticism for privacy risks and potential misuse for mass surveillance.

Apart from Telangana, several other States across the country have introduced similar AI algorithms created with the idea to prevent frauds and mala-fide beneficiaries of such Government schemes by relying on Government data gathered through instruments such as UIDAI's Aadhar card registration made mandatory for citizens. However an ordinary individual applying for government schemes would be unbeknownst to the fact that the data profiling systems would arbitrarily omit their name from the beneficiary list, further burdening such individuals to prove their veracity against these algorithms. Only the Government would prove their win through use of such advanced mechanisms with citizens' rights of livelihood, dignity and liberty being the casualty.

The Government has largely relied on AI automated verification algorithms for welfare schemes, facial recognition and biometrics for law enforcement, predictive policing and automated risk scoring in services of public domain. Juxta positioning all these tools suggest a posteriori that these influence in determining who gets benefits, who are getting monitored and who are really getting flagged as fraudulent applicants and ultimately stopped.

What has added insult to the injury is the gap between policy frameworks and their regulation. The introduction of DPDP Act 2023 created a sense of bubble or false hope that it would regulate such AI oriented decision-making policies of Government but fell short of providing any guidelines or regulatory benchmark for Government to qualify a rational test for justifying such policies. DPDPA mostly covers the aspects of consent, breaches in data, data flow across borders at an individualistic level regulating citizens. However it lacks in touching the more sensitive part, i.e, regulating the government itself from making arbitrary decisions through use of AI without accountability. It fails to address the algorithmic bias originating out of automated decision making algorithms, the right to explain or even the right to contest against their usage. It is pertinent to interpret that India has a data protection law but an unaccountable algorithmic law.



Credits: University of San Diego

Credits: Mint

THE BINDER

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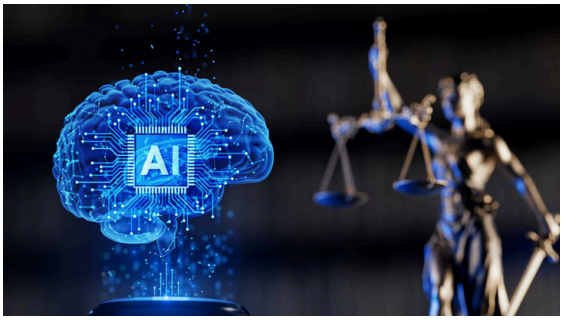
Carrying out such functions already puts the Government at the crosshairs of global cyber watchdogs, not to leave out how the fundamental rights of the citizens guaranteed by the Constitution itself will be affected. The unregulated overarching use of such automated tec algorithms used in predictive policing or welfare screening may encode bias, e.g., against certain castes, communities, socio-economic groups, etc. This violates Article 14 of Indian Constitution, i.e. Right to Equality. If the criteria itself are opaque, citizens may not comprehend how they are being discriminated against thereby lacking a rational reasoning before challenging such a framework. How do you prove unequal treatment if you can't even see the rules? Further, automated surveillance, facial recognition in public spaces, and risk scoring pejoratively affects the dignity, autonomy and personal liberty of citizens. Absence of safeguards provided against the use of such tools such as necessity, proportionality and transparency risks violation of Article 21 of Indian Constitution in practise even if they pass quietly under the banner of "efficiency" or "innovation."

Globally, there have been efforts by progressive governments to accommodate regulatory policies in curbing such automated decision-making algorithms. The EU's AI Act has provided for specified classifications for flagging "high risk" systems in domains of public platforms such as law enforcement, government welfare, etc and has went on to impose stricter obligations. Several other jurisdictions are already experimenting with algorithmic impact assessments by introducing pilot public registration portals for AI systems. There also have been efforts by inter-governmental think tanks to introduce a legal framework providing for the right to explanation or review of these algorithms.

In the Indian context, the government is pushing for AI in digital public infrastructure, smart policing and e-governance devoid of any comprehensive AI law. In Telangana the source code for the welfare algorithm was never provided. India must therefore step beyond just protecting data to protecting people from automated harms.

Mandating transparency and auditability on usage of such algorithmic systems used by the state is the foremost requirement. Next, the law must create clear rights to explanation, review and a proper platform for redressal of complaints to address issues of transparency. Human oversight over such algorithms would ensure non-arbitrary decision making. Lastly, usage of AI in governance must align with constitutional values to ensure the bible of India's democratic principles is protected. Unless and until India regulates not just what data is collected but how decisions are made, its digital governance will remain in a grey area between policy and practise, with the citizens ultimately paying the price.

Mr. Arnav Abhishek
Student, 4th year



Credits: Kenway Consulting

THE BINDER

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

The Problem with 'Health Drinks': "Regulatory Loopholes in Nutritional Claims"

The Indian Market for the so called 'health drinks,' in recent years has witnessed a massive growth with the rising health consciousness and aggressive marketing with the help of social media. However, questions have been raised about the nutritional claims of many of these health drinks, which are misleading the consumers. They make a $15 billion market with children as their main consumers, but others like sick people and convalescing mothers are consuming these products as well. The sugar content of these beverages has always been a matter of concern, with the status of these products as health drinks have been disputed by experts and others.

At the heart of regulatory framework in India lies the Food Safety and Standards Act 2006, governed by the Food Safety and Standards Authority of India, which brought under its purview additional compliances related to labelling, advertising and claims. However, a fundamental problem persists, the term 'Health Drink' is not defined or standardised anywhere under the FSS Act 2006 or rules/regulations made thereunder.

As per reports, India is considered to be the largest market for malt-based health drinks globally and constitutes about 22% of world retail volume sales with a market size of about INR 11,000 crore in India. This market is forecasted to grow with a CAGR of more than 10% from 2022-23 to 2027-28, as per a study by Research and Markets. This lack of definition permits food manufacturers to market common food products as being superior or as a therapeutic item without meeting the rigorous standards applicable to medicines or nutraceuticals. This is achieved with the help of the creation of marketing stories that can overstate the benefits but still be technically in compliance with loosely defined rules.Despite the FSS Regulations which establish a claims approval procedure, claims are regulated primarily through post market oversight.

The substantiation part of it usually came to fore only during inspections or regulatory inquiry, making the system reactive instead of preventative, which allows companies to continue using misleading and ambiguous claims in advertising and packaging unless legal action is taken against them. The recent pandemic further exposed these regulatory gaps where various companies marketed their products as immunity boosters without any such scientific backing, facing no scrutiny whatsoever from the FSSAI.

There have been recent regulatory actions undertaken by the FSSAI such as the press release in 2025 in which strong advisory has been issued against the use of the term "100%" in food labelling, citing concerns over its potential to mislead consumers. In 2023 when Bournvita came under the scanner by content creator Foodpharmer, triggering millions of views and conversations after being in use for decades as a health drink in Indian households for children, the FSSAI and Union Ministry of Commerce and Industry then directed e-commerce platforms not to list products like Dairy-Based Beverage Mix, Cereal-Based Beverage Mix or Malt-Based Beverage which are proprietary foods under the 'healthy drinks' category. Still, this is only a halfway success, the vast scale of India's food and drink market makes consistent monitoring a challenge, India needs a definition of what is unhealthy and what is healthy, with implementation of warning labels and restricting advertising.

Credits: The Times of India

THE BINDER

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

In conclusion, the Indian health drinks regulation is the best example of regulation falling behind market forces. Although the legal framework provided by the Act appears strong on paper, legal loopholes in definition, enforcement and evidentiary standards make it possible to carry on with the misleading claims. It is important to solve these problems by adopting a multi-pronged approach, stricter categorisation of products, health claims pre-approval, more scientific scrutiny and enforcement. In the absence of such reforms, the boundary is bound to become blurred again, exposing the consumer to marketing that makes big promises, but does not deliver on them.

Credits: Business Insider

Ms. Tahera Malubhai
Student, 4th Year

Credits: FoodTimes

THE GAVEL

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

Misleading Claims and Regulatory Oversight: A Case Comment on Dabur India Ltd v. State of Maharashtra (WP NO. 2131 OF 2025)

Introduction

In the modern age of consumerism and advertisement, companies and major brands employ various strategies and tricks to gain the attention of an average potential purchaser. Whether it is branding, packaging, social media influence, or any other means of advertisement, each method is framed to gain the attention of potential customers. This process often involves tags and labels described on the product packaging and advertisements that may, at times, be misleading or unreasonably expansive, blurring the lines of clarity regarding the purpose of the product, particularly cosmetic products which brand themselves as “herbal” or “Ayurvedic”.

Procedural History

The High Court of Bombay, in a recent judgement of Dabur India Ltd v. State of Maharashtra, affirmed the order directed by the Food and Drug Administration to Dabur India Ltd to remove words like “anti-inflammatory,” “anti-bacterial,” and “analgesic” from the labels of “Dabur Meswak Toothpaste” and “Dabur Herb’l Anti-Bacterial Toothpaste Tulsi”, as the use of such words indicates that the products are medicinal in nature, whereas they are regarded as cosmetic products, thereby misleading buyers. Dabur challenged the directions of the Food and Drug Administration by approaching the Bombay High Court under Article 226.

Issues

- Whether claims like “anti-bacterial”, “anti-inflammatory”, and “analgesic” implied therapeutic or medical benefits?
- Whether the regulatory authorities were justified in directing the removal of such claims from the product labels?

Reasoning

The bench comprising Justice G. S. Kulkarni and Justice Advait M. Sethna observed that the product was not harmful or hazardous in itself, but the product representation was legally incorrect and misleading under the regulatory framework of the Drugs and Cosmetics Act, 1940. They further affirmed the directions of the Food and Drug Administration and directed Dabur to remove the words “anti-bacterial”, “anti-inflammatory”, and “analgesic” from the labels of its toothpastes, ensuring that consumers are not misled by such labelling that the product is medicinal in nature. Moreover, it can also be inferred that the regulators aim to prevent companies from making unverified claims about their products; thus, their actions were justified.
Dabur India Ltd later submitted an affidavit before the court stating that it would discontinue the use of the abovesaid phrases and revisit the packaging. The Bombay High Court accepted this undertaking and permitted Dabur to use the already existing stock worth approximately Rupees 1 crore, only until 31st May 2025 and the products were not allowed to be manufactured or sold after June 2025.

Conclusion

he above case demonstrates how courts often act as enforcement mechanisms when such regulatory authorities and their directions are challenged. Though we see judicial oversight and a spirit to protect consumers against such misleading labelling and packaging, the giants of the market, in this particular matter the companies which claim to be “Ayurvedic” or “herbal”, often use quasi-medical terms in order to attract a potential buyer. Thus, this case serves as a reminder to market leaders that judicial oversight and regulatory safeguards continue to evolve to ensure the protection of consumers along with evolving marketing strategies.

Mr. Manya Vyas
Student, 2nd Year

THE GAVEL

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

Regulating 'ORS': Public Health Priorities and Procedural Fairness in Dr. Reddy's Laboratories Ltd v. Union of India (W.P.(C) 16303/2025)

Introduction

The initial reaction that comes to mind when there is government intervention in public health issues is to follow the stringent rules and regulations. However, is this really possible without a violation of due process? The Delhi High Court has addressed this issue of food regulations through its judgment in the case of Dr. Reddy's Laboratories Ltd v. Union of India (2025). The applicants of this case are challenging the orders of the Food Safety and Standards Authority of India (FSSAI), as they prohibit the use of the term "Oral Rehydration Salts" (ORS) on food and beverage products as this may cause a public health issue. The applicants, through their plea, have stated that they were not given any prior knowledge regarding the restrictions on the term "Oral Rehydration Salts" and how this has affected their business. The main point that is being discussed is whether public health regulation will cause a violation of due process.

Historical Background

The case of Dr. Reddy's Laboratories Ltd. v. Union of India (2025) was a result of regulatory directives issued by the Food Safety and Standards Authority of India (FSSAI) in an attempt to enforce an across-the-board prohibition on the use of the term 'ORS' either in standalone form or in association with any food product, including fruit drinks and ready-to-drink beverages.

This directive was issued in response to an order issued on 14th October 2025 by the FSSAI withdrawing all permissions to use the term 'ORS' unless they would comply with the WHO-recommended formulation of 'ORS,' on grounds of potential deception of consumers and compromise of public health.

The petitioners felt aggrieved by these directives issued by the FSSAI and filed a petition before the Delhi High Court on grounds of these Orders having been issued without prior notice and consultation with stakeholders. Furthermore, the contention of the Senior Advocate for Petitioner, Neelam Tripathi, was that the FSSAI Orders were issued in violation of the principles of natural justice and were also subject to the Court's prior interim protection given to the applicants in the case of JNTL Consumer Health India Pvt. Ltd. & Ors. v Union of India (2025) where similar directions were kept in abeyance for hearing.

The petitioners have also pointed out that there was already a very large amount of product, which was unsold and was being stored or distributed as a result of the immediate commercial impact. Therefore, they wanted to be allowed to dispose of all the existing product in the distribution chain so that they could mitigate their losses. However, in response to the petitioners, it was explained by the FSSAI that these measures were required because there were many instances of misbranding in getting children and other consumers to believe that sugar-sweetened beverages, i.e., sports drinks, were actually approved medically, thus putting their lives in danger.

Moreover, the FSSAI had only taken this step after years of advocacy by paediatricians over the number of children dying or worsening their condition from dehydration as a result of products of this kind; therefore, it was their opinion that they had no other option but to implement the regulations more stringently. The controversy over this petition highlighted the stark contrast between the urgency for the health and safety of the public (which the regulations were aimed at providing), and the need for procedural fairness in the formulation of regulations.

THE GAVEL

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

Issues

- Whether the orders of 14th & 15th Oct 2025 valid under law; and are they within statutory authority of FSSAI.
- Are the orders of 14th & 15th Oct 2025 void because the petitioners did not receive notice of or attend hearings prior to the issuance of those orders and/or lacked the opportunity to consult stakeholders (principle of natural justice).
- If the parent order(s) are challenged, will subsequent communications dated 23rd Oct and all actions that are taken pursuant thereto be enforceable?
- Should petitioners have interim protection from all forms of coercive action while this litigation is pending?

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. Meeanka Gosar
Student, 2nd Year

Credits: The Leaflet

THE COMMENTARY

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

Scam 2003: The Telgi Story

Regulatory gaps in governance arise when legal frameworks fail to keep pace with evolving socio-economic realities. These gaps, caused by weak enforcement, institutional inefficiencies, or legislative ambiguity, enable exploitation and undermine accountability, often requiring reactive judicial intervention instead of ensuring preventive and effective regulation.

From a judicial perspective, regulatory gaps frequently manifest as delayed or fragmented adjudication, evidentiary challenges, and overburdened courts stepping in as corrective mechanisms. While judicial intervention can mitigate immediate harm, it is inherently reactive and cannot substitute robust ex-ante regulatory design. This creates a recurring cycle where governance failures are addressed only after significant damage has occurred.

A sharper, judicially anchored recommendation would be Scam 2003: The Telgi Story.
Viewed through a judicial lens, Scam 2003 is not merely about the counterfeit stamp paper racket orchestrated by Abdul Karim Telgi, but about how the justice system responds to large-scale, multi-state economic offences. The case foregrounds a core problem: the judiciary often enters only after systemic failure has already occurred.

The investigation and prosecution of the Telgi scam exposed serious procedural and institutional challenges. Multiple FIRs across states, fragmented investigations, and jurisdictional overlaps delayed coherent adjudication. It was only through judicial intervention, particularly the consolidation of cases and the establishment of Special Investigation Teams (SITs), that some degree of procedural order was restored. This reflects a recurring pattern in Indian governance: courts stepping in to correct executive and investigative deficiencies.

However, the series also reveals the limits of judicial power. Courts are structurally dependent on evidence collected by investigative agencies. Where police and administrative machinery are compromised, as seen in this scam, the evidentiary foundation itself becomes suspect. This weakens prosecution and raises concerns about whether judicial remedies can truly deliver accountability in such cases.

Further, the eventual conviction of Telgi, largely through a plea bargaining process, raises normative questions about justice in economic offences. Does expedited conviction ensure accountability, or does it obscure the deeper network of complicity that remains unexamined?

From a judicial perspective, *Scam* 2003 illustrates both the corrective and constrained role of courts. It underscores that while judicial oversight can mitigate regulatory gaps, it cannot substitute systemic integrity. Ultimately, the effectiveness of adjudication is contingent upon the credibility of the institutions that feed into it, investigation, prosecution, and enforcement.

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LL.M. Candidate (Criminal Law)
Alumni, Pravin Gandhi College of Law

Credits: Sony LIV

THE COMMENTARY

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

Bleeding Edge- Documentary

There is a particular kind of dread that settles in slowly , not the jump-scare variety, but the creeping, dawning horror of realizing that something you trusted was never trustworthy to begin with. Bleeding Edge, the 2018 Netflix documentary directed by Penny Lane, delivers exactly that kind of dread, and it does so with the quiet confidence of a film that knows it doesn't need to sensationalize what is already deeply unsettling.
At its heart, Bleeding Edge is an investigation into the medical device industry in the United States, a sector worth hundreds of billions of dollars and, as the documentary reveals, alarmingly under-regulated. The film follows patients, doctors, and whistleblowers who discovered, often at tremendous personal cost, that the devices implanted inside their bodies whether in metal hip replacements, surgical mesh, spinal cord stimulators they had never been rigorously tested for safety before reaching them.

What makes the documentary exceptional is not just what it exposes, but how. Lane resists the urge to reduce complex systemic failures to individual villains. Yes, there are corporate executives who knew and said nothing. Yes, there are lobbyists who carved out regulatory loopholes wide enough to drive an industry through. But the film's real indictment is structural, it is aimed squarely at the FDA's 510(k) clearance pathway, a mechanism that allows medical devices to bypass clinical trials entirely if they can demonstrate similarity to a device already on the market. The result is a grotesque chain of precedent, where devices are approved based on the safety of older devices that were themselves never properly tested.

It is, in the language of governance, a regulatory gap and one that has quietly devastated thousands of lives.
The human stories are what anchor the film. Women who underwent routine procedures and emerged with chronic, debilitating pain. Patients told their suffering was psychological. Doctors who raised concerns and were systematically discredited. Their testimonies are not presented for shock value but for witness , Lane allows them the dignity of being believed, which is more than the system afforded them.
For readers of The Briefcase, the resonance will be immediate. The Bleeding Edge is a masterclass in what happens when oversight is performative rather than substantive, when industry captures the very regulators meant to check it, and when the burden of proof is quietly, invisibly shifted onto the patient rather than the manufacturer. The questions it raises who is accountable, who writes the rules, and who profits from their absence, are not uniquely American. They are universal, and they are urgent.
The film is not easy to watch. It is not meant to be. But it is necessary viewing for anyone who believes that governance exists to protect people, and wants to understand what it looks like when it fails them instead.
The Bleeding Edge is streaming on Netflix.
Watch it. Then ask who regulates the regulators.

Ms. Shrishti Shastry
Student Editor-in-Chief
The Briefcase

Credits: IMDb

Credits: Auckland Women's Health Council

THE BLACK & THE WHITE

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

The Illusion of Clean Air: Are India's AQI Systems Reliable?

India's Air Pollution Crisis is not just Environmental it is constitutional. Every winter, cities like Delhi are covered in a toxic haze, and the AQI levels go up to the "severe" level. However, the legal system seems to only respond after the damage has been done. The uncomfortable truth is that India has laws to fight air pollution, but it doesn't have the will or the mechanism to enforce them. The Foundation of environment protection lies in Article 21 of the Constitution of India, which guarantees Right to Life. The Supreme Court of India, in Subhash Kumar v. State of Bihar, unequivocally held that the right to life includes the right to pollution free air and water. This transformed clean air from a policy objective to a fundamental right. However a right without enforcement is an illusion. Despite judicial clarity, millions continue to breathe hazardous air daily, raising a critical question: how meaningful is a fundamental right that cannot be effectively protected?

The Supreme Court further says in Arjun Gopal vs Union of India it imposed restrictions on firecrackers during Diwali introducing the concept of 'Green crackers' and limiting usage hours to reduce pollution. On paper, this was a progressive step balancing tradition with public health but it was far from reality. Every year violations continue with concequences.
The judgement although was had a good intention struggled with weak enforcement. This highlights a recurring pattern in India's regulatory framework strong judicial actions diluted by incompetent administration.

Another critical contributor is stubble burning in states of Punjab and Haryana , despite all the efforts by the Supreme court of India, the practice continues cause more and more harm every year. Farmers constrained by time , cost and lack of alternatives continue burning crop residue.

The law prohibits it, courts condemn it, yet enforcement remains inconsistent, governments remain unbothered. This exposes a deeper issue i.e. environmental regulation cannot succeed without addressing socio economic realities. Law in isolation is insufficient. Behind the data lies a harsh reality. According to studies, air pollution causes nearly 1.6 million premature deaths annually in the country. The world health organization has repeatedly ranked Indian cities among the most polluted globally. For citizens , this leads to asthama, reduced lung capacity in children and a normalization of breathlessness.

India's air pollution crisis is ultimate a failure of governance not legislation. Until the government moves past empty words and starts acting for real, clean air will remain just a promise on paper. And for people who breathe this air every single day, silence is no longer something they can afford.

Ms. Manasvi Shah
Student, 2nd Year

Credits: ABP News

THE BLACK & THE WHITE

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

Regulating the Virtual Casino: Are India's Online Gaming Laws Fit for the Digital Age?

'Online gaming has gained immense popularity in India, encompassing a wide range of games. Online gaming can be divided into three core categories, that is, real money games (poker), mobile centric games (that set up pay walls to aid progression), and e-sports (FIFA). In recent years, fantasy sports have emerged as a unique format unlike any other online gaming format present in India and has shown great promise and popularity among young working professionals.'
'The Public Gambling Act was introduced by the British in 1867, intending to curb gambling activities in India. The Act laid out strict prohibitions on managing and visiting gambling houses, essentially making it illegal for any individual to operate a gambling establishment or to be involved in public gaming. Though the Act does not apply uniformly across the country, as states have varying levels of authority, it served as the primary legal framework until recent technological advancements brought the need for new guidelines.

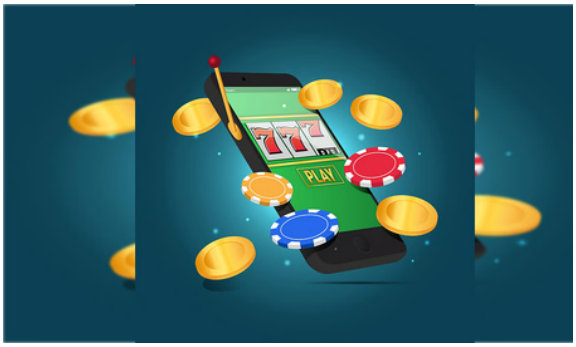
The Act's original intent was to address physical gambling, and its provisions focus on public venues, criminal penalties, and enforcement mechanisms. This focus becomes challenging when dealing with the internet, a space that is global, virtual, and accessible from nearly any device.'

Despite of all, in the context of online gaming, it has been difficult for the application of the act as it was drafted in a pre-digital era which did not take the issue of online gaming into account.

There are several judgements where the issue was brought forth whether a game is said to be 'gambling' or not. As in the case State of Bombay v. R.M.D. Chamarbaugwala, where the Supreme Court of India held that games which involve skill cannot be said as gambling, and in the case of State of Andhra Pradesh v. K. Satyanarayana, it was held that games such as rummy involve skill are not gambling.

These judgements are instrumental in helping and allowing many online platforms to function within the law. However, such rulings have also introduced ambiguities as many games involve both skill and chance. In the absence of specific legislation, courts have to interpret the law in certain cases which leads to inconsistent interpretations for the authorities and the industry.

Gambling is a part of the State subject in the Constitution. While few states have adopted policies which permit games based on skill rather than imposing bans on it, others have adopted a licensing policy which makes it difficult for digital platforms to comply with the law.
There is no clear uniform law as previously mentioned that different states have different rules and policies for online games and because of the confusion and chaos caused by such, sometimes courts have to have to step in and decide whether a game is based on skill or chance (luck). They have held that fantasy games involves skill, statistics and strategic decisions and can be considered a legal business activity



Credits: Newsgram

THE BLACK & THE WHITE

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

'Gambling is generally prohibited in most states of India, except in regulated areas like Goa, Daman & Diu, Sikkim, and Nagaland. The Public Gambling Act,1867 explicitly states that games requiring mere skill do not fall within the purview of gambling. The Supreme Court has laid down precedents to define mere skill and established a preponderance of skill test.' Experts are of views that India is in dire need for a new law or legislation which includes provisions for online gaming, rather than using the old one which does not fir itself in this modern digitalized world.

Credits: The New Indian Express

The gaming industry earns a lot of money through the games, however without the establishment of proper rules and procedure, it's difficult to address problems like fraud, addiction and protection of users.
Hence, developing such rules can solve problems and also help the industry to grow. It should clearly define the scope and ambit of skill and chance, protect user, and establish a clear coordination between the states and the center.

Credits: The Engineering Projects

In short, India's online gaming industry is still dependent on old and outdated laws like the The Public Gambling Act, 1867 and hence we need a modern, tech-friendly regulation which would not only protect the people but also support the economy of the country.

Ms. Neha Raje
Student, 3rd Year

Credits: iPleaders

THE WIG & THE WIT

Simple and fun puzzles to judge your wit!

QUIZ TIME

Solve, Think, Achieve: Your Path to Academic Validation

Which institution replaced the Planning Commission to promote "cooperative federalism" and "competitive federalism"?

A. Finance Commission
B. NITI Aayog
C. Inter-State Council
D. National Development Council

2. Directive Principles of State Policy (DPSPs) are best described as:

A. Enforceable rights against the State
B. Non-justiciable but fundamental in governance
C. Binding only during emergencies
D. Judicially enforceable guidelines

3. The Finance Commission derives its authority from:

A. Article 32
B. Article 280
C. Article 356
D. Article 368

4. Which case firmly established that DPSPs and Fundamental Rights must be harmoniously interpreted?

A. Kesavananda Bharati v State of Kerala
B. Minerva Mills v Union of India
C. Maneka Gandhi v Union of India
D. A.K. Gopalan v State of Madras

5. Which of the following best illustrates a "welfare state" obligation under the Constitution?

A. Imposition of taxes
B. Enforcement of contracts
C. Implementation of MGNREGA
D. Conduct of elections

THE WIG & THE WIT

Simple and fun puzzles to judge your wit!

6. Which of the following is a correct statement about NITI Aayog?

A. It has constitutional status
B. It allocates funds to states like the Planning Commission
C. It acts as a policy think tank without financial powers
D. It is a judicial body

7. Judicial review of public policy in India is primarily based on:

A. Policy effectiveness
B. Political popularity
C. Constitutionality and fundamental rights compliance
D. Economic outcomes

8. A policy restricting industrial activity due to pollution is challenged. Which doctrine is most relevant?

A. Doctrine of Eclipse
B. Doctrine of Severability
C. Precautionary Principle
D. Doctrine of Lapse

9. Which case expanded Article 21 to include environmental protection, influencing policy frameworks?

A. Subhash Kumar v State of Bihar
B. Vishaka v State of Rajasthan
C. Indra Sawhney v Union of India
D. Shreya Singhal v Union of India

10. Which stage of policymaking involves translating legislative intent into actionable rules and schemes?

A. Policy formulation
B. Policy adoption
C. Policy implementation
D. Policy evaluation

Tune in Next Month for the Answer Reveal!

THE CAUSELIST

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

FAREWELL
4TH APRIL 2026

ANNUAL DAY
11TH APRIL, 2026

CONVOCATION
25TH APRIL, 2026

2026			APRIL			
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		

Answers Reveal of the February Edition

1. **Navtej Singh Johar v. Union of India**
2. **Joseph Shine v. Union of India**
3. **Shafin Jahan v. Asokan K.M.**
4. **K.S. Puttaswamy v. Union of India**
5. **Indra Sarma v. V.K.V. Sarma**

THE POST-ITS

Did you know?

Sticky Notes to tack up some fun legal facts.

NEW UPDATE

The "Microscopic" Apology & Font Justice

The Vibe: If we can't read it, it didn't happen.

The Deets: In the Patanjali case (2024-25), the Supreme Court basically became the world's most powerful graphic design critics. When the company issued an apology in a tiny font tucked in a corner, the Court stood up for the "Common Reader."

The Win: This sets a massive precedent: Consumer Protection isn't just about what you say in the fine print; it's about making sure the "fine print" is actually legible to a human being without a magnifying glass.

Nature as a "Legal Person"

The Vibe: The River is now a "Someone," not a "Something."

The Deets: Following trends from 2024-26, more Indian courts are recognizing ecosystems as juridical persons. This means if you pollute a river, you aren't just breaking a "rule"—you are "harming a person" in the eyes of the law.

The Win: It's a revolutionary way to handle the "Regulatory Disconnect." It makes the environment its own advocate!

The "Right to Disconnect" (2025-26)

The Vibe: Your weekend is legally sacred.

The Deets: New labor guidelines are shifting from "always-on" culture to "meaningful rest." The disconnect here isn't just about ignoring a call; it's a legal recognition that mental health is a productivity tool.

The Win: Courts and tribunals are starting to view "after-hours harassment" as a breach of the terms of employment.

Bollywood for Everyone

The Vibe: Inclusion is the best plot twist.

The Deets: The Delhi High Court's push for Audio Descriptions (AD) and Subtitles isn't just a suggestion—it's a mandate for "Reasonable Accommodation."

The Win: It forces production houses to think about accessibility from the scripting stage. Law is ensuring that "entertainment" isn't an exclusive club, but a universal right.

UPI: Our Digital Passport

The Vibe: From a Panipuri stall to the Eiffel Tower.

The Deets: By 2026, India's NPCI (National Payments Corporation of India) has signed deals with dozens of countries. The "legal magic" here is the interoperability framework—a set of laws that allows different banking systems to "talk" to each other instantly.

The Win: India is no longer just "importing" legal tech from the West; we are the architects of global digital finance.

"Good governance never depends upon laws, but upon the people who administer them."
-Frank Herbert

Until Next Time...

Drawing the curtains on the March edition of The Briefcase, we invite you, our readers, to sit with an uncomfortable truth that this issue has laid bare: that the machinery of governance, however grand in its design, is only as effective as the spaces it chooses not to leave behind.

Through this issue, we turned our lens toward the silences in the statute, the gaps between policy and practice, and the corridors of power where accountability often goes unheard. Regulatory gaps are rarely accidents — they are, more often, the product of legislative inertia, institutional overreach, or the quiet influence of those who benefit most from the absence of oversight. Understanding them demands not just legal literacy, but civic courage.

At its finest, law is a promise, a promise that power will be checked, that rights will be enforced, and that no institution stands beyond scrutiny. The March issue of The Briefcase has been an exercise in asking whether that promise is being kept, and by whom, and at whose cost.
The Briefcase shall return next month with incisive legal commentaries, insightful analysis, innovative perspectives, interactive games, and much more!

With conviction and curiosity,
The Editorial Board

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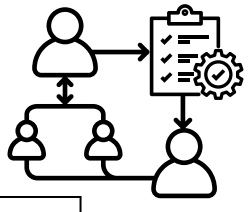

Thank you for reading!

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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