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EXAMINATION**

From

17th Aug *to* **22nd Aug 2026**



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1.1. INDIAN SOCIETY

1.1.1. CONSTITUTIONAL MORALITY VS. PERSONAL LAWS

Context

The **Supreme Court** is examining a petition to declare **polygamy** under **Muslim Personal Law** unconstitutional. The plea seeks its criminalization under **Section 82** of the **Bharatiya Nyaya Sanhita (BNS)** and the formal **codification of personal laws** to ensure gender justice.



Introduction

The intersection of **religious personal laws** and **fundamental rights** remains a defining friction point in Indian constitutional jurisprudence. Following the invalidation of **instant triple talaq** in 2017, the apex court's scrutiny of polygamy brings the debate on **constitutional morality** and **gender equality** to the forefront, underscoring the pressing necessity of a uniform legal framework in a secular democracy.

Overview of Polygamy in India

1. **Historical Context:** Historically practiced across various communities, polygamy was gradually abolished for the majority through post-independence legal reforms like the **Hindu Marriage Act, 1955**.
2. **Current Applicability:** Today, it remains legally permissible primarily under **Muslim Personal Law** and for certain **Scheduled Tribes** exempt from codified secular laws.

Classification: Types of Polygamy

1. **Polygyny:** A matrimonial arrangement where a man marries **multiple women simultaneously** (the primary form contested in current litigation).
2. **Polyandry:** A system where a woman marries **multiple men** (historically observed in specific regional communities but exceedingly rare today).

Statutory Framework: Legal Provisions on Polygamy

1. **General Penal Code: Section 82 of the BNS** criminalizes bigamy/polygamy, prescribing up to **seven years in prison** for citizens governed by secular or codified family laws.
2. **Personal Law Exemption: Section 2 of the Muslim Personal Law (Shariat) Application Act, 1937**, legally exempts Muslim men, permitting polygamous unions.
3. **Constitutional Conflict:** This statutory exemption is legally challenged for directly violating **Articles 14 (Equality), 15 (Non-discrimination), and 16** of the Constitution.

Current Societal Status of Polygamy

1. **Declining Prevalence:** Demographic data, including the **National Family Health Survey (NFHS)**, indicates a steady decline in polygynous marriages across all religious groups due to rising education and modernization.

2. **Theological Reality vs. Practice:** While orthodox factions claim religious sanction, scriptures actively push for monogamy; for instance, **Surah Nisa** permits multiple wives only under exceptional humanitarian circumstances, strictly demanding **absolute equality**, which the text itself acknowledges as a "practical impossibility."

Socio-Economic Impact of Polygamy on Indian Society

1. **Gender Subjugation:** It perpetuates systemic **patriarchy**, severely compromising a woman's fundamental right to dignity, equality, and matrimonial agency.
2. **Economic Destitution:** It frequently leads to the division of household resources, exposing the first wife and her children to **sudden financial instability** and psychological trauma.
3. **Legal Vulnerability:** Uncodified frameworks leave women deeply insecure, lacking guaranteed, standardized rights to **maintenance, property, or residential security**.

Judicial Precedents: Landmark Judgments

1. **Sarla Mudgal (1995) & Lily Thomas (2000):** The Supreme Court explicitly prohibited men from **feigning conversion to Islam** solely to bypass monogamy laws, ruling such second marriages void and punishable under penal statutes.
2. **Shayara Bano (2017):** The landmark judgment struck down **instant triple talaq** as manifestly arbitrary but deliberately left the constitutional validity of **polygamy** and **nikah halala** open for future judicial scrutiny.

Challenges in Regulating Polygamy

1. **Freedom of Religion Arguments:** Interventions are routinely contested as infringements upon the fundamental **Right to Freedom of Religion (Article 25)** and minority rights.
2. **Execution Without Codification:** The complete absence of a **codified statutory framework** makes blanket judicial bans complex to execute and monitor at the grassroots level.
3. **Protecting Existing Unions:** Banning the practice prospectively raises intricate legal complications regarding the legitimacy, maintenance, and **inheritance rights** of women currently in such marriages.
4. **Political Polarization:** Sensitive reforms concerning minority personal laws are highly susceptible to **political weaponization**, often stalling objective legislative action.

Way Forward

1. **Draft a Comprehensive Code:** The **Law Commission of India** must draft a formally codified, gender-just Muslim Personal Law that harmonizes religious practices with **constitutional morality**.
2. **Institute Mandatory Registration:** State governments must operationalize strict **mandatory registration mechanisms** for all marriages and divorces to legally track and prevent bigamy.
3. **Proactive Legislative Action:** The Union legislature should proactively amend the **Shariat Act, 1937**, rather than relying solely on incremental judicial interventions.
4. **Secure Statutory Protections:** Dedicated frameworks must be established to secure the property, maintenance, and **residential rights** of women currently trapped in polygamous unions.
5. **Engage Progressive Scholarship:** The State must collaborate with progressive religious scholars to disseminate the restrictive, **monogamy-centric interpretations** of religious texts.

6. **Reiterate Constitutional Primacy:** The judiciary must firmly establish that uncodified personal laws cannot override the **fundamental rights** guaranteed under Part III of the Constitution.

Conclusion

The judicial scrutiny of polygamy offers a historic opportunity to correct systemic gender imbalances perpetuated under the garb of religious freedom. By **criminalizing bigamy** across all communities and systematically **codifying personal laws**, the State can ensure that **constitutional morality** prevails, fulfilling its democratic obligation to secure justice and equality for all Indian women.

Q. "The fundamental rights of women cannot be held hostage to uncodified personal laws." In the context of the recent petition challenging polygamy, evaluate the need for codifying Muslim Personal Law to uphold constitutional morality. 15 Marks

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2.1. POLITY & GOVERNANCE

2.1.1. THE CONSTITUTIONAL CRISIS OF RELIGIOUS OFFENCE LAWS

Context

The Governor of Punjab gave assent to the Jaagat Jot Sri Guru Granth Sahib Satkar (Amendment) Act in April 2026, concluding a decade of agitation following the 2015 desecration incidents and introducing life imprisonment for sacrilege.

Introduction

The enactment of Punjab's 2026 sacrilege law establishes India's most severe working statute on religious offenses. By criminalizing both physical desecration and disrespectful expressions concerning a sacred text, the legislation blurs the distinction between conduct and speech, reopening the constitutional debate between public order and free expression in a secular state.



The Punjab Amendment Act, 2026

- **Legislative Genesis:** Enacted following prolonged protests over the 2015 desecrations at Bargari and Burj Jawahar Singh Wala.
- **Punitive Severity:** Criminalizes sacrilege against the Guru Granth Sahib with sentences running up to life imprisonment.
- **Dual Scope:** Encompasses both physical desecration of the Saroop (burning, tearing, theft) and expressive acts (words, signs, electronic means).
- **Threshold of Offence:** Attaches criminal liability if an act is of a nature to hurt the religious feelings of the Sikh community.

Current Legal Framework in India

- **Absence of Blasphemy Offence:** Indian law does not formally define "blasphemy," but Section 299 of the Bharatiya Nyaya Sanhita (BNS) functions as the general prohibition on expressive insults.
- **Conduct Offence (Sacrilege):** Section 298 of the BNS penalizes injuring or defiling places of worship with intent to insult religion.
- **Expressive Offence:** Section 299 of the BNS penalizes deliberate and malicious insults to religious beliefs by words, signs, or electronic means.
- **Judicial Grounding:** Upheld by the Supreme Court in *Ramji Lal Modi (1957)* under the "public order" reasonable restriction of Article 19(2).

Constitutional Provisions Involved

- **Secular Republic (Preamble):** Directs the State to remain strictly neutral without conferring special statutory protections on specific faiths.

- **Articles 14 & 15(1):** Mandate equality before the law and prohibit state discrimination based solely on religion.
- **Articles 19(1)(a) & 19(2):** Guarantee freedom of speech, subject to reasonable restrictions including public order.
- **Articles 25 to 28:** Protect freedom of conscience and the fundamental right to freely profess, practice, and propagate religion.
- **Article 51A(h):** Establishes the fundamental duty to develop a scientific temper, humanism, and the spirit of inquiry and reform.

Sacrilege vs Blasphemy: Legal Distinction

- **Nature of Wrong:** Sacrilege is a conduct-based wrong (physical defilement or vandalism), whereas blasphemy is an expressive wrong (irreverent speech or imagery).
- **Statutory Alignment:** The BNS maintains this split by addressing physical desecration under Section 298 and expressive insult under Section 299.
- **Enforcement Overlap:** In practice, complaints against written or spoken words routinely trigger arrests under conduct provisions despite the absence of physical desecration.

Why the Act Conflates the Two Offences

- **Fusing Speech with Conduct:** The Act's definition of sacrilege penalizes both physical damage to the Saroop and disrespectful opinions expressed verbally or digitally.
- **Subjective Trigger:** Liability is determined by the subjective reception (hurt sentiments) of the complainant rather than demonstrable material damage.
- **Disproportionate Penalty:** Imposes identical maximum penalties of life imprisonment on both physical desecration and expressive dissent.

Significance of Regulating Religious Offences

1. **Deterrence Against Riots:** Provides a legal deterrent against deliberate provocations intended to cause communal violence.
2. **Redressing Communal Hurt:** Directly acknowledges and addresses public unrest stemming from historical desecration incidents.
3. **Protection of Faiths:** Protects sacred objects, religious beliefs, and minority sensitivities in a pluralistic society.
4. **Enforcing Legal Recourse:** Channels societal grievances through a formal statutory framework rather than uncontrolled public agitation.
5. **Balancing Constitutional Rights:** Requires courts to continuously reconcile religious freedoms (Article 25) with freedom of speech (Article 19).

Challenges in Enforcing Sacrilege Laws

1. **Process as Punishment:** The registration of FIRs leads to immediate arrest and custody regardless of the final legal outcome.
2. **Chilling Effect on Discourse:** The threat of life imprisonment deters historians, social reformers, and satirists from legitimate critique.

3. **Subjective Legal Thresholds:** The lack of objective criteria enables organized interest groups to selectively weaponize the law.
4. **Federal Disparities:** State laws prescribing life imprisonment create disproportionate penalties compared to the BNS framework.
5. **Inefficacy Against Vigilantism:** Severe penal codes have historically failed to deter extrajudicial violence and mob retribution.

Way Forward

1. **Codify Clear Boundaries:** Maintain an unambiguous statutory separation between physical vandalism (conduct) and critical speech (expression).
2. **Enforce Objective Standards:** Require clear evidentiary proof of "deliberate and malicious" intent before initiating criminal process.
3. **Mandatory Prior Sanctions:** Institute mandatory procedural safeguards requiring judicial review before registering FIRs on speech-related complaints.
4. **Rationalize State Penalties:** Harmonize state-level criminal amendments with central penal statutes to maintain proportionality in sentencing.
5. **Re-evaluate Judicial Precedent:** Re-examine the *Ramji Lal Modi* doctrine to decouple subjective emotional offense from automatic threats to public order.
6. **Promote Scientific Temper:** Strengthen the institutional enforcement of Article 51A(h) to encourage rational debate and democratic inquiry.

Conclusion

Expanding sacrilege laws to penalize expressive dissent with life imprisonment poses serious challenges to constitutional secularism and free speech. While protecting social harmony is essential, the State must ensure that criminal statutes do not replace reasoned democratic debate with penal coercion.

Q. "Equating subjective hurt to religious sentiments with threats to public order poses a grave challenge to free speech and secularism in India." Critically analyse in light of recent legislative trends. (15 Marks, 250 words)

2.1.2. SURROGATE ADVERTISING AND ENDORSER ACCOUNTABILITY

Context

The **Maharashtra Food and Drug Administration (FDA)** issued show-cause notices against promotional campaigns that indirectly market prohibited **gutkha and tobacco products** through brand extensions, intensifying regulatory scrutiny under the **Food Safety and Standards Act, 2006** and **Central Consumer Protection Authority (CCPA)** norms.



Introduction

Surrogate advertising is a sophisticated circumvention mechanism where prohibited commodities are indirectly promoted through permissible brand extensions. Enhanced statutory oversight by the **Central Consumer Protection Authority (CCPA)** and **State Food Safety Directorates** now strictly enforces accountability across manufacturers and **brand endorsers** to uphold public health.

What is Surrogate Advertising and its Statutory Framework?

- **Definition:** As delineated in the **CCPA Guidelines, 2022**, it is the deliberate promotion of legally restricted goods under the guise of permissible products, utilizing identical **brand architecture, logos, and taglines** to bypass marketing bans and maintain brand recall.
- **Prohibitory Powers under the FSS Act, 2006: Section 30(2)(a)** empowers the **Commissioner of Food Safety** to legally prohibit the manufacture, distribution, and sale of hazardous food articles detrimental to public health.
- **Penalties for Deceptive Claims (FSS Act, 2006): Sections 24 and 53** explicitly prohibit unfair or misleading food advertisements, penalizing any entity party to the publication of such claims with fines of up to **₹10 lakh**.
- **Misleading Advertisements Classification: Section 2(28)** of the **Consumer Protection Act, 2019** legally classifies advertisements that conceal material information, convey false guarantees, or engage in unfair trade practices as **misleading**.
- **CCPA Adjudicatory Authority: Section 21** of the **Consumer Protection Act, 2019** authorizes the **CCPA** to levy punitive financial penalties ranging from **₹10 lakh to ₹50 lakh** and legally debar non-compliant **brand endorsers** for **one to three years**.
- **Constitutional Dynamics:** The regulatory landscape balances the commercial freedom to market lawful brand extensions under **Article 19(1)(g)** against the State's fundamental constitutional duty to protect public health and nutrition under **Article 47**.

Significance

1. **Protects Public Health:** Reinforces statutory bans against carcinogenic substances by curbing subliminal consumer exposure.
2. **Enforces Endorser Accountability:** Mandates strict **pre-endorsement due diligence**, ensuring prominent personalities verify claims before lending credibility.
3. **Upholds Consumer Rights:** Protects the consumer's **right to be informed** and shielded against unfair trade practices.
4. **Levels Market Competition:** Prevents manufacturers of restricted goods from gaining an **unfair commercial advantage**.
5. **Strengthens Inter-Agency Synergy:** Promotes coordinated enforcement across the **CCPA, Ministry of Health, and State FDAs**.

Challenges in Curbing Surrogate Advertising

1. **Ambiguity of Brand Extensions:** Legitimate manufacturing of non-tobacco consumer items creates legal hurdles in proving **deceptive surrogate intent**.
2. **Constitutional Protections:** Businesses frequently invoke **Article 19(1)(g)** to defend advertising legally permitted goods sharing a parent brand.

3. **Evidentiary Complexities:** Establishing cross-subsidization between permitted and banned variants requires complex **financial audits**.
4. **Decentralized Digital Media:** Rapid propagation of promotional campaigns online complicates **real-time monitoring** and enforcement.
5. **Fragmented Jurisdiction:** Overlapping mandates across **COTPA (2003)**, the **FSS Act (2006)**, and the **Consumer Protection Act (2019)** create procedural bottlenecks.

Way Forward

1. **Establish Independent Turnover Criteria:** Restrict brand extension advertising exclusively to products demonstrating **substantial, independent sales volumes**.
2. **Mandate Visual Segregation:** Enforce distinct packaging, separate **brand logos**, and unique color themes for permitted items.
3. **Institutionalize Mandatory Due Diligence:** Require brand endorsers to maintain verifiable proof of **product background checks** before contracting.
4. **Harmonize Multi-Agency Frameworks:** Integrate enforcement mechanisms of the **CCPA, FSSAI**, and **State Food Safety Commissions** under a unified portal.
5. **Impose Stringent Deterrent Penalties:** Escalate financial penalties for repeat corporate offenders circumventing **statutory bans**.
6. **Deploy AI Regulatory Surveillance:** Utilize automated tools to detect misleading surrogate campaigns on **digital media platforms**.

Conclusion

Eradicating **surrogate advertising** is imperative to protect public welfare and ensure fair trade. A cohesive strategy combining regulatory harmonization and strict **endorser due diligence** will dismantle deceptive marketing and fulfill constitutional health mandates.

Q. "Examine the legal mechanisms to tackle surrogate advertising in India and analyze the responsibilities of brand endorsers under the Consumer Protection Act, 2019." 15 Marks

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3.1. ENVIRONMENT

3.1.1. SHIFTING SANDS: DECODING THE DYNAMICS OF ODISHA'S COASTAL EROSION

Context

The Union Minister for Ports, Shipping and Waterways recently informed the Rajya Sabha that 28.3% of Odisha's 564-km coastline is facing severe erosion, citing a 1990-2022 National Centre for Coastal Research (NCCR) study, demanding urgent structural and policy interventions.



Introduction

Shoreline changes, driven by natural forces and human activities, pose severe threats to coastal ecology and communities. In Odisha, accelerating **coastal erosion** has displaced vulnerable populations, necessitating an immediate shift toward comprehensive, **ecosystem-based shoreline management**.

What are the Primary Drivers of Shoreline Changes?

- **Natural Hydrodynamic Forces:** The dynamic shift between land and water is continuously driven by **waves, tides, severe storms**, and rising global sea levels.
- **Anthropogenic Activities:** Unplanned infrastructure, **illegal sand mining**, and hard coastal structures like **sea walls and ports** severely modify natural beach morphology.

Extent of Coastal Vulnerability in Odisha

- **Severe District Impact:** Jagatsinghpur faces the highest erosion at **47.6%**, followed closely by Ganjam (45.7%) and Kendrapara (45%).
- **Demographic Displacement:** Over **16 villages in Kendrapara** have submerged, creating climate refugees and prompting India's first **climate resettlement colony**.

Significance of Coastal Protection Measures

1. Provides an immediate physical barrier to prevent the direct inundation of vulnerable coastal human settlements.
2. Dual-purpose infrastructures like **sea wall-cum-service roads** enhance local connectivity while effectively defending against destructive tidal waves.
3. Innovative soft-engineering solutions like **geotextile tube embankments** absorb wave impact efficiently to minimize coastal scour.
4. Preserves critical economic and maritime assets from continuous saltwater intrusion and irreversible structural degradation.
5. Establishing dedicated climate resettlement colonies ensures safe and dignified rehabilitation for communities displaced by severe land loss.

Challenges in Managing Coastal Erosion

1. Rigid coastal structures like breakwaters disrupt the natural littoral drift and inadvertently accelerate downdrift erosion.
2. The increasing frequency of severe cyclonic storms causes recurring structural damage to existing coastal defenses faster than they can be repaired.
3. Unregulated and illegal sand mining destabilizes natural beach profiles and severely exacerbates shoreline vulnerability.
4. Fragmented, site-specific interventions fail to provide long-term coastal resilience compared to holistic, region-wide shoreline management.
5. Sustaining continuous financial investments for expanding and maintaining hard coastal armoring is highly demanding for state exchequers.

Way Forward

1. Implement integrated **Shoreline Management Plans** based on natural sediment transport cells rather than fragmented, localized defenses.
2. Prioritize nature-based solutions like extensive **mangrove restoration** and casuarina plantations to naturally dissipate destructive wave energy.
3. Enforce strict **Coastal Regulation Zone (CRZ)** norms to rigorously curb unscientific port expansion and illegal coastal sand mining.
4. Establish robust real-time coastal monitoring frameworks in continuous collaboration with the **National Centre for Coastal Research (NCCR)**.
5. Develop a comprehensive national policy framework dedicated to the permanent rehabilitation of **climate-displaced coastal populations**.
6. Mandate strict environmental and hydrodynamic impact audits for all upcoming maritime engineering structures to prevent induced coastal erosion.

Conclusion

Odisha's eroding coastline demands a swift transition from fragmented structural defenses to sustainable, long-term **shoreline management**. By effectively combining soft engineering with **nature-based solutions** and dignified climate rehabilitation, India can holistically mitigate coastal vulnerability and protect its maritime communities.

Q.** Explain the causes and effects of coastal erosion in India. What are the available coastal management techniques for combating the hazard? **15 Marks

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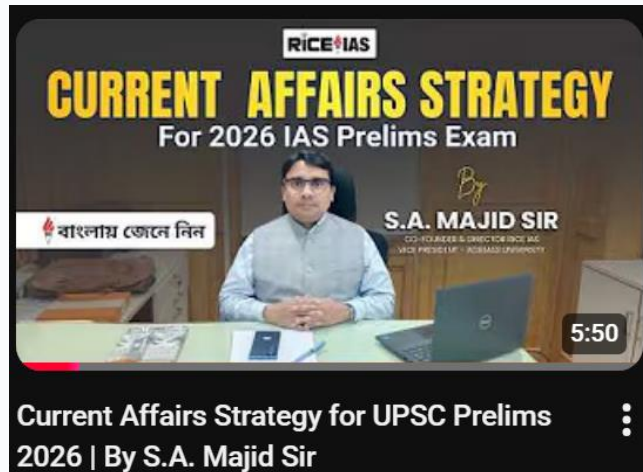
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