

**MARCH
2024**



LAW Gid

(a monthly Legal compendium)



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AMAZING RESULT ONCE AGAIN

CLAT 2024

Audited Results

No FAKE Claims

AIR

4



Pragnya

AIR

5



Manav Agarwal

AIR

6
ST



Anurag Meena

AIR

9



Jigyasa

AIR

10
EWS



Harshita Rautela

AIR

15
ST



Priyamvada Jareda

AIR

28



Manuja Kavishkar

AIR

28
SC



Swastik Ujjainia

AIR

34



Avish Jain

AIR

34
EWS



Pratham Vyas

AIR

39
NRI



Aveksha Choudhary

AIR

45
ST



Puneet Kanwat

AIR

46



Khushi Agarwal

AIR

49
EWS



Aditya Pratap Singh

AIR

49
SC



Aditya Parihar



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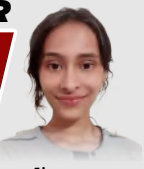
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AIR

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AIR

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Manuja Kavishkar

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34



AVISH JAIN

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46



Khushi Agarwal

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Syed Shafaq

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Garvit Khandelwal

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68



Madhav Sharma



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LAW GRID

SUPREME COURT ADOPTS STRICTER BAIL APPROACH IN CUSTODIAL DEATH CASES INVOLVING POLICE OFFICERS

“ CONTEXT

The Supreme Court decided on taking a stringent stance towards granting bail in cases involving custodial death where police officers are implicated. This decision came while the Court reversed a High Court verdict that had granted bail to a police official accused in a custodial death case. The Supreme Court emphasized the grave and serious nature of such allegations, highlighting that custodial deaths, where police officials are accused, necessitate a more rigorous approach towards bail considerations.

LEGAL OUTLOOK

Reversal of High Court Decision: The Supreme Court reversed the High Court's decision to grant bail to the accused police official.

Stricter Approach Adopted: A stricter approach towards bail in custodial death cases was adopted, particularly when police officers are accused.

Role of Accused Considered: The Court, after examining the charge sheet, found the accused's role to be significant beyond merely driving a police vehicle, with involvement in severe offences under various sections of the Indian Penal Code.

Exception to General Bail Standards: Referencing its

judgment in the case of *State of Jharkhand v. Sandeep Kumar*, the Supreme Court made an exception from the general bail standards due to the gravity of the allegations.

Direction for Accused to Surrender: The accused police official was directed to surrender to the CBI Court within four weeks, after which he is to be taken into custody. In custodial death cases involving police officers, what approach does the Supreme Court adopt towards the granting of bail? The Supreme Court adopts a stricter approach towards granting bail in custodial death cases where police officers are implicated, emphasizing the grave and serious nature of such allegations.

SUPREME COURT RULES: POLICE OFFICER'S COMPLAINT INSUFFICIENT FOR OFFENSE COGNIZANCE UNDER DRUGS & COSMETICS ACT

“ CONTEXT

The Supreme Court has declared that offenses under the Drugs and Cosmetics Act, 1940, cannot be initiated based on a complaint by a police officer alone. This judgment came as a reversal to the High Court's refusal to quash proceedings against an accused based on such a complaint. The court highlighted that, as per the Act, only a Drug Inspector is authorized to file a complaint for initiating proceedings, establishing that the actions taken based on a police officer's complaint were legally invalid.

LEGAL OUTLOOK

Reversal of High Court's Decision: The Supreme Court reversed the High Court's decision that had declined to quash the criminal proceedings initiated against the accused based on a police officer's complaint.

Invalid Proceedings: The proceedings initiated on the basis of a police officer's complaint were declared legally invalid under the Drugs and Cosmetics Act, 1940.

Exclusive Authority to Drug Inspectors: The court clarified that only a Drug Inspector, not a police officer, has the authority to file a complaint under the Drugs and Cosmetics Act.

Reference to Previous Judgment: The Supreme Court referenced its judgment in *Union of India v. Ashok Kumar Sharma & Ors.*, reinforcing that police officers cannot register an FIR, arrest, or investigate offenses under the Act.

Quashing of Proceedings: The Supreme Court quashed the proceedings initiated against the appellant, deeming them invalid and unjustified.



SUPREME COURT CLARIFIES CRITERIA FOR CHEATING UNDER SECTION 420 IPC

LEGAL OUTLOOK

Necessity of Dishonest Inducement: The Court highlighted that the offense of cheating requires showing that the person was dishonestly induced to deliver property.

Intention Matters: A dishonest intention on the part of the accused is crucial for such an offense.

Clarification on Inducement: The allegations of inducement must be directly linked to the accused for the offense of cheating to apply.

Absence of Direct Transaction: In the case discussed, no direct transaction or inducement by the appellant was found, leading to the quashing of the FIR against them.

Preventing Abuse of Law: The Court reaffirmed its

“ CONTEXT

The Supreme Court clarified that for an offense under Section 420 of the Indian Penal Code (IPC), involving cheating, it must be demonstrated that the person was dishonestly induced to deliver property. This clarification came from a three-judge Bench while considering an appeal where the appellant was accused of cheating, but no direct inducement by the appellant was established.

stance against the misuse of criminal proceedings, stating that even if a charge sheet is

filed, it does not prevent the examination of the abuse of process at the FIR stage.



SUPREME COURT DIRECTS CBI TO INVESTIGATE 2013 DEATH OF MANIPURI WOMAN IN DELHI

“ CONTEXT

The Supreme Court has ordered the Central Bureau of Investigation (CBI) to take over the investigation of the death of a 25-year-old Manipuri woman in Delhi in 2013. This decision comes after the Court noted the unresolved nature of the case eroding public trust in law enforcement institutions. The plea for transferring the case to the CBI was made by the kin of the deceased, citing ineffective investigation by the Delhi Police and logistical challenges they faced due to their residence in Manipur.

Transfer to CBI: The investigation into the death of the Manipuri woman has been transferred to the CBI by the Supreme Court.

Rejection of High Court's Decision: The Supreme Court overturned the Delhi High Court's decision that had denied the plea for transferring the case to the CBI.

Observation of Ineffective Investigation: The Supreme Court observed the investigation by Delhi Police as ineffective, necessitating the

transfer to ensure a fair and effective investigation.

Acknowledgment of Logistical Issues: The Court recognized the logistical issues faced by the deceased's family, who reside far from Delhi, in pursuing justice.

Intention for Complete Justice: The transfer aims to instill confidence in the investigation, remove any doubts from the minds of the appellants, and ensure the real culprits are brought to justice.

SUPREME COURT DECLARES BAIL CONDITIONS LIMITING POLITICAL PARTICIPATION UNCONSTITUTIONAL

“ CONTEXT

The Supreme Court ruled that imposing bail conditions preventing a politician from engaging in political activities violates fundamental rights. This judgment was in the case of Siba Shankar Das vs State of Odisha, where the Court overturned a condition set by the Orissa High Court. The High Court had restricted Siba Shankar Das, a politician and former mayor, from participating in any political activities as part of his bail conditions. The Supreme Court found this condition to infringe upon the appellant's fundamental rights.

Overturned High Court Decision: The Supreme Court overturned the Orissa High Court's bail condition that restrained Siba Shankar Das from engaging in political activities.

Violation of Fundamental Rights: The Supreme Court held that such a bail condition violates the appellant's fundamental rights.

Quashed Condition: The condition set by the High Court was quashed and set aside by the Supreme Court.

Acknowledgment of Political Participation as a Right: The judgment implicitly recognizes the right of individuals, including those on bail, to participate in political activities as part of their fundamental rights.



SUPREME COURT EMPHASIZES CAUTION IN GRANTING PRE-TRIAL INJUNCTIONS AGAINST MEDIA TO PROTECT FREE SPEECH

LEGAL OUTLOOK

Setting Aside Interim Injunction:

The Supreme Court set aside the interim injunction that had ordered Bloomberg to take down an article about Zee Enterprises Ltd.

Three-Fold Test for Interim Relief: The Court emphasized that the three-fold tests for granting interim relief (prima facie case, balance of convenience, and irreparable loss or harm) should not be applied mechanically, especially in cases affecting public interest.

Balancing Free Speech and Reputation: In defamation suits involving media, an additional consideration is the balance between the fundamental right to free speech and the right to reputation and privacy.

SLAPP Suits Awareness: The Court brought attention to SLAPP suits, which are used by economically powerful entities to stifle public debate and information through litigation.

Guidance on Granting Injunctions: Interim injunctions, especially ex-parte, should be granted only if the

“ CONTEXT

The Supreme Court has advised trial courts to exercise caution when granting pre-trial injunctions that prevent the publication of media articles and journalistic works in defamation cases. Highlighting the significant impact such injunctions can have on the author's right to publish and the public's right to information, the Court underscored the importance of considering the implications on freedom of speech. This guidance was provided in a case involving Bloomberg and Zee Enterprises Ltd, where the Court set aside an interim injunction that had directed Bloomberg to remove an article published about Zee Enterprises.

content is malicious or palpably false. Injunctions against publication should be rare, except in exceptional

cases where the defense is unlikely to succeed at trial.



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JUSTICE UJJAL BHUYAN HIGHLIGHTS RISKS OF PMLA MISUSE AND ITS IMPACT ON NATIONAL PERCEPTION

LEGAL OUTLOOK

Caution Against Misuse: Justice

Bhuyan warned that misuse of PMLA could lead to negative perceptions of the ED and harm the national interest.

Judicious Application Urged: Stakeholders were urged to apply the PMLA in its true spirit, considering the legislation's objectives and the overarching mandate of Article 21 of the Constitution. **Balance Between Prosecution and Protection:** Justice Bhuyan highlighted the importance of ensuring that innocent individuals do not suffer injustice under the PMLA, emphasizing the balance between prosecuting the guilty and protecting the innocent.

Need for Transparency and Restraint: Referencing observations from the Supreme Court, Justice Bhuyan called for restraint and transparency in the application of PMLA, along with the development of best practices and

“ CONTEXT

Justice Ujjal Bhuyan of the Supreme Court emphasized the critical need for the judicious application of the Prevention of Money Laundering Act (PMLA) to prevent misuse that could lead to negative perceptions of the Enforcement Directorate (ED) and harm the nation. His remarks were made during the launch event of a book on PMLA, underscoring the act's role as a vital tool against money laundering but warning against its overuse or misuse.

guidelines to prevent vindictive or mala fide actions.

Recognition of Evolving Law: Acknowledging that the law on PMLA is still evolving, Justice Bhuyan expressed hope that it would be applied judiciously, ensuring that genuine cases are pursued without leading to mala fide witch-hunting.

SUPREME COURT QUASHES PREVENTIVE DETENTION ORDER IN SEXUAL OFFENSE CASE FOR LACK OF PUBLIC ORDER CONNECTION

“ CONTEXT

The Supreme Court quashed a preventive detention order under the Telangana Prevention of Dangerous Activities Act, 1986, in a case of alleged rape and extortion. The Court noted that merely being involved in a sexual offense is not sufficient grounds to invoke the Act's provisions for preventive detention unless the offense is directly connected to actions prejudicial to the maintenance of public order.

LEGAL OUTLOOK

Insufficiency of Sexual Offense for

Detention: The Court held that involvement in a sexual offense alone does not justify invoking Section 3 of the Act for preventive detention. **Requirement of Connection to Public Order:** For preventive detention under the Act, the offense must be shown to be prejudicial to the maintenance of public order. **Analysis of the Detention Order:** The Court found that the detention order and its grounds did not demonstrate how the offense was connected to preventing the

detenu from acting in a manner prejudicial to public order.

Solitary Incidents Insufficient: The Court observed that the allegations against the detenu were based on solitary instances, with no indication that the detenu habitually committed offenses that affected public order.

Judicial Scrutiny on Use of Detention Powers: The decision underscores the judiciary's careful scrutiny of the use of preventive detention powers, especially in cases involving allegations of personal crimes without a clear link to broader public safety concerns.

SUPREME COURT DIRECTS POLICE AND AGENCIES TO FOLLOW ARREST NORMS, CITING DK BASU GUIDELINES

LEGAL OUTLOOK

Reiteration of DK Basu Guidelines: The

Court emphasized the need for the police and investigative agencies to strictly follow constitutional, statutory, and additional guidelines laid down in the DK Basu case.

Condemnation of Police Misconduct: The Court condemned the physical and verbal abuse of an accused by the police, describing such

acts as high-handed and an abuse of official position.

Compensation to the Victim: The Court noted that the accused police officer had paid compensation to the appellant, which was accepted.

Call for Zero-Tolerance Approach: The Court advocated for a zero-tolerance policy towards police misconduct and high-handedness, stressing that such actions bring shame to the justice delivery system.

“ CONTEXT

The Supreme Court expressed its disappointment with police and investigative agencies for not adhering to constitutional and statutory safeguards during arrests and custody. This came to light in a case where an accused was mistreated by Maharashtra police, leading to the Supreme Court reinforcing the importance of following the DK Basu guidelines, which mandate humane treatment of detainees.

Strict View on Police Misconduct: The judiciary is encouraged to take a strict stance on police and power

abuses, reinforcing the importance of protecting citizens' rights and ensuring justice.



SUPREME COURT FACILITATES PARTICIPATION OF VISUALLY IMPAIRED IN MP JUDICIARY EXAMS

“ CONTEXT

The Supreme Court issued interim directions to include visually impaired candidates in the Madhya Pradesh Judicial Services Exam. This decision followed a letter addressed to the Chief Justice of India, raising concerns over the exclusion of visually impaired candidates from the judiciary service, which led to the Court taking suo motu cognizance of the issue. The Court's interim measures aim to ensure the inclusion and proper accommodation of visually impaired candidates in the upcoming exams.

LEGAL OUTLOOK

Interim Directions Issued: Visually impaired candidates who qualify are to email their details to the High Court for admit cards to the main exam.

Accommodations for Visually Impaired: The Court ordered provisions for writers and extra time for visually impaired candidates taking the exams.

Publicity of the Order: The High Court is directed to publicize the order on its website and in newspapers to reach all eligible candidates.

Participation Subject to Final Outcome: The participation of visually impaired candidates is subject to the final outcome of the ongoing proceedings.

Arrangements for Exam: Separate arrangements and additional time for visually impaired candidates are mandated to avoid inconvenience to others.



SUPREME COURT ORDERS RS 50 LAKH COMPENSATION FOR EX-HAVALDAR ERRONEOUSLY DIAGNOSED WITH HIV BY INDIAN ARMY

“ CONTEXT

The Supreme Court mandated the Indian Army to compensate an ex-havaldar with Rs. 50 lakh due to wrongful termination based on an incorrect HIV diagnosis. Overturning the Armed Forces Tribunal's decision, the Court highlighted a misdiagnosis that led to the ex-serviceman's dismissal without the presence of symptoms associated with HIV, deeming it an act of negligence and carelessness on the army's part.

Compensation Awarded: The ex-havaldar is awarded Rs. 50 lakh for wrongful termination and the ordeal suffered due to the misdiagnosis.

Misdiagnosis Acknowledged: The Supreme Court recognized the flawed diagnosis that wrongly declared the appellant HIV positive, despite the absence of AIDS-defining illnesses.

Negligence Admitted: The Court noted the army's negligence in handling the diagnosis and the subsequent impact on the ex-havaldar.

Rejection of Army's Defense: The Court dismissed

the army's justification for the diagnosis based on the medical judgment of 2001, pointing out the lack of supportive medical literature and significant lapses.

Future Security Ensured: In addition to compensation, the ex-havaldar is entitled to a pension as if he had retired in service without being invalided, ensuring his financial stability.

Strict View Against Misconduct: The Court emphasized a strict stance against such negligence, highlighting the need for careful diagnosis and treatment to prevent similar instances in the future.

SUPREME COURT OVERTURNS OBSCENITY CASE AGAINST 'COLLEGE ROMANCE' WEB SERIES

Clarification on Obscenity: The Court clarified that vulgarity and profanity do not inherently amount to obscenity, which is determined by whether content arouses sexual and lustful thoughts.

Error in High Court's Approach: The Supreme Court noted the High Court erred in its legal approach by concluding the language used in the web series was obscene without considering its context and impact on a reasonable viewer.

“ CONTEXT

The Supreme Court quashed an obscenity case against the actors and makers of the web series "College Romance," reversing the Delhi High Court's decision that had refused to quash the obscenity case. The Court held that profanity and vulgar language do not automatically constitute obscenity under Section 67 of the Information Technology Act, 2000 (IT Act), emphasizing that the language used must be seen in the context of the series' plot and theme.

Contextual Interpretation: The Court underscored the importance of interpreting the language used in the series within the context of its light-

hearted portrayal of college life, which does not relate to sex or have any sexual connotation.

Rejection of Literal Interpretation: The Supreme Court rejected the High Court's literal interpretation of the language, highlighting the need to consider the material within the larger web series context.

Quashing of Criminal Proceedings: The Supreme Court allowed the appeal and set aside the High Court's judgment, quashing the pending criminal case against the appellants under Sections 67 and 67A of the IT Act.



SUPREME COURT SETS LGBTQ+ FRIENDLY GUIDELINES FOR HANDLING HABEAS CORPUS AND PROTECTION PETITIONS

“ CONTEXT

The Supreme Court has laid down comprehensive guidelines for High Courts when addressing habeas corpus petitions or petitions seeking police protection, especially for LGBTQ+ and interfaith couples. This directive emerged from a case challenging a Kerala High Court order, which had mandated counselling for an alleged lesbian partner. The Supreme Court's guidelines emphasize a sensitive, empathetic approach, ensuring the dignity and rights of individuals involved are respected.

LEGAL OUTLOOK

Priority Handling of Petitions: Habeas corpus and protection petitions must be listed and heard promptly, without unnecessary adjournments.

No Intrusive Inquiry: The court should not delve deeply into the nature of the relationship between the appellant and the detained person.

Environment for Free Expression: Efforts should be made to create a conducive atmosphere for the detained person to express their wishes freely and without coercion.

In-camera Proceedings: All interactions with the detained person should be held in private, with their statements securely recorded.

Unbiased Ascertainment of Wishes: The court must ensure the detained person's wishes are ascertained without undue influence from any party.

Empathy and Compassion Required: Judges must display empathy and avoid letting personal biases influence their understanding or treatment of the individuals involved.

Immediate Release if Desired: If a detained person wishes not to return to their detainer or family, they must be released promptly.

Protection for Intimate Partners: Courts should provide immediate police protection for petitioners in vulnerable relationships, acknowledging the stigma they may face.

Prohibition on Counselling Directions: Courts should not mandate counselling as a means to change the individuals' orientation or relationship choices.

Respect for Sexual Orientation and Identity: Judges must refrain from trying to alter or question the sexual orientation or gender identity of any party involved.

Acknowledgement of Chosen Family: Recognition that 'family' includes not just biological families but also chosen families, especially significant for members of the LGBTQ+ community.

Guidelines as Mandatory Measures: These guidelines are mandatory for ensuring the protection of fundamental rights and dignity of individuals, especially those from the LGBTQ+ community.

SUPREME COURT ADOPTS ANONYMIZATION PRACTICE FOR ACCUSED IN FALSELY IMPLICATED RAPE CASES

LEGAL OUTLOOK

Anonymization of Accused: The Supreme Court has started concealing the identities of the accused in judgments quashing rape cases found to be false.

Quashing of FIR: The Court quashed an FIR against a person falsely accused of raping a woman under the pretext of marriage, citing insufficient evidence to support the allegations.

Legal Precedent Referenced: The Court drew parallels with the case of "Pramod Suryabhan Pawar v. State of Maharashtra and Another," emphasizing that for consent to be considered vi-

olated by a misconception of fact arising out of a promise to marry, the promise must be proven to be false at the time it was made.

Change in Complainant's Version: The Court noted discrepancies in the complainant's statements, highlighting the change in her version regarding the circumstances leading to the termination of her pregnancy.

Protection from Abuse of Process: The Court found that allowing further proceedings to continue would constitute an abuse of process of law and result in miscarriage of justice, thereby quashing the FIR.

“ CONTEXT

The Supreme Court has initiated the practice of anonymizing the identities of accused individuals in judgments concerning falsely accused rape cases. This approach was evident in the case titled "Ms.X versus Mr.A," where the Court quashed an FIR against a person wrongfully accused of rape under the pretense of marriage. This decision underscores the Court's commitment to ensuring justice and protecting the reputations of those wrongfully accused in such sensitive cases.





SUPREME COURT FINDS AAP LEADER SATYENDAR JAIN PRIMA FACIE GUILTY IN MONEY LAUNDERING CASE

“ CONTEXT

The Supreme Court observed that AAP leader Satyendar Jain and his aides, Ankush Jain and Vaibhav Jain, are prima facie guilty of offenses related to money laundering, leading to the refusal of bail for Jain. This decision came after the Court reviewed the accumulated material indicating their involvement in alleged money laundering activities. The Court emphasized that the appellants failed to meet the twin conditions for bail under Section 45 of the Prevention of Money Laundering Act (PMLA).

Prima Facie Guilt Established: The Supreme Court found sufficient material collected by the Enforcement Directorate (ED) indicating prima facie guilt of Satyendar Jain and his aides in the alleged money laundering offenses.

Bail Refused: The Court refused to grant bail to Satyendar Jain, underscoring the failure to satisfy the conditions for bail under Section 45 of the PMLA.

Critique of High Court's Approach: The Supreme Court affirmed the findings of the Delhi High Court, which had earlier denied bail, finding no illegality or infirmity in its judgment.

Accusation of False Declarations: The Court noted the involvement of Ankush Jain and Vaibhav Jain in making false declarations under the Income Declaration Scheme, 2016, to protect Satyendar Jain.

Immediate Surrender Directed: The Supreme Court ordered Satyendar Jain, who was out on interim bail for medical reasons, to surrender immediately to the special court.

Emphasis on Speedy Trial: The judgment reiterated the constitutional right to a speedy trial, applying the provisions of Section 436A of the CrPC to money laundering cases, ensuring timely justice for the accused.

SUPREME COURT MANDATES FULL DISCLOSURE OF ELECTORAL BOND INFORMATION BY STATE BANK OF INDIA

“ CONTEXT

The Supreme Court directed the State Bank of India (SBI) to disclose all available details concerning electoral bonds, including unique alphanumeric numbers for each bond. This directive ensures comprehensive transparency of electoral bond transactions, emphasizing the Court's commitment to uphold the constitutional right to information. The decision is part of ongoing efforts to ensure transparency in political financing, following a constitution bench ruling deeming the electoral bonds scheme unconstitutional.

Complete Disclosure Ordered: SBI is required to disclose every conceivable detail about electoral bonds, inclusive of alphanumeric and serial numbers.

Election Commission's Role: Details received from SBI must be promptly uploaded on the Election Commission of India's website.

Affirmation of February 15 Judgment: The Supreme Court's order aligns with its previous judgment demanding SBI disclose "all details" related to electoral bonds, clarifying that the mentioned details in the judgment were illustrative, not exhaustive.

Digitalization and Accessibility: The Court facilitated the digitalization of electoral bond data for better accessibility and instructed the return of original data to the Election Commission after scanning.

Clarification on Disclosure Requirements: The Court clarified the scope of disclosure to include all conceivable data about electoral bonds, signaling no detail is too minor for disclosure.

Dismissal of Application for Non-disclosure: The Supreme Court dismissed an application seeking to avoid the disclosure of certain bond details, reinforcing the stance that transparency is paramount.

SUPREME COURT TO DELIBERATE ON ARTICLE 32 WRITS AGAINST PRIVATE INDIVIDUALS

Legal Examination: The Court is examining the possibility and conditions under which Article 32 writ petitions can be directed against private individuals.

Background of the Case: The question arose from a petition against Chief Minister Y.S. Jagan Mohan Reddy for his allegations against Justice N.V. Ramana.

Supreme Court's In-House Probe: An in-house

Supreme Court investigation previously cleared Justice Ramana of the allegations made by the Chief Minister.

Precedent Referenced: The petitioner referenced the Supreme Court's judgment in E. M. Sankaran Namboodiripad v. T. Narayanan Nambiar, which dealt with contempt charges against a chief minister for comments on the judiciary.

“ CONTEXT

The Supreme Court is poised to address a significant legal question: whether a writ petition under Article 32 of the Constitution can be issued against a private individual and under what circumstances such a writ would be appropriate. This inquiry emerges in the backdrop of a writ petition against Andhra Pradesh Chief Minister Y.S. Jagan Mohan Reddy, who had accused then-next-in-line Chief Justice of India, Justice N.V. Ramana, of bias and impropriety.

Argument for Petition: The petitioner argues that the Chief Minister's actions and the subsequent media release

damaged public confidence in the judiciary, necessitating examination under Article 32.



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SUPREME COURT RULES EMPLOYERS CANNOT ALTER QUALIFICATIONS MID-SELECTION PROCESS

“ CONTEXT

The Supreme Court has declared that employers cannot modify the qualifications or eligibility criteria stipulated in a recruitment advertisement once the selection process has commenced. This decision came in response to an appeal against the Patna High Court's ruling, which invalidated the appointment of a candidate due to amended eligibility conditions introduced during the ongoing selection process.

Impermissible Modifications: Any change to the eligibility or qualifications advertised at the commencement of the selection process is deemed arbitrary and impermissible.

Case Background: The dispute revolved around the appointment to the post of Amin, where the appellant's candidacy was contested due to a subsequent alteration in the age criteria.

High Court's Reversal: The Supreme Court overturned the Patna High Court's judgment that disqualified the appellant based on the revised eligibility criteria, emphasizing the

unfairness of changing rules midstream.

Legal Precedent Referenced: The Court referenced its own precedents, affirming that qualifications for a position become fixed at the advertisement's publication and cannot be altered retrospectively without due process.

Directive for Reinstatement: The Supreme Court directed the reinstatement of the appellant to the position from the initial date of appointment, granting notional benefits except for actual wages.

SUPREME COURT RECLASSIFIES HUSBAND'S CONVICTION IN WIFE'S BURNING CASE

“ CONTEXT

The Supreme Court reclassified the conviction of a husband from murder under Section 300 of the IPC to culpable homicide not amounting to murder under Section 304 Part-II, in a case where he set his pregnant wife on fire. The Court determined that the act, stemming from a sudden quarrel without premeditation, falls under the exception provided in Section 300, which outlines that not all acts of homicide are considered murder.

Conviction Modified: The Court modified the conviction based on the context that the incident was the result of a sudden quarrel, indicating a lack of premeditation.

Definition of Culpable Homicide: The act was judged as culpable homicide not amounting to murder, considering the absence of the accused's intention to kill his wife despite knowing the potential for fatal consequences.

Legal Precedents Consulted: The decision referenced the case of Kalu Ram

v. State of Rajasthan, noting similarities in circumstances and the intention behind the act.

Sentence Reduced: Acknowledging the accused's incarceration of over 10 years, the Court ordered his immediate release, unless required for other offenses.

Consideration of Sudden Quarrel: The judgment underscored that actions taken in the heat of passion during a sudden quarrel, without undue advantage or cruelty, should not be equated with premeditated murder.

SUPREME COURT MAINTAINS RAPE CASE, STATING CONSENSUAL RELATIONSHIPS CAN CHANGE OVER TIME

LEGAL OUTLOOK

Refusal to Quash FIR: The Supreme Court declined to quash the FIR against the accused, indicating the serious nature of the allegations.

Nature of Consent: Acknowledged that consent in a relationship is dynamic and can change, invalidating the defense of initial consent in cases of rape allegations.

Adherence to Legal Precedents: The Court relied on precedents that differentiate between ongoing consensual

relationships and those where consent is withdrawn.

Allegations Not Improbable: Found that the allegations made in the FIR were not inherently improbable, a key criterion for quashing an FIR.

Protection of Complainant's Identity: Directed that steps be taken to mask the identity of the complainant in all future court proceedings to protect her privacy and dignity.

“ CONTEXT

The Supreme Court refused to quash an FIR against a man accused of rape, emphasizing that a relationship initially consensual may not necessarily remain so indefinitely. The decision highlights that consent at the beginning of a relationship does not preclude the possibility of non-consent later, especially when one partner expresses a desire to end the relationship. This case involved allegations of rape and criminal intimidation among other charges, under both the Indian Penal Code and the Information Technology Act.





SUPREME COURT ADVOCATES FOR POLICE SENSITIZATION ON FREEDOM OF SPEECH, QUASHES CASE AGAINST PROFESSOR

“ CONTEXT

The Supreme Court quashed a criminal case against a professor accused under Section 153A of the IPC for criticizing the abrogation of Article 370 via WhatsApp, underlining the need to educate law enforcement on freedom of speech and the extent of its reasonable restrictions. This landmark judgment stresses the importance of understanding democratic values and the constitutionally guaranteed right to express dissent, especially on matters of public interest.

Quashed Criminal Charges: The Supreme Court quashed the charges against Professor Javed Ahmed Hajam, recognizing his WhatsApp status as an exercise of freedom of speech.

Emphasis on Democratic Values: Highlighted the necessity for police to understand and respect the democratic values enshrined in the Constitution, particularly Article 19(1)(a), which guarantees freedom of speech and expression.

Critique and Dissent as Rights: Affirmed the right of citizens to criticize and ex-

press dissent towards state actions, including the abrogation of Article 370, without such expressions being deemed offenses under Section 153A. **Protection of Protest:** Recognized describing the day of the abrogation as a 'Black Day' as a form of protest and anguish, not an action promoting disharmony.

Misinterpretation of Section 153-A: Cautioned against the misapplication of Section 153-A to suppress criticism of the state, asserting that doing so would threaten the survival of democracy.

SUPREME COURT AFFIRMS FREEDOM OF SPEECH, QUASHES CASE AGAINST PROFESSOR FOR ARTICLE 370 CRITIQUE

“ CONTEXT

The Supreme Court quashed a criminal case against Professor Javed Ahmed Hajam, who faced charges under Section 153A of the IPC for expressing dissent against the abrogation of Article 370 via WhatsApp messages. Emphasizing the constitutional right to freedom of speech, the Court highlighted that criticism of state actions, including the abrogation of Article 370, and extending wishes to other nations, does not constitute an offense. This landmark judgment reaffirms the essence of democracy and the importance of safeguarding the right to express dissent and criticism.

Quashing of Criminal Charges: The Supreme Court quashed the criminal case against Professor Hajam, validating his right to criticize the government's decision regarding Article 370.

Reinforcement of Freedom of Speech: Highlighted the constitutional guarantee under Article 19(1)(a), allowing every citizen to offer criticism of state actions.

Criticism as a Democratic Right: Asserted that labeling the abrogation of Article 370 as a 'Black Day' is a form of

protest and anguish, protected under the right to freedom of speech.

Impact on Democracy: Stated that if every critique or protest against state decisions is treated as an offense, it would threaten the survival of democracy.

Expression of Goodwill to Other Nations: Clarified that extending wishes for the independence day of another country, such as Pakistan, is a gesture of goodwill and not an act promoting disharmony.

SUPREME COURT INCREASES COMPENSATION FOR MULTI-TASKING DECEASED IN MOTOR ACCIDENT CLAIM

Enhanced Compensation: The Supreme Court enhanced the motor accident claim compensation to Rs.38,81,500 with an 8% interest rate from the claim's filing date until realization.

Reassessment of Income: Acknowledged the deceased's diverse income sources, leading to a reassessment of his monthly income to Rs.35,000.

Rejection of High Court's Assessment:

“ CONTEXT

The Supreme Court enhanced the motor accident compensation for the family of a deceased who was engaged in multiple jobs, overturning the High Court's decision which had reduced the compensation. Recognizing the deceased's income from various sources, including agriculture, supply of milk and coconuts, and his work as a government contractor, the Court underscored the need for a just and fair assessment of compensation, setting the monthly income estimation at Rs.35,000.

Overturned the High Court's conservative assessment, which had reduced the deceased's monthly income to

Rs.20,000 and, consequently, the compensation amount.

Recognition of Multi-Tasking: Highlighted the

deceased's engagement in various income-generating activities beyond a standard 9-5 job, including agriculture and contractual work.

Application of Correct Multiplier: Applied an 11 times multiplier based on the deceased's age at the time of the accident, aligning with the precedent set in Sarla Verma (Smt.) and others v. Delhi Transport Corporation and another, and National Insurance Company Ltd. v. Pranay Sethi and others.



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LAW GRID

SUPREME COURT CRITICIZES TN MINISTER UDHAYANIDHI STALIN'S REMARKS, HIGHLIGHTS ABUSE OF CONSTITUTIONAL RIGHTS

“ CONTEXT

The Supreme Court expressed its displeasure over Tamil Nadu Minister Udhayanidhi Stalin's critical remarks about 'Sanatana Dharma', emphasizing the misuse of constitutional rights. While hearing a petition filed by Stalin to consolidate FIRs registered across various states for his comments, the Court underscored the responsibilities that come with positions of authority and the potential consequences of such statements. The Court's response reflects a careful balancing of the freedom of speech with the need to prevent speech that could harm societal harmony.

LEGAL OUTLOOK

Expression of Displeasure: The Supreme Court expressed dissatisfaction with Udhayanidhi Stalin's comments on 'Sanatana Dharma', highlighting the misuse of Articles 19(1)(a) and 25.

Petition for FIR Consolidation: Udhayanidhi Stalin petitioned the Supreme Court to consolidate FIRs registered against him in multiple states, citing persecution.

Court's Concern Over Responsibility: Empha-

sized that as a minister, Stalin should have been aware of the consequences of his public statements.

Comparison with Previous Cases: The Court was reminded of precedents where FIR consolidation was granted, yet it questioned the applicability of such precedents to this case.

Postponement for Further Examination: Despite initial hesitation, the Court agreed to examine the plea for FIR consolidation, scheduling further discussion for the following week.

SUPREME COURT SETS ASIDE CONVICTION IN ABETMENT OF SUICIDE CASE, CLARIFIES INSTIGATION CRITERIA

“ CONTEXT

The Supreme Court overturned a conviction under Section 306 of the IPC, emphasizing that mere words spoken in anger without the intent to provoke the consequences of suicide do not constitute instigation. The Court clarified the parameters for abetment of suicide, stressing the necessity for a deliberate act by the accused that leaves the deceased with no alternative but to end their life. This judgment delineates the distinction between a causal remark made in distress and an act with the clear intent to instigate suicide.

LEGAL OUTLOOK

Clarification on Instigation: Instigation for suicide under Section 306 IPC requires a deliberate action by the accused that directly leads the deceased to commit suicide.

Reversal of Conviction: The Court reversed the lower court's decision, acquitting the accused on the grounds that the prosecution failed to prove intentional instigation.

Criteria for Abetment: Highlighted that for abetment, there must be a clear 'mens rea' or intention to incite the

act of suicide, which was absent in this case.

Consideration of Human Behavior: Acknowledged the complexity of human behavior and the multitude of reasons that might drive an individual to suicide, underscoring that not all provocations can be deemed instigation for suicide.

Importance of Evidence: Emphasized the need for concrete evidence showing that the accused's actions were meant to push the deceased towards suicide, which was not established in the present case.

SUPREME COURT RULES LEGAL REPRESENTATIVES NOT BOUND TO FULFILL DECEASED'S PERSONAL CONTRACTUAL OBLIGATIONS

Distinction Between Personal and Monetary Obligations: Legal heirs are not liable for personal obligations of the deceased that require specific skills or expertise but must fulfill monetary obligations.

Estate Liability for Monetary Payments: The estate of the deceased becomes liable for monetary payments as per the decree or order, adhering to the principles of inheritance.

Case Background and Appeal: The appeal arose

from a development agreement breach by a sole proprietor who passed away during consumer proceedings, leading to legal questions about the responsibilities of his legal representatives.

Supreme Court's Analysis: The Court analyzed Sections 37 and 40 of the Indian Contract Act, 1872, and Section 2(11) of the Code of Civil Procedure, 1908, to determine the extent of liability on legal representatives.

“ CONTEXT

The Supreme Court clarified that legal representatives of a deceased person are not required to perform the personal contractual obligations of the deceased but are responsible for discharging monetary liabilities from the deceased's estate. This decision came in a consumer dispute case involving a sole proprietor's development agreement obligations. The Court differentiated between obligations based on personal skill and expertise, which cannot be transferred to legal heirs, and financial liabilities, which can be settled from the estate the heirs inherit.

Guidance on Contractual Performance: Emphasized that contracts requiring personal performance are dis-

solved upon the death of the individual, but monetary obligations remain enforceable against the estate.



SUPREME COURT TO DECIDE ON LAWYERS' LIABILITY UNDER CONSUMER PROTECTION ACT FOR DEFICIENCY OF SERVICES

“ CONTEXT

The Supreme Court is deliberating whether lawyers can be considered as 'service providers' under the Consumer Protection Act for alleged deficiency of services. This pivotal issue arose from a 2007 National Consumer Disputes Redressal Commission judgment that included legal services under the Act. The distinction between lawyers' services within court proceedings and other legal services is central to this debate, with the amicus curiae arguing that actions taken by lawyers on behalf of clients in court do not establish a service provider-consumer relationship under the Act.

Legal Representation in Court: Lawyers acting on behalf of clients in court, based on vakalatnama, may not fall under the 'service provider' category within the Consumer Protection Act.

Agent and Principal Relationship: The client-lawyer relationship is highlighted as one of agency, where the lawyer's actions in court bind the client, not constituting a service consumer relationship.

Distinction for Other Legal Services: Legal services provided outside of court proceedings could be considered under the Act, as

they do not involve representation based on vakalatnama.

Summary Procedure Concerns: The amicus curiae raised concerns about the practicality of Consumer forums adjudicating cases of alleged legal negligence based on proceedings and judgments from courts of competent jurisdiction.

Supreme Court's Consideration: The Court is assessing whether the specific nature of legal services, particularly those rendered in court, should exempt lawyers from being labeled as 'service providers' under the Consumer Protection Act.

SUPREME COURT STRESSES ADVISORY BOARD'S ROLE IN REVIEWING PREVENTIVE DETENTION ORDERS

Advisory Board's Active Role:

The Advisory Board must actively scrutinize detention orders beyond the detaining authority's subjective satisfaction, considering the broader legality.

Duty to Strike Down Arbitrary Detentions: Any detention order resulting from a capricious exercise of power should be struck down at the earliest possible stage, emphasizing the Advisory Board's duty.

Qualification of Advisory Board Members: Highlighted the importance of having High Court judges or their equivalents in the Advisory Board to ensure that detention orders undergo robust scrutiny.

Distinction Between Routine Approval and Legal Necessity: Stressed that the Advisory Board should differentiate between routine approval of detention orders and the actual legal necessity of detention.

Constitutional and Legal Mandates: Reminded that the Advisory Board functions as a

“ CONTEXT

The Supreme Court emphasized the critical role of Advisory Boards in scrutinizing preventive detention orders, particularly highlighting their responsibility to rigorously assess the detaining authority's decision to ensure it isn't passed in a routine or mechanical manner. In a judgment concerning a person detained under the Telangana Prevention of Dangerous Activities Act, 1986, for allegedly disrupting public order, the Court clarified that preventive detention, being a severe measure, requires the Advisory Board to thoroughly examine not just the subjective satisfaction of the detaining authorities but also the necessity of detention from a legal perspective.

critical constitutional safeguard and statutory authority, protecting individuals' rights against arbitrary detention.

SUPREME COURT CRITICIZES ROUTINE USE OF PREVENTIVE DETENTION BY TELANGANA POLICE

Warning Against Mechanical Detention Orders: The Supreme Court warned the Telangana Police against issuing detention orders without meaningful examination of each case's specific circumstances.

Quashing of Detention Order: The Supreme Court quashed the preventive detention order for an individual detained for chain snatching, stating that his actions did not justify preventive detention as they did not significantly disturb public order.

Reminder of Fundamental Rights: Highlighted the importance of considering the fundamental rights enshrined in the constitution before resorting to preventive detention.

Reference to Past Criticisms: Cited previous judgments criticizing the Telangana Police's overuse of preventive detention, indicating a pattern of misuse of the Act.

Call for Judicial Mindfulness: Expressed hope that the Telangana State would not provide reasons for the Court

“ CONTEXT

The Supreme Court issued a strong rebuke to the Telangana Police for their habitual use of preventive detention, emphasizing that such measures must not be employed mechanically without proper consideration of the implications on individuals' fundamental rights. This admonition came during the Court's examination of a case involving the preventive detention of an individual accused of chain snatching, purportedly to safeguard public order. The Court underscored the necessity for the police to apply their minds thoroughly before issuing detention orders, reflecting on past instances where the Court had to intervene in similar matters under the Telangana Prevention of Dangerous Activities Act, 1986.

to make further adverse observations regarding the use of preventive detention.



Important Questions



1. Can initial consent in a relationship negate later allegations of rape?
2. What constitutes "instigation" for suicide under Section 306 IPC?
3. Are lawyers considered 'service providers' under the Consumer Protection Act for deficiency in services?
4. Can a murder charge under Section 300 IPC be reclassified to culpable homicide not amounting to murder under Section 304 Part-II IPC?
5. Is mere involvement in a sexual offense sufficient to justify preventive detention under specific state laws?
6. Can bail conditions include restrictions on engaging in political activities?
7. When can trial courts grant pre-trial injunctions against media platforms in defamation suits?
8. What obligations do legal representatives of a deceased have regarding the deceased's contractual obligations?
9. How does the Supreme Court's ruling on quashing the criminal case against a professor for criticizing the abrogation of Article 370 impact freedom of speech?
10. Can lawyers be held liable as 'service providers' under the Consumer Protection Act for alleged deficiencies in services, especially in court proceedings?
11. Under what circumstances can a murder charge under Section 300 IPC be reclassified to culpable homicide not amounting to murder under Section 304 Part-II IPC?
12. What is the role of Advisory Boards under preventive detention laws according to the Supreme Court?
13. What is the Supreme Court's stance on the routine application of preventive detention by law enforcement agencies?
14. Are electronic evidence admissible without a certification under Indian Evidence Act?
15. Does the right to silence protect a defendant from being compelled to give evidence against themselves in court?
16. Can a private individual be sued for public nuisance?
17. Is copyright infringement a criminal offense under Indian law?
18. Can a company be held criminally liable for offenses committed in the course of its business?
19. Does Indian law permit the enforcement of foreign arbitral awards?
20. Is digital signature legally equivalent to a handwritten signature under Indian law?
21. Can an unmarried couple adopt a child together in India?
22. Are verbal agreements legally binding under Indian Contract Law?
23. Can a consumer file a complaint against a service provider for deficiency of service without a written contract?
24. Is it mandatory for a FIR to be filed for the police to commence investigation on a cognizable offense?
25. Can a testamentary will be challenged on the grounds of undue influence?
26. Does the principle of 'double jeopardy' prevent someone from being tried again for the same crime?
27. Is insider trading a criminal offense under Indian law?
28. Can a foreign national file a case in Indian courts?
29. Are live-in relationships recognized by Indian law?
30. Is the death penalty constitutional in India?



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| 31. Can a company be a victim of defamation? | 41. Can the government censor online content under Indian law? |
| 32. Is the right to privacy a fundamental right under the Indian Constitution? | 42. Is affirmative action permissible under the Indian Constitution? |
| 33. Can a trademark be canceled for non-use? | 43. Can an accused be compelled to undergo a narco-analysis test? |
| 34. Is prenuptial agreement valid and enforceable in India? | 44. Are oral contracts enforceable in court under Indian law? |
| 35. Can an employee sue their employer for workplace harassment? | 45. Can a public interest litigation (PIL) be filed by any citizen? |
| 36. Is recording a private conversation without consent legal in India? | 46. Is it mandatory to register a marriage under Indian law? |
| 37. Can a minor be tried as an adult for serious offenses under Indian law? | 47. Can property be acquired by adverse possession under Indian law? |
| 38. Is it legal to use drones for commercial purposes in India? | 48. Is euthanasia legal in India? |
| 39. Can freedom of speech be restricted on the grounds of national security? | 49. Can a foreign decree be enforced in Indian courts? |
| 40. Are cryptocurrencies considered legal tender in India? | 50. Is it legal to record police officers in public while performing their duty? |

ANSWERS

- | | |
|---|--|
| 1. No, initial consent does not negate later allegations if consent is withdrawn. | 11. In cases of actions committed without premeditation or during a sudden quarrel. |
| 2. Deliberate act by the accused that directly induces the deceased to commit suicide. | 12. To thoroughly scrutinize detention orders ensuring they are not issued mechanically. |
| 3. Not for actions taken on behalf of clients in court, based on the current legal discussions. | 13. That preventive detention must not be applied routinely without proper consideration of individuals' rights. |
| 4. If committed without premeditation in a sudden quarrel. | 14. Yes, with proper certification under Section 65B of the Indian Evidence Act. |
| 5. No, unless directly connected to actions prejudicial to the maintenance of public order. | 15. Yes, under the right against self-incrimination. |
| 6. No, such restrictions violate the fundamental rights of the individual. | 16. Yes, if it affects the public at large. |
| 7. Exceptionally, considering the impact on freedom of speech. | 17. Yes, under specific circumstances as defined in copyright laws. |
| 8. Not for personal obligations requiring specific skills, but must discharge monetary liabilities. | 18. Yes, under certain conditions where the offense can be attributed to the actions of the company. |
| 9. It underscores the constitutional protection of freedom of speech. | 19. Yes, subject to conditions laid down in the Arbitration and Conciliation Act, 1996. |
| 10. Pending final determination, focusing on the distinction between court services and other legal services. | 20. Yes, under the Information Technology Act, 2000. |
| | 21. No, current laws require the adoptive parent(s) to be married. |

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| 22. Yes, if they meet the criteria of a valid contract except in cases where the law requires written form. | 37. Yes, for heinous offenses as per the Juvenile Justice (Care and Protection) Act, 2015. |
| 23. Yes, under the Consumer Protection Act, 1986 and 2019. | 38. Subject to regulations by the Directorate General of Civil Aviation. |
| 24. Not mandatory, but an FIR expedites the process. | 39. Yes, under reasonable restrictions specified in Article 19 of the Constitution. |
| 25. Yes, on grounds of undue influence, coercion, fraud, or incapacity. | 40. Not as legal tender, but trading and transactions are not banned. |
| 26. Yes, preventing prosecution for the same offense after acquittal or conviction. | 41. Yes, under the Information Technology Act, 2000. |
| 27. Yes, under the Securities and Exchange Board of India Act, 1992. | 42. Yes, for promoting equality among socially and educationally backward classes. |
| 28. Yes, subject to the jurisdiction and relevant laws. | 43. No, without consent, it's considered a violation of rights. |
| 29. Recognized to a certain extent for protection against violence and for property rights. | 44. Yes, depending on the circumstances and the ability to prove the terms. |
| 30. Yes, but applied in the "rarest of rare" cases. | 45. Yes, if it raises issues of public interest. |
| 31. Yes, if it affects its business reputation. | 46. It's recommended for legal recognition of marital rights. |
| 32. Yes, as affirmed by the Supreme Court in 2017. | 47. Yes, under the Limitation Act. |
| 33. Yes, for non-use over a specified period. | 48. Passive euthanasia is permissible under strict guidelines. |
| 34. Not legally binding but can serve as evidence in matrimonial disputes. | 49. Yes, subject to the principle of 'comity of nations' and specific conditions. |
| 35. Yes, under the Sexual Harassment of Women at Workplace Act, 2013. | 50. Generally yes, but must not interfere with their duties and subject to legal restrictions. |
| 36. Generally illegal unless for security or evidence purposes, with legal restrictions. | |

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