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POLITICAL CORRUPTION IN INDIA - A CRITICAL ANALYSIS OF THE LEGAL FRAMEWORK AND CONTEMPORARY CHALLENGES

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Abstract

Political corruption remains a significant challenge to democratic governance, transparency, and the rule of law in India. This paper critically examines the legal and institutional framework designed to prevent and combat political corruption, including the Prevention of Corruption Act, 1988, the Lokpal and Lokayuktas Act, 2013, and the roles of investigative and oversight bodies such as the Central Bureau of Investigation and the Central Vigilance Commission. It analyses the effectiveness and limitations of these mechanisms in addressing bribery, abuse of public office, electoral corruption, illicit political financing, and conflicts of interest. The study further explores contemporary challenges, including delays in investigation and prosecution, political influence over enforcement agencies, inadequate institutional accountability, and the difficulties associated with regulating political funding. By assessing both legislative provisions and their practical implementation, the paper argues that combating political corruption requires not only stronger laws but also independent institutions, greater transparency in political and electoral financing, effective enforcement, and enhanced public accountability. The study concludes by suggesting reforms aimed at strengthening India's anti-corruption framework and promoting integrity in democratic governance.

Keywords: *Political Corruption, Lokpal and Lokayuktas, Electoral Corruption, Political Financing, Transparency, Accountability, Anti-Corruption Institutions, Rule of Law, Institutional Reform, Democratic Governance.*

1) Introduction

Political corruption is one of the most persistent challenges confronting democratic governance in India. It involves the misuse of public power, authority, or resources for private or political gain and can take various forms, including bribery, abuse of office, nepotism, electoral malpractice, illicit political financing, and conflicts of interest. While corruption is not unique to India, its impact on a large and diverse democracy is particularly significant because it can weaken public institutions, undermine the rule of law, distort policy-making, and erode citizens' trust in democratic processes.

India has developed a comprehensive legal and institutional framework to prevent and punish corruption. The **Prevention of Corruption Act, 1988**, as amended in 2018, constitutes a principal legislative instrument for addressing offences involving bribery and corruption by public servants. The **Lokpal and Lokayuktas Act, 2013** established the Lokpal at the Union level and provided for Lokayuktas in the States as mechanisms for investigating allegations of corruption against specified public functionaries. In addition, institutions such as the **Central Vigilance Commission (CVC)** and the **Central Bureau of Investigation (CBI)** play important roles in vigilance, investigation, and enforcement. Electoral laws, judicial decisions, and transparency measures such as the right to access public information also contribute to the broader framework for controlling corruption.

Despite these legal and institutional measures, political corruption continues to present serious contemporary challenges. Weak enforcement, prolonged investigations and trials, limited institutional independence, political influence, and difficulties in ensuring transparency in political and electoral financing can reduce the effectiveness of anti-corruption mechanisms. The increasing complexity of political funding and the relationship between economic interests and political decision-making have further intensified concerns regarding accountability and transparency.

This study critically examines the legal framework governing political corruption in India and evaluates its effectiveness in addressing contemporary forms of corruption. It focuses on the strengths and limitations of existing laws and institutions while considering the practical challenges involved in their implementation. The study argues that effective control of political corruption requires not merely stronger legislation, but also independent enforcement institutions, transparent political financing, timely investigation and prosecution, judicial accountability, and greater public participation. Strengthening these elements is essential for protecting democratic institutions, promoting good governance, and restoring public confidence in the political and legal system.

2) Review of literature

The existing literature on political corruption in India demonstrates that corruption is not merely an individual or administrative problem but a structural issue involving political institutions, electoral processes, public administration, and weak accountability mechanisms. Scholars have examined corruption from legal, political, economic, and institutional perspectives, particularly emphasizing the gap between the existence of legal provisions and their effective implementation.

2.1 Legal Framework for Combating Political Corruption

A significant body of literature focuses on the **Prevention of Corruption Act, 1988 (PCA)**, which remains the principal legislation dealing with corruption offences involving public servants. The Act was substantially amended in 2018 to strengthen provisions relating to bribery, “undue advantage,” and criminal misconduct. The amendment sought to modernize the legal framework and address emerging forms of corruption.

However, legal scholars have questioned whether legislative amendments alone are sufficient to control corruption. Effective implementation depends upon efficient investigation, timely prosecution, judicial capacity, and the institutional independence of anti-corruption agencies. Thus, the literature highlights a continuing gap between legislative intent and practical enforcement.¹

2.2 Electoral Politics and Political Financing

Electoral politics constitutes another important theme in the literature on political corruption in India. Scholars have argued that the high cost of elections, excessive campaign expenditure, and opaque political financing may create conditions that encourage corrupt practices.

The relationship between money and politics has consequently generated demands for greater transparency in political donations, election expenditure, and financial disclosures by political parties and candidates. Electoral reforms are therefore considered essential for reducing the influence of undisclosed financial interests on political decision-making.²

¹ The Prevention of Corruption (Amendment) Act, 2018 (Act No. 16 of 2018)

² Dinesh Goswami Committee Report (1990)

Indrajit Gupta Committee Report (1998)
Supreme Court Electoral Bonds Case (2024)

2.3 Anti-Corruption Institutions and Accountability

The literature also examines the role of institutional mechanisms established to prevent and investigate corruption. Institutions such as the Central Vigilance Commission (CVC), Central Bureau of Investigation (CBI), Lokpal and Lokayuktas, and Election Commission of India (ECI) are intended to promote accountability and integrity in public administration and political processes.

Despite the existence of these institutions, scholars have identified several practical limitations, including delays in investigation and prosecution, institutional constraints, overlapping jurisdictions, and concerns regarding the independence and effectiveness of enforcement agencies. These limitations raise questions about whether existing institutional mechanisms are sufficiently autonomous and effective to address politically connected corruption.³

2.4 Right to Information and Transparency

The Right to Information Act, 2005 (RTI Act) is widely recognized in the literature as an important instrument for promoting transparency and exposing corruption. Access to government information enables citizens, journalists, civil society organizations, and researchers to scrutinize governmental decisions and expenditure. The literature suggests that the RTI framework can strengthen citizen participation, administrative transparency, and public accountability. At the same time, practical difficulties such as delays in providing information, institutional constraints, inadequate implementation, and limitations on access to information continue to affect its effectiveness.⁴

2.5 Digital Governance and Technological Measures

Recent studies have increasingly examined the potential of digital governance, e-governance, online public services, digital payments, and e-procurement as mechanisms for reducing corruption. Digital systems can reduce unnecessary direct interaction between citizens and public officials, improve record-keeping, increase transparency, and create electronic trails that facilitate monitoring. Nevertheless, scholars caution that technological reforms cannot independently eliminate political corruption. Technology can reduce certain opportunities for petty and administrative corruption, but broader forms of political corruption require institutional reforms, political accountability, transparency in political financing, and effective enforcement mechanisms.

³ Lokpal and Lokayuktas Act, 2013

⁴ Right to Information Act 2005

2.6 Gap Between Law and Implementation

A recurring finding across the literature is the existence of a substantial gap between legal provisions and their implementation. India has developed a considerable legal and institutional framework to combat corruption, but the effectiveness of this framework depends heavily upon the capacity, independence, and accountability of institutions responsible for enforcing it.

The literature therefore indicates that corruption cannot be addressed solely through the enactment of new laws. Effective implementation requires timely investigation and prosecution, institutional independence, judicial efficiency, transparency in political financing, citizen participation, and stronger mechanisms of public oversight.

2.7 Research Gap and Relevance of the Present Study

Although considerable research has examined individual aspects of corruption, such as bribery, electoral finance, administrative corruption, transparency, and anti-corruption institutions, there remains a need for an integrated critical assessment of India's legal framework in relation to contemporary forms of political corruption.

The present research seeks to address this gap by examining the adequacy and effectiveness of India's existing legal and institutional framework. It focuses particularly on whether laws such as the Prevention of Corruption Act, 1988, together with electoral regulations, transparency mechanisms, and anti-corruption institutions, are capable of addressing the changing nature of political corruption in India.

3) Objectives

- To examine the nature, causes, and forms of political corruption in India.
- To analyse the existing legal framework for preventing and controlling political corruption.
- To evaluate the effectiveness of the Prevention of Corruption Act, 1988, including its amendments.
- To examine the role of the Representation of the People Act, 1951 in addressing corruption and electoral malpractices.
- To study the role and effectiveness of institutions such as the Lokpal, Lokayuktas, Central Vigilance Commission (CVC), CBI, and Election Commission of India.
- To analyse important Supreme Court and High Court judgments relating to political corruption.

- To examine contemporary challenges such as electoral funding, money power, abuse of political authority, and political–business relationships.
- To identify the gaps and practical difficulties in implementing anti-corruption laws.
- To examine the importance of transparency, accountability, and public participation in combating political corruption.
- To suggest legal and institutional reforms for effectively preventing and reducing political corruption in India.

4) Methodology and Database Used

4.1 Qualitative Approach

Legal Analysis: Review the Prevention of Corruption Act (PCA), 1988, and its 2018 amendment.

Statutory Evaluation: Assess the efficacy of the Lokpal and Lokayuktas Act, 2013.

Judicial Case Studies: Analyze landmark Supreme Court rulings on political immunity and criminalization.

Comparative Frameworks: Compare Indian anti-corruption laws with UNCAC (UN Convention Against Corruption) standards.

4.2 Quantitative Approach

Trend Analysis: Analyze changes in corruption conviction rates over the last decade.

Data Modeling: Map the correlation between corporate political funding and policy decisions.

Perception Mapping: Evaluate shifting trends in global anti-corruption indexes.

5) Sources of Data

5.1 Primary Sources

Statutes & Bills: Direct texts of the PCA, Right to Information (RTI) Act, and Foreign Contribution Regulation Act (FCRA).

Judicial Records: Case laws from Indian Courts (Supreme Court and High Courts) via Indian Kanoon or Manupatra.

Government Reports: Law Commission of India reports, Santhanam Committee report, and Administrative Reforms Commission (ARC) reports.

5.2 Secondary Sources

National Databases:

National Crime Records Bureau (NCRB): For annual statistics on corruption cases registered under the PCA.

Association for Democratic Reforms (ADR): For data on the financial assets and criminal profiles of MPs and MLAs.

International Indexes:

Transparency International: For India's Corruption Perceptions Index (CPI) ranking.

World Bank: For Worldwide Governance Indicators (WGI).

Academic Literature: Peer-reviewed articles from journals like *Economic and Political Weekly (EPW)* and JSTOR.

6) Contemporary Challenges & Recent Discussions

Recent legal discourse and institutional reviews highlight several systemic bottlenecks:

6.1 Prior Sanction Hurdles:

Section 17A of the PCA requires prior governmental approval before initiating investigations or prosecutions against public servants. Legal experts and recent judicial commentary note that this threshold acts as a protective shield, delaying accountability and making the executive a gatekeeper over probes into its own machinery.

6.1.1 Key Points About Section 17A

- **The Gatekeeper Role:** The government acts as a gatekeeper. It must give permission before any inquiry or investigation can even begin.
- **Protection vs. Accountability:** The law aims to protect honest officials from unfair, malicious, or hasty complaints. However, critics and legal experts argue it creates a "protective shield."
- **Delays and Obstacles:** The requirement often delays investigations. It lets the executive branch control and slow down probes into its own members, which hurts transparency and accountability.

6.2 Strict Evidentiary Proofs for Presumption:

Recent Supreme Court rulings (e.g., *State of Lokayuktha Police v. C.B. Nagaraj*) emphasize that statutory presumptions under Section 20 of the PCA require an unbroken, proven chain of

demand, acceptance, and recovery of tainted money. Mere recovery of cash without establishing the initial factual demand does not automatically trigger a conviction, raising the bar for successful prosecutions. **Autonomy of Investigative Agencies:** Central and state bodies—such as the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED)—frequently face public and judicial scrutiny regarding institutional independence, selective targeting, and political interference.

6.2.1. Judicial Standards for Proving Bribery under the Prevention of Corruption Act

Recent Supreme Court jurisprudence has placed considerable emphasis on the evidentiary requirements necessary to sustain convictions under the Prevention of Corruption Act, 1988 (PCA). The courts have repeatedly emphasized that prosecution for bribery ordinarily requires a coherent evidentiary chain establishing **demand, acceptance and recovery** of illegal gratification. In *State of Lokayuktha Police, Davanagere v. C.B. Nagaraj*, the Supreme Court reiterated that where the prosecution fails to establish the foundational fact of demand, the mere recovery of tainted money cannot, by itself, justify conviction.⁵

6.2.2. Section 20 Presumption and the Foundational Fact of Demand

Section 20 of the PCA creates a statutory presumption in certain circumstances against a public servant once the prosecution establishes the necessary foundational facts relating to acceptance or obtaining of an undue advantage. However, this presumption does not relieve the prosecution of its initial burden of proving the essential ingredients of the offence.

In *Neeraj Dutta v. State (Government of NCT of Delhi)*, the Constitution Bench clarified that **demand and acceptance of illegal gratification are essential elements** of a bribery offence.

The Court further recognised that demand may be established through direct as well as circumstantial evidence, depending upon the facts of the case.⁶

Accordingly, the recovery of currency notes during a trap operation is important corroborative evidence, but it cannot automatically substitute for proof of the original demand. Where the prosecution fails to establish that the accused actually demanded or knowingly accepted the gratification, the statutory presumption under Section 20 cannot be mechanically applied.⁷ This approach strengthens the principle that criminal conviction must rest upon proof beyond reasonable doubt rather than upon recovery alone.

⁵ *State of Lokayuktha Police, Davanagere v. C.B. Nagaraj*, 2025 INSC 736.

⁶ *Neeraj Dutta v. State (Government of NCT of Delhi)*, (2023) 4 SCC 731.

⁷ *State of Lokayuktha Police, Davanagere v. C.B. Nagaraj*, 2025 INSC 736.

6.2.3. Evidentiary Challenges in Anti-Corruption Prosecutions

The judicial insistence upon proof of demand creates an important evidentiary safeguard in corruption cases. A trap proceeding may establish that money was recovered from a public servant, but the circumstances of such recovery must still be connected to an unlawful demand and acceptance. The Supreme Court has therefore sought to prevent convictions based solely on possession of currency where the prosecution evidence concerning demand is unreliable, contradictory or insufficient. At the same time, the requirement of proving demand should not be interpreted as requiring direct oral testimony in every case. Circumstantial evidence, documentary material, recorded conversations and other legally admissible evidence may establish the existence of demand. Thus, the emerging judicial position seeks to maintain a balance between **effective prosecution of corruption and protection of the accused against conviction based upon inadequate evidence**.⁸

6.2.4. Independence and Autonomy of Investigative Agencies

Another significant challenge in India's anti-corruption framework concerns the **institutional autonomy of investigative agencies**, particularly the Central Bureau of Investigation (CBI) and the Enforcement Directorate (ED). Although these agencies possess important statutory powers to investigate corruption, money laundering and related economic offences, their functioning has frequently been subjected to public and judicial scrutiny concerning institutional independence, executive influence and allegations of selective investigation.

The issue of investigative independence is particularly significant in cases involving politically influential persons. If investigative decisions are perceived to be influenced by political considerations, public confidence in the impartial enforcement of anti-corruption laws may be weakened. Therefore, institutional autonomy is essential not only for the effectiveness of investigations but also for maintaining the legitimacy of the criminal justice system.

6.2.5. Judicial Protection of Investigative Independence

The Supreme Court's decision in *Vineet Narain v. Union of India* represents an important milestone in the development of principles concerning investigative autonomy. The Court emphasised the need to insulate investigative processes from inappropriate executive interference and stressed that agencies responsible for investigating corruption must be capable of functioning independently within the statutory framework.⁹ The judgment remains an important reference point in discussions concerning accountability and independence of investigative institutions.

⁸ *Madan Lal v. State of Rajasthan*, 2025 INSC 340.

⁹ *Vineet Narain v. Union of India*, (1998) 1 SCC 226.

The Court subsequently examined similar concerns in *Dr. Jaya Thakur v. Union of India*, particularly in relation to statutory provisions permitting extensions of the tenure of the Directors of the CBI and ED. Although the Court upheld the legislative framework permitting limited extensions, it also imposed restrictions concerning the continuation of particular tenure extensions.¹⁰ The decision demonstrates the continuing judicial concern that institutional arrangements should not undermine the independence and credibility of investigative agencies.

6.2.6. Political Interference and Selective Investigation

The question of political interference extends beyond the formal appointment or tenure of agency heads. It also concerns the **selection of cases, timing of investigations, prosecution decisions and the perceived unequal application of investigative powers.**

Allegations that investigative agencies selectively target political opponents can undermine public confidence even where the underlying investigation may be legally sustainable.

However, allegations of political motivation must be distinguished from judicially established findings of political interference. The mere fact that an investigation involves a political figure does not establish that the investigation is politically motivated. The central legal concern is whether investigative agencies exercise their statutory powers according to objective legal standards and whether those standards are applied consistently.

6.2.7. Need for Institutional Reforms

The literature therefore indicates that strengthening India's anti-corruption framework requires more than amendments to substantive criminal law. Effective enforcement depends upon **independent investigation, professional prosecution, judicial oversight, transparent institutional procedures and consistent application of the law.** The PCA can provide the substantive legal framework for combating bribery, but its effectiveness ultimately depends upon the institutional capacity and independence of the agencies responsible for implementing it.¹¹

6.3 Weak Whistle blower Protections:

The lack of robust operational safeguards under the whistle-blowing framework discourages insiders from exposing high-level political and bureaucratic malpractices.

6.3.1 Electoral and Political Funding Complexities: While digital governance has reduced low-level, everyday administrative friction, systemic political financing remains vulnerable to

¹⁰ *Dr. Jaya Thakur v. Union of India*, 2023 INSC 616.

¹¹ *Vineet Narain v. Union of India*, (1998) 1 SCC 226; *Neeraj Dutta v. State (Government of NCT of Delhi)*, (2023) 4 SCC 731.

deep-seated transparency gaps.

7) Suggestions

- **Strengthening the Prevention of Corruption Act, 1988**
Improve provisions relating to bribery, demand and acceptance, and Section 20 presumptions.
- **Ensuring Independence of Investigative Agencies**
Strengthen the autonomy and accountability of the CBI, ED and State Anti-Corruption Bureaus.
- **Improving Political Finance Transparency**
Ensure greater transparency in political donations, election expenditure and party funding.
- **Strengthening Anti-Corruption Institutions**
Improve the effectiveness of the Lokpal, Lokayuktas and Central Vigilance Commission.
- **Speedy Investigation and Trial**
Establish stronger mechanisms to reduce delays in corruption investigations and court proceedings.
- **Judicial Oversight and Accountability**
Maintain effective judicial scrutiny while ensuring fair investigation and protection of individual rights.
- **Use of Digital Governance**
Expand e-governance, e-procurement and digital records to reduce opportunities for administrative corruption.
- **Stronger Implementation**
The major priority should be to bridge the **gap between anti-corruption laws and their effective implementation.**

8) Conclusion

Political corruption in India remains a serious challenge despite the existence of a comprehensive legal and institutional framework. The Prevention of Corruption Act, 1988, judicial decisions, Lokpal and Lokayukta mechanisms, and investigative agencies provide important safeguards against corruption. However, difficulties in proving demand and

acceptance, delays in investigation and trial, political interference, lack of institutional independence, and inadequate transparency in political financing continue to weaken effective enforcement.

Therefore, combating political corruption requires more than strengthening legislation. **Independent investigative agencies, transparent political funding, speedy judicial proceedings, effective institutional accountability, and greater use of digital governance** are essential. Ultimately, the effectiveness of India's anti-corruption framework depends on narrowing the gap between **law in theory and law in practice** and ensuring that anti-corruption measures are applied impartially, consistently, and transparently.

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