DES' SHRI NAVALMAL FIRODIA LAW COLLEGE

# LEGAL RESEARCH CELL

IN COLLABORATION WITH

# HEARTFULNESS EDUCATION TRUST

Presents

## OCTOBER EDITION

# दृष्टि वार्ता

*Theme of the month*

# MENTAL HEALTH, NEUROSCIENCE & LAW

*Monthly Digest*

# Research Report :

## Demographic Change Before High-Level Committee

**DES Shri Navalmal Firodia Law College, Pune, contributed to an important policy-oriented research initiative on Demographic Change, with the presentation of its research report before the High-Level Committee on Demographic Change, constituted by the Government of India under the Ministry of Home Affairs.**

**The presentation was made at Sahyadri Guest House, Mumbai, in a meeting chaired by the Hon'ble Chief Minister of Maharashtra, Shri Devendra Fadnavis. The Committee is chaired by Justice Prakash Prabhakar Navlekar (Retd.), with Shri Durga Shankar Mishra (Retd. IAS), Shri BalajiSrivastava (Retd. IPS), Dr. Shamika Ravi, and the Census Commissioner as its members.**

**Representing the institution, Dr. Aishwarya Yadav, Vice Principal, DES SNFLC, presented the research alongside Ms. Shubhra Tripathi, Fourth-Year B.A. LL.B. student, and Ms. Jagruti Ayachit, Second-Year LL.B. student. The research was undertaken under the guidance of Dr. Aishwarya Yadav and Asst. Prof. Pooja Deo.**

**The research examined demographic changes, migration, associated administrative and governance challenges, and their implications for national security and social structures. The initiative reflects the institution's commitment to fostering research-driven learning and connecting academic inquiry with contemporary public policy discussions.**



# Guest Lecture :

## Professional Conduct, Ethics and Courtroom Practice of Advocates

**Date of Lecture: 6 October 2026**

**The lecture addressed the expectations of clients, the regulatory role of the Bar Council, the advocate's duties as an officer of the court, standards of courtroom decorum, and the practical realities of litigation before local courts.The speaker began by asking what a client expects in return for the fees paid. The answer was threefold: the advocate's experience, knowledge and skills. A client engages counsel for informed, competent representation, and the advocate must meet that expectation with diligence.**

**The lecture also distinguished between a "lawyer" and an "advocate". The term "lawyer" broadly describes any person trained in law, whereas an "advocate" is a person enrolled with the Bar Council who holds the statutory right to practise and appear before courts. That status carries enforceable obligations.A central theme was the advocate's status as an officer of the court. This imposes a duty to assist the court and to make the judge's task easier.**

**The lecture emphasised that an advocate's behaviour before the bench reflects on the profession as a whole. Advocates should be humble and respectful towards the judge. Care should also be taken over the manner of entering and exiting the courtroom. Requests for adjournment should rest on genuine and justifiable reasons rather than being demanded as a matter of course. The speaker also noted the growing importance of virtual hearings, which require the same standards of discipline, preparedness and courtesy as physical proceedings. The advocate has a duty to maintain the secrecy of client communications. This obligation is fundamental to the relationship of trust between advocate and client.**

**The speaker also cautioned against the use of social media for self-promotion. Publicity and solicitation through such platforms contravene the rules of the Bar Council of India (BCI) and may expose the advocate to disciplinary proceedings. The speaker drew on courtroom experience to underline that knowledge of the law must be complemented by familiarity with local practice. Advocates should learn the language and terminology of the local court and maintain cordial professional relations with court staff, including clerks.**

**The lecture demonstrated that competent advocacy requires more than legal knowledge. It demands integrity, candour, respect for the court, confidentiality towards clients, and adherence to the regulatory framework laid down by the Bar Council. An advocate who observes these standards serves the client, assists the court and upholds the dignity of the profession.**

# Guest Lecture :

## Drafting Commercial Agreement: Practical Skills for Modern Legal Skills

**The lecture, conducted under Practical Training Paper III by Adv. Rishabh Gandhi, aimed to familiarise students with the practical aspects of drafting commercial agreements, shifting the focus from examination-oriented drafting to protecting clients in real business transactions.**

**The speaker explained commercial agreements through examples involving an electric vehicle manufacturer and a software project. He highlighted how a single business transaction may require multiple interconnected agreements, including manufacturing, service, franchise, warranty and insurance agreements.**

**An important learning was that drafting must begin with understanding the client's business objectives and anticipating possible risks, ranging from delayed deliveries and market fluctuations to international trade restrictions. The speaker emphasised examining every clause from the client's perspective while ensuring that negotiations remain commercially practical.**

**He discussed the importance of identifying authorised signatories, drafting clear recitals, establishing consideration and duration, and incorporating provisions relating to amendments, waiver, termination and liquidated damages. He also highlighted the importance of documenting negotiations and ensuring that agreements provide enforceable rights and appropriate remedies.**

**The software compliance example demonstrated how legal professionals can contribute to corporate operations and potentially pursue roles such as General Counsel. Regarding artificial intelligence, he cautioned against uploading confidential client information without prior consent and stressed that AI should assist, rather than replace, professional judgement.**

**The lecture connected practical drafting with several legal provisions, particularly the Indian Contract Act, 1872, Specific Relief Act, 1963, Companies Act, 2013, Limited Liability Partnership Act, 2008, Arbitration and Conciliation Act, 1996 and Commercial Courts Act, 2015.**

**The session demonstrated that effective commercial drafting requires legal knowledge, business understanding and risk assessment. It reinforced the importance of anticipating worst-case scenarios and structuring agreements to safeguard the client's commercial interests.**

# Avishkar Competition 2026 – Zonal Rounds

## Aavishkar Zonal Level Competition Report

**Two 4th-year B.A. LL.B. students from DES' Shri Navalmal Firodia Law College, Pune, Jayashree Kulkarni and Preksha Lunkad, participated in the Zonal Rounds of the Avishkar Competition 2026, presenting their respective research projects on a broader academic platform.**

**Jayashree Kulkarni presented her research titled "SATYA: A Synthetic Evidence Alert Protocol for Digital Evidence," focusing on the challenges posed by synthetic and manipulated digital evidence and the need for reliable identification mechanisms. Preksha Lunkad presented her research titled "Marriage Is a Relationship, Not Consent," examining the legal framework surrounding marital rape and challenging the notion that marriage constitutes perpetual consent.**

**The Zonal Rounds provided both participants with an opportunity to engage with researchers from diverse academic disciplines, present their findings before a panel of judges and receive valuable feedback on their work. The competition also offered exposure to interdisciplinary research and innovative approaches to addressing contemporary issues.**

**The experience served as a valuable platform for strengthening their research, analytical and presentation skills while encouraging them to explore the practical implications of their work. The participants acknowledge the support and guidance extended by the college, the Legal Research Cell, faculty members and mentors throughout the competition.**



# Vision of Drishtivarta

**Drishtivarta, the newsletter of the Legal Research Cell of DES Shri Navalmal Firodia Law College, Pune, envisions itself as a vibrant intellectual platform dedicated to fostering a culture of rigorous legal research, critical thinking, and meaningful academic dialogue.**

**True to its name, Drishtivarta seeks to offer a distinct perspective on law and contemporary legal developments by encouraging readers to look beyond established assumptions and engage with the evolving dimensions of justice, governance, rights, and society.**

**The newsletter aspires to bridge the gap between legal education and contemporary legal realities. It aims to create a space where students, academicians, researchers, legal practitioners, and emerging scholars can share ideas, analyse significant judicial pronouncements, examine legislative developments, and reflect upon pressing socio-legal issues.**

**Through well-researched and thought-provoking contributions, Drishtivarta seeks to promote informed discourse that is both academically enriching and socially relevant.**

**The vision of Drishtivarta is rooted in the belief that legal research is not confined to the interpretation of statutes and precedents, it is also a means of questioning, understanding, and contributing to the transformation of society. The newsletter therefore seeks to nurture curiosity, originality, and analytical excellence among young legal minds. As an initiative of the Legal Research Cell, Drishtivarta strives to inspire its readers to research deeply, think critically, express fearlessly, and view the law through a wider and more meaningful lens. Its ultimate vision is to cultivate a generation of legally aware, research-oriented, and socially conscious individuals capable of contributing thoughtfully to the future of law and justice.**

# Mental Health, Neuroscience & Law

## SEPTEMBER'S THEME

Mental health is an integral part of human well-being, influencing how individuals think, feel, perceive and interact with the world around them. Yet, despite growing awareness, mental health continues to be surrounded by stigma, misconceptions and systemic barriers that often prevent individuals from accessing adequate care and exercising their rights. As conversations surrounding mental well-being gain greater significance, it becomes equally important to examine the role of law and neuroscience in shaping a more informed, inclusive and accountable society.

The intersection of mental health, neuroscience and law presents a compelling area of interdisciplinary exploration. While mental healthcare seeks to safeguard individual dignity, autonomy and access to treatment, neuroscience offers valuable insights into the functioning of the human brain, cognition, behaviour and decision-making. Together, these disciplines raise important questions about legal capacity, criminal responsibility, individual rights and the ethical boundaries of scientific advancement. They also challenge existing legal frameworks to evolve in response to a deeper understanding of human behaviour and psychological well-being.

This edition explores these intersections through a diverse range of perspectives, examining the implementation and challenges of the Mental Healthcare Act, 2017, the constitutional recognition of mental health as a fundamental right, and legal safeguards against discrimination. It further engages with emerging questions surrounding neuroscience and criminal responsibility, mental health within the criminal justice system, workplace well-being, digital mental healthcare, telepsychiatry, data privacy and the growing role of artificial intelligence in mental health diagnosis and treatment. Suicide prevention, public health policy, and the ethical and legal dimensions of psychiatric research and clinical trials also form an essential part of this discourse.

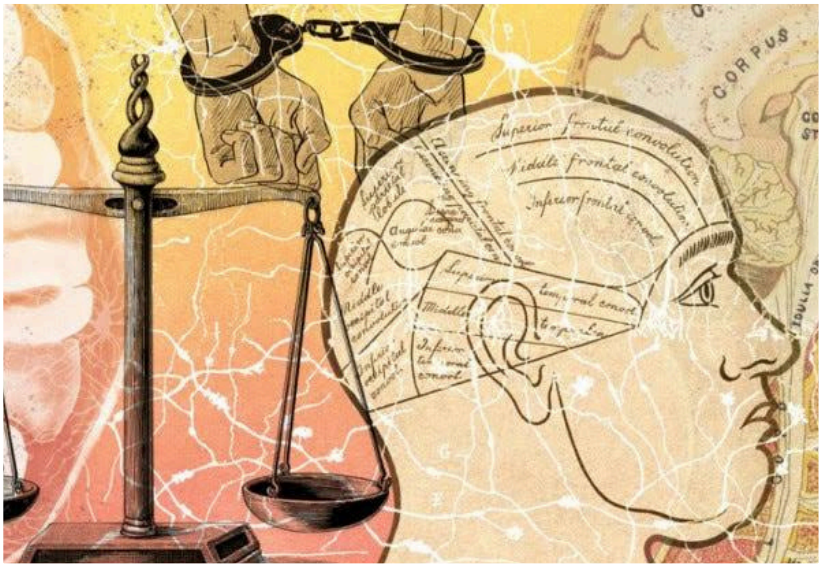
Through research articles, policy papers, legislative analyses, case comments, book reviews and institutional reports, this edition seeks to encourage critical engagement with the evolving relationship between the mind, the law and society.

Ultimately, mental health is not merely a matter of individual well-being; it is also a question of dignity, equality, justice and human rights. By bringing together legal and scientific perspectives, this edition aims to contribute to a more empathetic, informed and rights-oriented understanding of mental health.

# Table of Contents


| | |
|---|---|
| THE BRAIN ON TRIAL : CAN NEUROSCIENCE CHANGE THE WAY WE JUDGE CRIMINAL RESPONSIBILITY? | 9 |
| ETHICAL AND LEGAL CHALLENGES IN PSYCHIATRIC RESEARCH AND CLINICAL TRIAL | 10 |
| MENTAL HEALTH AS A FUNDAMENTAL RIGHT | 11 |
| THE MIND IN THE METROPOLIS: MENTAL HEALTH, URBANISATION, AND THE SEARCH FOR LEGAL PROTECTION IN INDIA | 12 |
| THE BRAIN UNDER PRESSURE: DOCTORS' MENTAL HEALTH AND THE LAW | 13 |
| MENTAL HEALTH & INSANITY DEFENCE: ADVOCATING A COMPREHENSIVE POSTPARTUM PSYCHOSIS POLICY FOR INDIA. | 14 |
| BEYOND DIAGNOSIS: HOW ADEQUATE IS INDIAN LEGAL SYSTEM TO PREVENT DISCRIMINATION AGAINST MENTALLY DISABLED PEOPLE. | 15 |
| ACTIVITY PAGES | 16–17 |





# THE BRAIN ON TRIAL :

## Can Neuroscience Change the Way We Judge Criminal Responsibility?

Vismaya Shivkumar
III B.A.L.L.B

Two people can commit the same crime, yet the reasons behind their actions could be very different. While one may have acted with full awareness, the other may have struggled with impaired judgment, inability to fully understand their actions. Should both be held equally responsible?

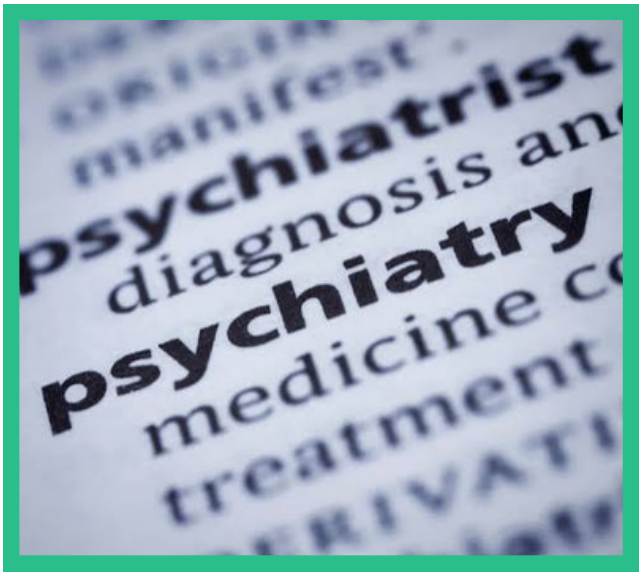
This is where neuroscience brings a new perspective to criminal law, making us question how much we really understand about human behaviour and criminal responsibility.

Neuroscience offers new possibilities for understanding criminal behaviour. Techniques such as MRI and functional MRI (fMRI) allow researchers to study brain structure and activity, potentially identifying abnormalities associated with impaired impulse control, decision-making and cognitive functioning. Such evidence helps court to better understand an accused person's mental condition and capacity at the time of an offence.

In India, Section 22 of the Bharatiya Nyaya Sanhita, 2023, recognises the defence of unsoundness of mind where a person is incapable of understanding the nature of their act or that it is wrong or contrary to law. Neuroscientific evidence could strengthen this assessment by providing scientific insights alongside psychiatric evaluations.

However, its benefits come with significant limitations. Brain abnormalities do not automatically establish criminal incapacity, nor can brain scans independently prove guilt or determine intention. Scientific interpretations may also be uncertain, and there is a risk of misleading courts through evidence that appears more conclusive than it actually is.

Therefore, the challenge here is to balance scientific progress with constitutional safeguards. Neuroscience should complement and not replace the established legal principles. Ultimately, the law must recognise that understanding the human brain may explain the behaviour, but explanation alone cannot determine responsibility.




# ETHICAL AND LEGAL CHALLENGES IN PSYCHIATRIC RESEARCH AND CLINICAL TRIAL

Sakshi Abhijit Kalekar
II L.L.B.

'Every person with a mental illness shall be treated with humanity and dignity and shall have the right to exercise all civil, political, social, economic and cultural rights.' This is the principle from the Mental Healthcare Act 2017.

Psychiatric research and clinical trials are the need of the hour. But first we need to have a deeper understanding of them.

International Ethical Guidelines for Biomedical Research Involving Human Subjects was developed in 1982.



In India, there are also some regulations which help to protect people from the various exploitations and to ensure that there is no violation of human rights.

For clinical trials, it requires prior permission from the drug controller general of India to ensure the safety of the participants. It should be approved by the respective hospital ethics committee. The Indian Council of Medical Research (ICMR) has issued guidelines on ethical research on human subjects, updating its earlier policy statement on considerations of ethics in such research.

Clinical trials and psychiatric research are a crucial part of medical science. There are some challenges as well, where law may apply first to take consent of the participant; participants should know the aim, risk and benefits of research. It comes under Section 99 of the Mental Health Act, 2017. Second is approval from the ethics committee, and third is the safety of the participants. If any participant faces adverse effects of the research, he should get compensation, and the last one is the confidentiality of the participants.

Ethics is the heart of any research. Participants' dignity and rights are protected by strong legal and ethical safeguards that permit psychiatric research to be carried out in a responsible and humane manner.




# MENTAL HEALTH AS A FUNDAMENTAL RIGHT:

## A Legislative Analysis

Vaidehi Gadre
II L.L.M.

When the right to life is constitutionally guaranteed, a fundamental question arises: can the right to life be truly meaningful without the right to mental well-being? Mental Health is a fundamental right under Article 21 Indian Constitution which speaks about Right to Life and Personal Liberty. Although in Indian Constitution there is no explicit mention of mental health as a fundamental right, judicial activism has progressively read the Right to Health and psychological well-being into Article 21



The judiciary has broadly interpreted Article 21 to encompass the rights to health, dignity, autonomy, and psychological well-being. Article 14 guarantees equality under the law and prevents unjust discrimination against individuals with mental health conditions. Additionally, Article 39(e), Article 41, and Article 47 of the Directive Principles of State Policy reinforce the obligation of the State to safeguard health, offer public support, and enhance public health standards.

The Mental Healthcare Act, 2017, represents a significant legislative development. India's legal system shifted from institutionalised, custodial care to a rights-based approach in line with the United Nations Convention on the Rights of Persons with Disabilities with the passage of the Mental Healthcare Act, 2017. The law is divided into 16 chapters and 126 sections. Furthermore, the statutory architecture under Section 115 effectively decriminalises suicide attempts by presuming severe stress, shifting the state's obligation from criminal prosecution under Section 309 of the Indian Penal Code to mandatory medical rehabilitation.

Mental health must be understood not merely as a medical concern but as a constitutional entitlement. The legislature must strengthen funding, accessibility, awareness and institutional safeguards. Effective implementation of Article 21, supported by the Mental Healthcare Act, 2017, is essential to ensure that every individual lives with dignity, autonomy and psychological security.



# The Mind in the Metropolis:

## Mental Health, Urbanisation, and the Search for Legal Protection in India

Prathamesh Prasad Karkare
I L.L.B.

Mental health not only depends on access to treatment but also on the living conditions. In India, Article 21 of the Constitution protects life and dignity, while the Mental Healthcare Act, 2017 recognises rights to mental healthcare. Decisions concerning housing, transport, public spaces, and infrastructure shape urban well-being. This raises a key legal question: To what extent does urban authorities and existing legal frameworks account for mental well-being when planning and developing cities?




Recognising mental health as a right is one thing and ensuring that urban planning considers mental well-being is another. India's urban-planning framework, including the Urban and Regional Development Plans Formulation and Implementation (URDPFI) Guidelines, provides a basis for planning land use, infrastructure, and public spaces. However, how far mental well-being is actually considered in development plans and project approvals needs closer examination.

Existing legal research has also identified gaps in addressing the urban needs of persons with mental illness and psychosocial disabilities. The central question is whether India's planning framework adequately translates the recognised importance of mental health into practical development decisions.

Urban planning should consider how overcrowding, poor housing, and limited green spaces affect mental well-being. Integrating mental-health indicators into existing planning assessments and strengthening public consultation could make development decisions more responsive to residents' needs without requiring an entirely new legal framework.

Mental well-being must shape how Indian cities are planned and developed. Integrating it into existing legal frameworks could promote inclusive urban growth. Ultimately, a city's progress should be measured not merely by how people live in it, but by how well they live.






# The Brain Under Pressure:

## Doctors' Mental Health and the Law

Dr.Divya Nandkishor Bagade
I L.L.M.

Doctors often work under heavy pressure and tight timelines, where decisions have to be quick and accurate. Long hours, constant stress, and too little rest can dull their attention, memory, and judgement. This harms not only their own well-being but also their patients' safety, so their mental health is not just a personal issue but an institutional and legal responsibility.

The central question is whether India's existing legal and institutional mechanisms adequately integrate neuroscientific evidence concerning occupational stress and cognitive functioning into policies protecting doctors' mental health while maintaining patient safety and professional accountability. India's existing legal and institutional framework does not adequately address doctors' occupational mental health through a neuroscience-informed approach.

Article 21 of the Constitution of India provides a constitutional foundation for protecting life and personal liberty. The Mental Healthcare Act, 2017 recognises the right to access mental healthcare under Section 18 and confidentiality under Section 23. However, these general protections do not, by themselves, establish a comprehensive system of occupational mental health safeguards specifically for doctors.

Accountability must remain evidence-based, proportionate and attentive to the circumstances of each case. Hospitals should offer confidential counselling, easy access to mental health support, sensible duty hours, proper rest, and ways to spot work stress early, without stigmatising doctors who ask for help. At the same time, assessments should separate verified impairments from unsupported claims so patients stay protected.

Doctors' mental health and patient safety are two complementary goals. A neuroscience-informed approach, supported by effective workplace safeguards and confidential mental healthcare, can help promote sound clinical judgement and fair professional accountability.



# Mental health & Insanity defence:

## Advocating a comprehensive Postpartum Psychosis Policy for India.

Chaitanya Sharma
I L.L.B.

A mother, overwhelmed by unexplained emotional outbursts and desperate for a mental break from caring for everyone, heard a voice telling her to kill her young children. While strangling them, she told them to go to heaven, where they would be safe.



This is the story of Lindsay Clancy, a Massachusetts mother accused of killing her three children, who pleaded not guilty by reason of unsound mind due to postpartum psychosis (PPP). She was an ordinary mother who loved her children. Then she started hearing voices and allegedly destroyed the family she had devoted her life to. Or did she? It allegedly happened because of a condition that gets little awareness or research, and that turns a suffering mother into a monster.

Although there is no universally accepted definition of PPP, it is a severe, potentially life-threatening psychiatric emergency that affects approximately 1 to 2 cases per 1000 deliveries. Women play a greater biological role in childbearing and the cultural expectations for motherhood, and having a male progeny to take forward family legacy places them in a different parenting role than men. Unfortunately, India neither has a standalone policy nor specific clinical treatment guidelines for PPP.

The need for proper funding, research, stakeholder engagement, and sensitisation is detonating this phenomenon. The challenges to motherhood remain the same, be it in Greensboro or to the Hon'ble Gauhati High Court, which had acquitted a mother of attempting to kill her 38-day-old daughter because of the same PPP. Hence, in this upcoming winter session of parliament, a policy for postpartum psychosis can help the mothers in a holistic manner.

Bharat must apprise from questions in the form of Andrea Yates to prohibit miscarriage of justice, as with Indrani Mukherjee and Arushi Talwar.



# Beyond Diagnosis:

## How adequate is Indian legal system to prevent discrimination against mentally disabled people.

Avishi Srivastava
III B.A.L.L.B

The term “mental illness” has been defined under the Mental Healthcare Act, 2017, as “substantial disorder of thinking, mood, perception, orientation or memory that grossly impairs judgement, behaviour, capacity to recognise reality or ability to meet the ordinary demands of life, mental conditions associated with the abuse of alcohol and drugs, but does not include mental retardation, which is a condition of arrested or incomplete development of mind of a person, specially characterised by subnormality of intelligence” .



Around 2.68 crore people in India live with a disability, which is about 2.21% of the population. Mental disability is an important topic to talk about today, because people living with it often face discrimination from society. Mental health problems are often looked down upon by the society, as they believe they bring disgrace to them. People with mental disabilities often face rejection in adoption and jobs, and even the law calls them “unsound mind". This article asks whether Indian law protects them enough and how well it has worked over the years.

Discrimination based on disability includes exclusion or restrictions that impair the equal enjoyment of fundamental and human rights. Section 18 of the Mental Healthcare Act, 2017, recognises the right to access mental healthcare services. The government is responsible for providing these services and ensuring dignified treatments for the patients. The Department of Empowerment of Persons with Disabilities, under the Ministry of Social Justice and Empowerment, works towards the empowerment of persons with disabilities.

Despite this progress, the Indian legal framework faces challenges such as social stigma, lack of awareness, inadequate infrastructure and poor implementation. Therefore, there is need for effective implementation of existing laws, awareness and inclusive policies to ensure dignity, equality and protection against discrimination.

# Myth vs Law – Separating Mental Health Facts from Legal Fiction

| Myth | VS | What the law actually says |
| --- | --- | --- |
| Mental illness automatically makes a person legally incapable of making decisions. | VS | Mental illness alone does not automatically take away a person's legal capacity. |
| A person with a mental health condition can never be held criminally responsible. | VS | The insanity defence under Section 22 BNS has specific legal requirements. |
| Mental healthcare is a privilege, not a right. | VS | The Mental Healthcare Act, 2017 recognises a right to access mental healthcare. |

# A Question of Ethics – What Would You Decide?

## THE CASE FILE :

### THE AI THERAPIST

**Imagine a mental health application that uses Artificial Intelligence to analyse users' conversations, identify potential psychological disorders and provide personalised mental health recommendations.**
**While users willingly share deeply personal information, the application does not clearly disclose how these conversations are stored, processed or potentially shared with third parties.**
**The company maintains that collecting this information is necessary to improve its AI system and provide better mental healthcare services.**
**But does improving technology justify compromising the privacy and autonomy of its users?**

## THE ETHICAL DILEMMA :

Should an AI-powered mental health platform be permitted to process highly sensitive psychological information without obtaining explicit and informed consent from its users?

## WHAT WOULD YOU DECIDE?

**A. Innovation First**
Permit the processing of data if it improves diagnostic accuracy and the quality of mental healthcare.

**B. Consent Above All**
Require explicit and informed consent before collecting or processing sensitive psychological information.

**C. Regulated Innovation**
Permit AI-based mental healthcare, but subject it to strict data protection, transparency, accountability and confidentiality requirements.

# Convenors

Shri. Pramod Rawat
Chairman, DES

Adv. Ashok Palande
Vice-Chairman, GB& Council, DES
Chairman, CDC, DES SNFLC

Dr. Anand Katikar
Secretary, DES

Dr. Sunita Adhav
Principal, DES SNFLC

# Faculty Coordinators

Dr. Aishwarya Yadav
Academic & Research Coordinator

Dr. Pradnya Yadav
Faculty Co-ordinator,
Legal Research Cell

# Editors

Preksha Lunkad

Vismaya Shivkumar




**Deccan Education Society's**

**Shri Navalmal Firodia Law College, Pune**

I.D. : PU / PN / LAW / 207 / 2004

Gate No. 3, Fergusson College Campus, FC Road, Pune - 411004.

Tel.: (020) 67656401 | Fax : (020) 676556120

Email : deslaw@despune.org | Website : www.deslaw.edu.in