

**JANUARY
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LAW Grid

(a monthly Legal compendium)



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SUPREME COURT ACQUITS WOMAN IN 23-YEAR-OLD MURDER CASE AFTER FINDING HER TO BE A JUVENILE AT THE TIME OF OFFENCE

“ CONTEXT

The Supreme Court acquitted a woman who was previously sentenced to life imprisonment for a murder committed in 2000, upon discovering she was a juvenile at the time of the offence. The Bench of Justices Abhay Oka and Ujjal Bhuyan overturned the concurrent findings of the High Court and the Trial Court, emphasizing that the accused was a juvenile and thus ineligible for punishment under the Juvenile Justice Act.

LEGAL OUTLOOK

Acquittal by Supreme Court: The woman, previously sentenced to life imprisonment for murder, was acquitted by the Supreme Court.

Juvenile Status Recognized: The court recognized the accused as a juvenile at the time of the offence, based on the Juvenile Justice Act provisions.

Sentence Overturned: The life sentence was overturned, noting that the maximum ac-

tion for a juvenile would be placement in a special home. **Incarceration Acknowledged:** The court acknowledged the accused had already served more than eight years of incarceration as a juvenile.

Impugned Orders Quashed: The Supreme Court quashed the orders of the High Court and the Trial Court insofar as they related to the accused, citing her juvenile status at the time of the offence.

CHILDREN FROM VOID MARRIAGE CAN'T BE DENIED SHARE IN THEIR PARENT'S PROPERTY: SUPREME COURT

LEGAL OUTLOOK

Recognition as Legitimate: Children

from void and voidable marriages are recognized as legitimate for property inheritance.

Entitlement to Share: These children are entitled to the same share in the common ancestor's property as those from valid marriages.

High Court's Findings Reversed: The Supreme Court overturned the High Court's decision that had denied these children their share.

Evidence of Legitimacy: The common ancestor's acknowledgment of these children as his own is considered valid evidence of their legitimacy.

“ CONTEXT

The Supreme Court ruled that children born from void and voidable marriages are to be considered legitimate and entitled to a share in their common ancestor's property. This landmark judgment by Justices MM Sundresh and SVN Bhatti reverses the High Court's decision, affirming that such children should be treated as part of the extended family for property division purposes.

Equal Shares in Property: The court decreed that all children, regardless of the legitimacy of their parents' marriage, are entitled to equal shares in the common ancestor's property.



SUPREME COURT DISMISSES BILKIS BANO CASE CONVICTS' PLEA TO EXTEND TIME TO SURRENDER BEFORE JAIL AUTHORITIES

LEGAL OUTLOOK

Applications Dismissed: The Supreme Court dismissed the convicts' pleas for more time to surrender.

No Merit in Reasons: The Court found the reasons provided by the convicts for seeking an extension to be unconvincing.

Mandatory Surrender: The convicts are required to surrender to jail authorities by January 21.

Revocation of Premature Release: The Court's January 8 judgment annulled the

Applications Dismissed: The Supreme Court dismissed the convicts' pleas for more time to surrender.



Gujarat government's remission orders that had allowed the early release of the convicts.

Jurisdictional Issue Highlighted: The Supreme Court noted that the Gujarat government lacked jurisdiction to grant remission, as the trial was conducted in Maharashtra.

“ CONTEXT

The Supreme Court rejected the applications of all eleven convicts in the Bilkis Bano case who sought additional time to surrender to jail authorities. The Court found their reasons for seeking an extension to be without merit, mandating their surrender by the original deadline of January 21. This follows the Court's January 8 judgment, which revoked their premature release granted by the Gujarat government.



SUPREME COURT QUASHES RAPE CASE AS FIR WAS LODGED 34 YEARS AFTER THE ALLEGED INCIDENT

“ CONTEXT

The Supreme Court quashed criminal proceedings against a man accused of raping a minor, highlighting the significant delay of 34 years in filing the FIR. The court noted the lack of explanation for this delay and considered the treatment of the son born from the relationship, indicating consensual relations, to quash the proceedings.

LEGAL OUTLOOK

Quashing of Proceedings: The Supreme

Court quashed the criminal proceedings due to the extensive delay in filing the FIR.

Consideration of Relationship: The court considered the accused's treatment of the son born from the relationship as indicative of consensual relations.

Lack of Explanation for Delay: The court noted the absence of any justification for the 34-year delay in filing the FIR.

Magistrate's Decision Overruled: The Supreme Court found fault with the Magistrate's decision to take cognizance despite the Investigating Officer's final report suggesting otherwise.

Abuse of Process of Law: The continuation of proceedings was deemed an abuse of the legal process, leading to their quashing.



SUPREME COURT ISSUES DIRECTIONS FOR PROTECTION OF CHITTORGARH FORT, PROHIBITS BLASTING ACTIVITIES WITHIN 5 KMS RADIUS

“ CONTEXT

The Supreme Court, recognizing the historical significance of Chittorgarh Fort in Rajasthan, has issued orders to safeguard it from the impacts of blasting activities related to limestone mining within a 5-kilometer radius. The Court has allowed manual or mechanical mining operations within this radius, provided there is a valid lease, and has also mandated the formation of an Expert Committee to assess environmental pollution and the impact of blasting beyond this radius.

Prohibition of Blasting: Blasting or the use of explosives for mining within a 5-kilometer radius of Chittorgarh Fort is banned.

Allowance of Manual/Mechanical Mining: Manual or mechanical mining operations are permitted within this radius, subject to legal leasing.

Formation of Expert Committee: An Expert Committee is to be established to study the environmental and struc-

tural impacts of blasting beyond the 5-kilometer radius.

Historical Preservation vs. Mineral Exploitation: The Court highlighted the conflict between preserving historical sites and exploiting mineral resources, emphasizing sustainable exploitation.

Comprehensive Environmental Study: The Court ordered a detailed study by the Expert Committee to explore the latest techniques and technologies for safe mining operations.

SETTING PERSON ON FIRE 'EXTREME CRUELTY': SUPREME COURT UPHOLDS MURDER CONVICTION, LIFE IMPRISONMENT OF MAN WHO KILLED WIFE

“ CONTEXT

The Supreme Court dismissed an appeal by a man convicted of murdering his wife by setting her on fire, labeling the act as 'extreme cruelty' and affirming it falls under Section 302 of the IPC (Punishment for Murder). The appellant, who had been released on bail in 2012 after serving 12 years, was ordered to surrender within 4 weeks, failing which non-bailable warrants would be issued against him.

LEGAL OUTLOOK

Dismissal of Appeal: The Supreme Court

dismissed the man's appeal against his life imprisonment sentence for murdering his wife.

Act of Extreme Cruelty: The Court categorized setting

a person on fire as an act of extreme cruelty, meriting punishment under Section 302 IPC.

Mandatory Surrender: The appellant was ordered to surrender to jail authorities within 4 weeks, with instructions for issuing non-bailable warrants upon failure to do so.

Upholding Lower Court Decisions: The Supreme Court upheld the Trial Court and High Court's decisions, finding no infirmity in the judgments.

Rejection of Defense Plea: The Court noted that

the defense plea, suggesting the case fell under Section 304 Part 1 IPC (culpable homicide not amounting to murder), was not raised during the trial or at the time of recording the appellant's statement under Section 313 CrPC.





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'BLENDER'S PRIDE' V. 'LONDON PRIDE': WHISKEY BOTTLES PRODUCED BEFORE SUPREME COURT TO SHOW TRADEMARK INFRINGEMENT

“ CONTEXT

The Supreme Court issued notice on a plea by Pernod Ricard India Pvt Ltd, challenging the Madhya Pradesh High Court's refusal to grant an injunction against the alleged trademark infringement of their whiskey brands "Blender's Pride" and "Imperial Blue" by "London Pride". Senior Advocate Mukul Rohatgi, representing the petitioner, highlighted the striking similarities in bottle design, packaging, and name, arguing for the protection of their registered trademarks.

LEGAL OUTLOOK

Issuance of Notice: The Supreme Court

issued notice on the special leave petition and the stay petition filed by Pernod Ricard India.

Presentation of Evidence: Physical bottles were presented before the bench to demonstrate the alleged infringement.

Allegations of Infringement: The petitioner claimed infringement on three fronts:

the registered mark, name, and packaging, including the bottle design.

High Court's Refusal: The Madhya Pradesh High Court had previously refused to grant an injunction, suggesting that premium whiskey consumers could differentiate between the brands.

Request for Stay: The petitioner requested a stay on the High Court's order, emphasizing the importance of interim relief in such cases.

IF CONSENT OF WOMAN WAS BASED ON FALSE PROMISE OF MARRIAGE FROM INCEPTION, OFFENCE OF RAPE IS MADE OUT: SUPREME COURT

“ CONTEXT

Reiteration of Legal Principle: The Supreme Court reiterated the principle that consent obtained under a false promise of marriage from the beginning constitutes rape.

Case Specific Observations: In the specific case, the Supreme Court found it implausible that the complainant consented to a physical relationship from 2013 to 2017 based solely on a false promise of marriage. **Consideration of 'Nikahnama':** The Court considered the 'Nikahnama' presented by the appellant, indicating that a marriage had taken place, which contradicted the complainant's claim of a false promise.

Engagement Acknowledged: The Court noted that the complainant acknowledged the engagement and participated in the ceremony without protest.

The Supreme Court reiterated that for the offence of rape based on a false promise of marriage to be sustained, it must be proven that the consent was obtained by a false promise right from the start. The Court was hearing an appeal against the refusal of the Bombay High Court to quash a rape case, where the accused allegedly maintained a physical relationship under the pretense of marriage, which was later found to be false.

Quashing of Prosecution: The Supreme Court held that continuing the prosecution would be an abuse of the legal process, as the foundational claim of a false promise from the inception was not substantiated.

'PUBLISHED IN GOOD FAITH': SUPREME COURT QUASHES DEFAMATION CASE AGAINST NEWSPAPER OWNER FOR REPORT AGAINST ADVOCATE

LEGAL OUTLOOK

Quashing of Defamation Case: The Supreme Court

quashed the criminal defamation case against the newspaper owner.

Recognition of Good Faith: The Court observed that the article was published in good faith and as an exercise of the fundamental right to freedom of speech and expression.

Support for Magistrate's Decision: The Supreme

Court agreed with the Magistrate's decision to reject the complaint, finding it neither illegal nor unjustified.

Protection of Freedom of Speech: The Court emphasized the importance of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution.

Termination of Proceedings: All proceedings against the accused in connection with the defamation complaint were quashed.

“ CONTEXT

The Supreme Court quashed a criminal defamation case against the owner of the 'Sunday Blast' newspaper, based in Madhya Pradesh, for publishing an article in 2013 that alleged an advocate filed a false case against a Pan Masala trader. The Judicial Magistrate initially rejected the complaint, but the Sessions Court restored it, a decision upheld by the Madhya Pradesh High Court, leading the accused to approach the Supreme Court.





WON'T ALLOW TREES TO BE CUT SO EASILY: SUPREME COURT ASKS CEC TO EXAMINE IF TREE FELLING IS NECESSARY TO BUILD ROAD

LEGAL OUTLOOK

CEC Examination Requested:

The Supreme Court tasked the CEC with determining if road construction could avoid tree felling.

State's Application Criticized: The Court criticized the State's vague application for tree felling and stressed the importance of tree conservation. **Sketch Requirement:** The State must provide a road alignment sketch, marking the trees in question, to assist the CEC's examination.

Feasibility of Translocation: The Divisional Forest Officer is to report on the possibility of translocating some trees, and the State must detail compensatory afforestation plans.

CONTEXT

During a PIL concerning environmental issues in the Taj Trapezium Zone, the Supreme Court directed the Centrally Empowered Committee (CEC) to assess if the construction of the Agra-Jalesar-Etah road in Uttar Pradesh could proceed without cutting down 3874 trees. The State's application for tree felling was deemed "vague" by the Court, which emphasized the duty of both citizens and the State to protect trees.

Further Directions: The Court scheduled further review for March 12, 2024, and instructed the State to prepare a compensatory afforestation plan.

GYANVAPI-VYAS JI TAHKHANA CASE: MAKE ARRANGEMENTS FOR 'PUJA/ RAGA-BHOGA' OF IDOLS INSIDE MOSQUE'S SOUTHERN CELLAR: VARANASI COURT TO DM

CONTEXT

The Varanasi District Judge ordered the District Administration to facilitate Hindu worship rituals within 7 days in a sealed cellar of the Gyanvapi mosque complex, where worship was halted in 1993. This directive pertains to the 'Somnath Vyas' tahkhana within the mosque, historically used by the Vyas family for religious ceremonies until a state government directive ceased the practices.

LEGAL OUTLOOK

Directive to District Administration: The

Varanasi District Judge mandated the creation of arrangements for Hindu worship in the Gyanvapi mosque's southern cellar.

Historical Context: Worship in the 'Somnath Vyas' tahkhana was discontinued in 1993 following a state government order.

Operative Order Details: The DM is instructed to ensure puja and offerings to the idols in the cellar, with arrangements to be made within 7 days.



ALIGARH MUSLIM UNIVERSITY CASE: CAN INSTITUTION OF NATIONAL IMPORTANCE HAVE MINORITY CHARACTER? SUPREME COURT DISCUSSES

LEGAL OUTLOOK

Supreme Court's Inquiry: The

Court explored the compatibility of minority status with the designation of an institution as one of national importance.

Government's Stance: The Union Government contended that an institution of national importance should not have a minority status to ensure broad accessibility.

CJI's Observations: Chief Justice DY Chandrachud noted that there isn't an inherent inconsistency between an institution being of national

importance and having a minority character.

Article 30 Rights: AMU's counsel argued that the constitutional right under Article 30, granting minorities the right to establish and administer educational institutions, should not be limited by legislative competencies outlined in the Constitution's schedules.

Legislative Competence: The Court clarified that institutions like AMU and BHU fall under the exclusive legislative competence of Parliament due to their national importance.

CONTEXT

The Supreme Court, on the 7th day of hearings regarding the minority status of Aligarh Muslim University (AMU), deliberated whether an institution declared of national importance, like AMU, can also possess a minority character. The Union Government argued against granting minority status to such institutions, citing potential restrictions on access for various societal sections and the exclusion of reservations for SC/ST/SEBC categories.





WOMEN'S RESERVATION CASE: NATIONAL FEDERATION OF INDIAN WOMEN APPROACHES SUPREME COURT FOR IMMEDIATE IMPLEMENTATION OF WOMEN'S RESERVATION

Challenge to Delimitation Clause: The plea contests the postponement of women's reservation implementation based on a future delimitation exercise.

Legislative Background: The constitutional amendment for women's reservation was signed into law but awaits delimitation for activation.

Supreme Court's Consideration: The Court is reviewing the plea alongside related petitions, questioning the delay in implementing the reservation.

CONTEXT

The Supreme Court heard a plea by the National Federation of Indian Women challenging the 'delimitation clause' of the Constitution (One Hundred and Sixth Amendment) Act, 2023, which delays the implementation of women's reservation in legislative bodies until after a delimitation exercise post the next census.

'CAN SAY THERE EXISTED A LARGE HINDU TEMPLE BEFORE GYANVAPI MOSQUE'S CONSTRUCTION', CONCLUDES ASI'S SURVEY REPORT

CONTEXT

The Archaeological Survey of India (ASI) released a survey report on the Gyanvapi Mosque in Varanasi, asserting the prior existence of a large Hindu temple on the site. The report highlights the discovery of temple parts, including pillars, reused in the mosque's construction, and 34 inscriptions indicating the temple's presence.

ASI's Assertion: The ASI report claims the existence of a Hindu temple before the Gyanvapi Mosque, based on architectural and archaeological evidence.

Inscription Evidence: The survey uncovered 34 inscriptions, many on stones from the pre-existing temple, reused in the mosque's construction.

Deity Names Identified: Inscriptions revealed names of deities such as

Janardhana, Rudra, and Um??vara, supporting the temple's existence.

Survey Background: The ASI conducted the survey following a Varanasi District Judge's order to investigate the mosque's historical foundations.

Supreme Court's Role: The Supreme Court allowed the ASI survey, except in the 'wuzukhana' area, ensuring no excavation or damage to the structure.

SUPREME COURT REJECTS CHALLENGE TO CENTRE'S NOTIFICATION BRINGING MEDICAL DEVICES WITHIN DEFINITION OF 'DRUGS'

CONTEXT

The Supreme Court upheld the Delhi High Court's decision, affirming the Central Government's notifications that classified medical devices like nebulizers, blood pressure monitors, digital thermometers, and glucometers as "drugs." The Court dismissed the Special Leave Petition filed by the Surgical Manufacturers and Traders Association, emphasizing patient safety and the need for standard regulations.

LEGAL OUTLOOK

Upholding of Notifications: The Supreme Court supported the inclusion of certain medical devices within the definition of "drugs" for regulatory purposes.

Patient Safety Concerns: The Court highlighted the notifications' intent to ensure patient safety by standardizing medical device regulations.

Rejection of Consultation Argument: The Court dismissed the argument that there was inadequate consultation with medical device experts, noting the potential conflict of interest if industry insiders were regulators.

High Court's Comprehensive Review: The Supreme Court noted the Delhi High Court's thorough examination

of the matter and agreed with its conclusions.

Standardization for Patient Welfare: The Court

emphasized that without standardization, patients could suffer from the use of sub-standard devices.





IN CASES BETWEEN ED & STATE OFFICIALS, THERE SHOULD BE FAIR PROBE; NO VINDICTIVE ARRESTS: SUPREME COURT MULLS FRAMING GUIDELINES

“ CONTEXT

The Supreme Court expressed its intention to establish guidelines ensuring fair and transparent investigations in cases involving the Directorate of Enforcement (ED) and state government officials. The Court emphasized the need to balance the prosecution of genuine offenders with the prevention of vindictive arrests and mala-fide witch-hunting.

Guideline Proposal: The Supreme Court proposed developing a mechanism applicable across India to ensure fair investigations involving ED and state officials.

Case Background: The Court was hearing a petition by the ED seeking to transfer a bribery case investigation from the Tamil Nadu Directorate of Vigilance and Anti-Corruption to the CBI.

Interim Direction: The Tamil Nadu Directorate of Vigilance and Anti-Corruption was in-

structed not to proceed with the investigation against the ED officer involved until further notice.

Concerns Over Federal Structure: The Court acknowledged the need to address the larger issue of maintaining the federal structure of the country while ensuring justice.

Mechanism Suggestion: The Court suggested a possible joint investigation team under the supervision of a retired DGP or a former High Court judge to investigate such cases transparently.

CONVICTION CANNOT BE BASED ON SUSPICION: SUPREME COURT ACQUITS ACCUSED IN 15 YR OLD MURDER CASE

Acquittal of Accused: The Supreme Court acquitted the accused, rejecting the lower courts' reliance on suspicious recovery of a blood-stained weapon as the basis for conviction.

Insufficiency of Sole Circumstantial Evidence: The Court stated that the sole circumstance of recovering a blood-stained weapon cannot lead to conviction unless it is directly connected to the murder by the accused.

Importance of Proof Beyond Reasonable Doubt: The Court reiterated that suspicion, however strong, cannot replace the requirement for proof beyond reasonable doubt.

Rejection of FSL Report: The Court dismissed the Forensic Science Laboratory (FSL) report's findings as inconclusive since it did not confirm that the blood on the dagger belonged to the deceased.

“ CONTEXT

The Supreme Court overturned the convictions by the High Court and Trial Court in a 15-year-old murder case, emphasizing that conviction cannot be based solely on suspicion or the recovery of a blood-stained weapon. The Court highlighted the lack of direct evidence connecting the accused to the murder, noting that the blood on the recovered dagger did not match the blood group of the deceased.

Non-Explanation Under Section 313 Cr.P.C.: The Court clarified that an accused's failure to provide an explanation under Section 313 of the Cr.P.C. cannot be used as a conclusive link in the chain of circumstances leading to conviction.

PUBLIC INTEREST LITIGATION CAN'T BE ENTERTAINED WHEN IT RAISES PERSONAL GRIEVANCES: SUPREME COURT

LEGAL OUTLOOK

Dismissal of PIL: The Supreme Court dismissed the PIL for intertwining personal grievances with public interest issues.

Personal Grievances in PIL: The Court highlighted that the petitioner's personal involvement in the matter, particularly the CIRP against his hospital, made the PIL inappropriate.

Objective of PIL: The primary objective of the PIL was to advocate for the implementation of guidelines for medical research and to address

regulatory challenges faced by the petitioner.

Court's Observation: The Court observed that personal interests cannot be furthered under the guise of a PIL, emphasizing the need for genuine public interest in such litigations.

Rejection of Petitioner's Argument: Despite the petitioner's argument that his case could serve as an example for broader public interest issues, the Court found the inclusion of personal grievances in the PIL to be a decisive factor for its dismissal.

“ CONTEXT

The Supreme Court dismissed a PIL filed by Dr. KM Cherian, a renowned cardiac surgeon, which sought the implementation of NITI AYOGE's recommendations for streamlining medical research in India. The Court noted that the petition also aimed to address personal grievances related to the Corporate Insolvency Resolution Process (CIRP) against the petitioner's private hospital, which it deemed impermissible in a PIL.





'YOU'RE IN A POSITION OF DOMINANCE': SUPREME COURT REFUSES ANTICIPATORY BAIL TO FORMER KERALA GOVT PLEADER ACCUSED OF RAPING CLIENT

“ CONTEXT

The Supreme Court dismissed the anticipatory bail plea of Advocate PG Manu, a former Government Pleader at the Kerala High Court, accused of raping a client who had approached him for legal assistance in another sexual assault case. The Court highlighted the petitioner's position of dominance over the victim and found no infirmity in the Kerala High Court's decision to refuse anticipatory bail.

LEGAL OUTLOOK

Dismissal of Anticipatory Bail: The Supreme Court dismissed the anticipatory bail plea of the accused, emphasizing his position of dominance over the victim.

Grant of Time to Surrender: The Court granted the petitioner 10 days to surrender to the police, considering his legal representation's request.

Consideration of Bail Upon Arrest: The Court maintained the High Court's

direction that the Judicial Magistrate should consider the petitioner's bail application promptly if arrested.

Resignation from Government Position: Following the allegations, the petitioner resigned from his role as a Government Pleader.

Rejection of Consensual Relationship Argument: The Court disagreed with the defense's suggestion that the relationship between the petitioner and the victim was consensual, given the power dynamics involved.

KRISHNA JANMABHOOMI CASE | NO COMMISSION SURVEY OF SHAHI EIDGAH MOSQUE TILL APRIL AS SUPREME COURT EXTENDS STAY

LEGAL OUTLOOK

Adjournment of Hearing: The Supreme Court postponed the hearing of the Krishna Janmabhoomi-Shahi Eidgah Mosque dispute cases to April.

Extension of Interim Stay: The Court extended the interim stay on the High Court's order for the appointment of a commissioner to inspect the mosque premises.

Completion of Pleadings: The parties were directed to complete their pleadings and submit written submissions along with relevant judgments.

Background of the Dispute: The controversy revolves around the Shahi Eidgah mosque, alleged to have been built after demolishing a temple at Lord Krishna's birthplace, leading to various legal challenges.

“ CONTEXT

The Supreme Court adjourned the Krishna Janmabhoomi-Shahi Eidgah Mosque dispute cases until April, maintaining the interim stay on the Allahabad High Court's order that appointed a commission to inspect the mosque's premises in Mathura, Uttar Pradesh. The bench, comprising Justices Sanjiv Khanna and Dipankar Datta, was considering petitions challenging the High Court's decisions related to the land dispute and the appointment of a court commissioner for inspection.

High Court's Transfer Order: The Allahabad High Court had transferred all suits related to the dispute to itself, which has been challenged in the Supreme Court.

SUPREME COURT DISMISSES ANDHRA PRADESH PLEA AGAINST CHANDRABABU NAIDU'S ANTICIPATORY BAIL IN IRR ALIGNMENT 'SCAM'

LEGAL OUTLOOK

Dismissal of Special Leave Petition: The Supreme Court dismissed the Andhra Pradesh government's petition against the anticipatory bail awarded to Chandrababu Naidu.

Reference to Co-Accused's Case: The Court referred to a previous order dismissing a similar plea against co-accused in the same FIR, deciding not to entertain Naidu's case based on precedent.

Investigation Uninfluenced by High Court's Observations: The Court clarified that the High Court's observations should not affect the ongoing investigation, allowing the investigating agency to proceed freely.

Liberty to Move for Bail Cancellation: The Court stated that if Naidu does not cooperate with the investigation, the state has the liberty to seek cancellation of his bail in lower courts.

Allegations of Scam and Corruption: Naidu is ac-

“ CONTEXT

The Supreme Court declined to entertain the Andhra Pradesh government's petition challenging the anticipatory bail granted to former Chief Minister N Chandrababu Naidu in the Inner Ring Road (IRR) alignment scam case. The bench noted the case's similarity to another where the plea against anticipatory bail for co-accused was dismissed, emphasizing that the investigation could proceed uninfluenced by the High Court's observations.

cused of corrupt practices related to the Master Plan for Amaravati and the IRR alignment, purportedly to benefit associates, during his tenure as Chief Minister.





CENTRE'S 2011 CASTE CENSUS REPORT UNHELPFUL TO IDENTIFY SOCIALLY & EDUCATIONALLY BACKWARD CLASSES: KERALA GOVT TELLS SUPREME COURT



LEGAL OUTLOOK

Denial of Willful Non-Compliance:

Kerala government denied allegations of intentionally disregarding the Supreme Court's directives for a socio-economic study to identify SEBCs.

Inadequacy of the 2011 Census Report: The state contended that the 2011 Socio-Economic Caste Census report forwarded to it does not contain useful data for identifying SEBCs or any socio-economic caste data.

Request for Central Government Data: Kerala has sought socio-economic data from the Centre for the identification of backward classes but claims it has not received the necessary information.

Question on Contempt Petition's Maintainability: The state questioned the maintainability of the contempt petition, suggesting that the Supreme Court's proceed-

CONTEXT

The Kerala government responded to a contempt petition in the Supreme Court, asserting that it has not willfully disobeyed the Court's order to conduct a socio-economic study for revising the reservation list for Socially and Educationally Backward Classes (SEBC) in the state. The government argued that the 2011 Socio-Economic Caste Census report provided by the Centre lacks the necessary socio-economic caste data to identify SEBCs within Kerala.

ings had concluded at the special leave petition stage.

Commitment to Backward Classes and Scheduled Castes/Tribes: Despite the legal challenges, the Kerala government affirmed its dedication to constitutional mandates for the welfare of backward classes and scheduled castes/tribes.

FOR CONVICTION UNDER SC/ST ACT, OFFENCE OF OUTRAGING WOMAN'S MODESTY MUST BE COMMITTED ON GROUND OF CASTE: SUPREME COURT



CONTEXT

The Supreme Court clarified that for a conviction under Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, the act of outraging a woman's modesty must be committed specifically on the ground of her caste. The Court overturned the convictions by the High Court and Trial Court, stating that the offence must be committed with the intention that it was being done because the victim belonged to a Scheduled Caste or Scheduled Tribe.

LEGAL OUTLOOK

Intention Based on Caste Necessary:

The Supreme Court emphasized that the intention behind the act of outraging modesty must be based on the victim's caste for a conviction under the SC/ST Act.

Acquittal of the Accused: The Court acquitted the accused, noting that the allegations did not indicate that the act was committed with the intention of targeting the victim's caste.

Clarification of Section 3(1)(xi): The Court provided clarity on the interpretation of Section 3(1)(xi), stating that

the offence's commission must be linked to the victim's caste identity.

Reference to Previous Judgments: The Court referred to previous judgments to reinforce the necessity of caste-based intention for offences under the SC/ST Act.

Dismissal of High Court's Conviction: The Supreme Court set aside the High Court's conviction under the SC/ST Act, stating it was not sustainable on merits.



CAN HINDU LAW PRINCIPLES BE APPLIED WHILE DECIDING INHERITANCE RIGHTS UNDER MOHAMMEDAN LAW? SUPREME COURT TO EXAMINE

LEGAL OUTLOOK

Examination of Legal Principles: The Supreme Court will examine the applicability of Hindu law principles in inheritance disputes governed by Mohammedan law.

Partition Suit Background: The case originates from a partition suit filed by sons from the defendant's first marriage, claiming their share of ancestral property.

Controversy Over Relinquishment: The defendant argued that his first wife relinquished her children's

rights over the property, a concept challenged based on its relevance under Mohammedan law.

High Court's Stance: The High Court rejected the defendant's argument, stating that a mother, not being a coparcener or Kartha, cannot relinquish her minor children's rights in the property.

Supreme Court's Scrutiny: The Supreme Court's decision to examine this issue underscores the complexities involved in applying principles from one personal law system to another.

CONTEXT

The Supreme Court is set to delve into a significant legal question: whether Hindu law principles can be applied in determining inheritance rights under Mohammedan law. This inquiry arises in a partition case where the plaintiffs, sons from the first marriage of the defendant, seek their share of ancestral property. The case highlights a dispute where the defendant's first wife allegedly relinquished her children's rights over the property, a concept akin to the Hindu Undivided Family system, raising questions about its applicability in Mohammedan law contexts.



PAWAN KHERA CASE: SUPREME COURT REFUSES TO QUASH CRIMINAL CASE AGAINST CONGRESS LEADER PAWAN KHERA OVER REMARK AGAINST PM NARENDRA MODI

CONTEXT

The Supreme Court dismissed Congress spokesperson Pawan Khera's plea to quash criminal proceedings against him for an alleged remark about Prime Minister Narendra Modi. The bench of Justices BR Gavai and Sandeep Mehta declined the special leave petition against the Allahabad High Court's decision, which had refused to quash the criminal proceedings.

Dismissal of Plea: The Supreme Court dismissed Pawan Khera's plea for quashing criminal proceedings related to his 'Narendra Gautam Das Modi' comment.

Observations on Apologies: The Court noted Khera's apologies but emphasized the reliance on the chargesheet for the proceedings.

Charges Against Khera: Khera faces charges including defamation, promoting enmity, and disturbing public

peace under various sections of the IPC.

Background of the Case: Khera made the controversial remark at a press conference, leading to multiple FIRs and his subsequent arrest by the Assam police.

High Court's Stance: The Allahabad High Court had earlier refused to quash the summons and chargesheet against Khera, directing him to raise his contentions before the jurisdictional court.

'WRITING SUCH JUDGMENTS ABSOLUTELY WRONG': SUPREME COURT QUESTIONS CALCUTTA HC VERDICT ADVISING ADOLESCENT GIRLS TO CONTROL SEXUAL URGES

CONTEXT

The Supreme Court criticized a Calcutta High Court judgment that advised adolescent girls to 'control their sexual urges' to avoid societal judgment. The top court found the observations problematic and questioned the legal principles invoked in the ruling, taking suo motu cognisance of the case titled 'In Re: Right to Privacy of Adolescent.'

Criticism of High Court Observations: The Supreme Court criticized the Calcutta High Court's advisories to teenagers as 'problematic' and 'unwarranted.'

Suo Motu Cognisance: The Supreme Court took suo motu cognisance of the case, emphasizing the violation of adolescents' rights under Article 21.

Appointment of Amicus Curiae: Senior Advocate Madhavi Divan was appointed as amicus curiae to

assist the court in this matter.

State's Appeal: The State of West Bengal filed an appeal against the High Court judgment, which will be heard alongside the suo motu petition.

Questioning Legal Principles: The Supreme Court expressed concerns about the High Court's application of legal principles, particularly in the context of the POCSO Act and adolescent consent.



TENANT CAN'T CLAIM ADVERSE POSSESSION AGAINST LANDLORD; TENANCY IS PERMISSIVE POSSESSION: SUPREME COURT

LEGAL OUTLOOK

Tenancy as Permissive Possession:

The Court emphasized that tenancy is a form of permissive possession, negating the possibility of claiming adverse possession by tenants against landlords.

Rejection of Adverse Possession Claim: The Supreme Court found the High Court's conclusion that the suit was time-barred due to the defendants' adverse possession since 1944 to be erroneous.

Clarification on Ownership and Possession: The Supreme Court stated that the plaintiff's ownership and title were established through a registered sale deed in 1966, and any dispute regarding possession with the defendants would only arise post this date.

Suit Filed Within Limitation Period: The Court noted that the suit filed in 1975 was within the 12-year limitation

CONTEXT

The Supreme Court clarified that tenants cannot claim adverse possession against their landlords as their possession is inherently permissive. This decision came in an appeal where the plaintiff challenged the Allahabad High Court's judgment dismissing a suit for ownership/possession as time-barred, based on the defendants' claim of having perfected their title by adverse possession.

period from the date of the sale deed, making it timely. **Acquittal of the Plaintiff-Appellant:** The Supreme Court allowed the appeal, maintaining the First Appellate Court's decree for possession and clarifying that the period for claiming adverse possession started in 1966, making the suit filed in 1975 well within the limitation period.

NO CASE OF RAPE BY FALSE PROMISE OF MARRIAGE WHEN MARRIAGE WAS SOLEMNISED ULTIMATELY: SUPREME COURT

CONTEXT

The Supreme Court quashed a criminal case against an individual accused of raping a 25-year-old woman under the pretext of marriage, ruling that the relationship was consensual and culminated in marriage. The Court found no basis for the allegation that the physical relationship was maintained due to a false promise of marriage, as the marriage was ultimately solemnized.

LEGAL OUTLOOK

Quashing of Criminal Case: The Supreme Court quashed the criminal proceedings, recognizing the consensual nature of the relationship that led to marriage. **Consensual Relationship Recognized:** The Court observed that the relationship between the appellant and the victim led to marriage, negating the claim of rape by false promise of marriage. **Victim's Acknowledgment of Marriage:** The Court noted the victim's acknowledgment of marriage in a legal notice, which called upon the appellant to arrange for

"Vidai" (send-off post-marriage).

No Basis for Rape Allegation: The Court concluded that the allegations in the FIR did not provide a sufficient ground for proceeding against the appellant on charges of rape by false promise of marriage.

Appeal Allowed: The Supreme Court allowed the appellant's appeal, emphasizing that the allegations made did not constitute a case where a prudent person could conclude sufficient grounds for proceeding against the appellant.

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Important Questions



1. Can a person be sentenced to life imprisonment for a crime committed as a juvenile under the Juvenile Justice Act?
2. Are children born from void or voidable marriages entitled to a share in their common ancestor's property?
3. Can convicts seek an extension of time to surrender after the Supreme Court has set aside their premature release?
4. Does consent obtained under a false promise of marriage from the start constitute the offence of rape?
5. Can the Central Government's notification classifying certain medical devices as "drugs" be legally upheld to ensure patient safety and standardization?
6. Can a Public Interest Litigation be entertained by the Supreme Court when it encompasses personal grievances of the petitioner?
7. Can a person in a position of dominance seeking anticipatory bail in a rape case be granted relief based on the argument of a consensual relationship?
8. Is setting a person on fire considered 'extreme cruelty' and punishable under Section 302 IPC for murder?
9. Can physical similarities in bottle design, packaging, and name between two whiskey brands constitute trademark infringement?
10. Can consent obtained under a false promise of marriage from the beginning constitute the offence of rape, as such consent is considered invalid due to the deceit involved?
11. Can archaeological survey findings legally substantiate claims of a pre-existing religious structure on a contested site?
12. Can criminal proceedings be quashed due to a significant delay in filing the FIR without a reasonable explanation?
13. Can the Supreme Court restrict mining activities near historical monuments to protect them from potential damage?
14. Can a person be convicted based solely on suspicion or the recovery of a blood-stained weapon in a murder case?
15. Can the Supreme Court refuse to entertain a plea against anticipatory bail granted to an accused if a similar plea against co-accused in the same case has been dismissed?
16. Is the State obligated to explore alternatives to tree felling for infrastructure projects to uphold environmental conservation?
17. Can the Supreme Court establish guidelines to ensure fair investigations in cases involving central agencies like the ED and state government officials without compromising the federal structure?
18. Can a state government be held in contempt for not conducting a socio-economic study to identify SEBCs if the central government's provided data is deemed inadequate?
19. Is there a case of rape by false promise of marriage if the marriage between the parties is ultimately solemnized?
20. Can the Supreme Court extend an interim stay on a High Court order appointing a commission to inspect a religious site involved in a land dispute?
21. Can an institution designated as of national importance by the Constitution also be recognized as a minority institution under Article 30?
22. Can a court order facilitate religious worship in a historically contested space within a religious structure of another faith?
23. Can the Supreme Court refuse to entertain a plea against anticipatory bail granted to an accused if a similar plea against co-accused in the same case has been dismissed?



24. Can a tenant claim adverse possession against their landlord under Indian law?
25. Is there a case of rape by false promise of marriage when the relationship between the parties is consensual and ultimately culminates in marriage?
26. Is it appropriate for a court to issue advisories on controlling sexual urges in a judgment involving adolescent sexual activity?
27. Can the Supreme Court critique and overturn High Court judgments based on moral advisories?
28. Can High Court judgments containing moral advisories to adolescents be considered a violation of the right to privacy?
29. Is a physical relationship based on a false promise of marriage considered rape if the marriage does not occur?
30. How does the Supreme Court view consensual relationships that are followed by marriage in cases of alleged rape by false promise of marriage?
31. Does the Supreme Court recognize the right of tenants to claim ownership of property through adverse possession?
32. Can a tenant become the owner of a property by living in it for a long period without the landlord's objection?
33. Is it within the Supreme Court's purview to address and correct lower court judgments that issue unsolicited moral advisories?
34. Can lower court advisories on personal conduct be challenged in the Supreme Court for violating constitutional rights?
35. Can the Supreme Court quash criminal proceedings based on an apology for remarks made against a public figure?
36. Is criticizing a Prime Minister in a public forum protected under freedom of speech?
37. Is it appropriate for courts to issue moral advisories to adolescents in legal judgments?
38. Can judicial remarks on controlling sexual urges violate adolescents' rights under Article 21?
39. Can Hindu law principles be applied to inheritance disputes under Mohammedan law?
40. Does the concept of Kartha from Hindu law apply to Muslim families for partition disputes?
41. Does marriage between the accused and the victim automatically negate a rape charge based on a false promise of marriage?
42. Can a rape allegation be sustained if the accused marries the victim after the alleged incident?
43. Is it within the Supreme Court's jurisdiction to critique and overturn High Court judgments based on moral advisories?
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ANSWERS

1. No, a person cannot be sentenced to life imprisonment for a crime committed as a juvenile; the maximum action under the Juvenile Justice Act would be placement in a special home for up to three years, recognizing the rehabilitative aim of juvenile justice.
2. Yes, the Supreme Court has affirmed that children born from void or voidable marriages are considered legitimate and entitled to an equal share in their common ancestor's property, overturning any previous denials based on the legitimacy of their parents' marriage.
3. No, the Supreme Court ruled that the convicts could not be granted an extension to surrender, as their reasons for seeking more time were found to be without merit, and they must comply with the Court's original deadline.
4. Yes, consent obtained under a false promise of marriage from the start constitutes the offence of rape, as such consent is considered invalid due to the deceit involved.
5. Yes, the Supreme Court upheld the Central Government's notification classifying certain medical devices as "drugs" to ensure patient safety and standardization, affirming the legal validity of such regulatory measures.
6. No, the Supreme Court cannot entertain a Public Interest Litigation that includes personal grievances of the petitioner, as it deviates from the essence of a PIL, which is meant to address broader public interest issues without personal motives.
7. No, the Supreme Court refused to grant anticipatory bail to a person in a position of dominance accused of rape, emphasizing the power imbalance and rejecting the argument of a consensual relationship.
8. Yes, the Supreme Court has affirmed that setting a person on fire constitutes 'extreme cruelty' and is punishable under Section 302 IPC as murder.
9. Yes, physical similarities in bottle design, packaging, and name between two whiskey brands can constitute trademark infringement, especially if such similarities lead to consumer confusion or deception regarding the origin of the products.
10. Yes, consent obtained under a false promise of marriage from the beginning constitutes the offence of rape, as such consent is considered invalid due to the deceit involved.
11. Archaeological survey findings, like those from the ASI regarding the Gyanvapi Mosque, can provide critical evidence in legal disputes over contested religious sites, potentially substantiating claims of pre-existing structures.
12. The Supreme Court can quash criminal proceedings if there is a significant and unexplained delay in filing the FIR, as such delays can undermine the integrity of the legal process and may indicate an abuse of the legal system.
13. The Supreme Court can impose restrictions on mining activities near historical monuments, such as prohibiting blasting within a certain radius, to protect these sites from potential damage and ensure their preservation.
14. No, the recovery of a blood-stained weapon alone cannot form the basis for convicting an accused in a murder case without corroborative evidence directly connecting the accused to the crime.
15. Yes, the Supreme Court can refuse to entertain a plea against anticipatory bail granted to an accused if a similar plea against co-accused in the same case has been dismissed, emphasizing consistency in judicial approach and allowing the investigation to proceed uninfluenced.
16. Yes, the State is obligated to explore alternatives to tree felling for infrastructure projects, emphasizing the duty to protect trees and uphold environmental conservation.
17. Yes, the Supreme Court can establish guidelines to ensure fair and transparent investigations in such cases, aiming to balance the prosecution of genuine cases with the prevention of mala-fide actions, while respecting the federal structure of the country.
18. The Kerala government's stance suggests that a state cannot be held in contempt for failing to conduct a socio-economic study to identify SE-BCs if the central government's provided data is inadequate and does not meet the requirements for such an identification process.



19. The Supreme Court held that there is no case of rape by false promise of marriage when the relationship between the parties is consensual and ultimately culminates in marriage.
20. Yes, the Supreme Court can extend an interim stay on a High Court order appointing a commission to inspect a religious site involved in a land dispute, pending further hearings and considerations.
21. The Supreme Court suggested that there isn't a fundamental inconsistency between an institution's status as one of national importance and its recognition as a minority institution, indicating that both attributes could potentially coexist.
22. The Varanasi District Court's order indicates that, under certain legal and historical contexts, courts can mandate arrangements for religious worship in contested spaces within religious structures, balancing historical practices and contemporary legal frameworks.
23. Yes, the Supreme Court can refuse to entertain a plea against anticipatory bail granted to an accused if a similar plea against co-accused in the same case has been dismissed, emphasizing consistency in judicial approach and allowing the investigation to proceed uninfluenced.
24. No, the Supreme Court ruled that a tenant cannot claim adverse possession against their landlord as the nature of tenancy is permissive, and such a claim is not legally sustainable.
25. The Supreme Court quashed a rape case where the accused married the victim, indicating that such allegations might not be sustained if the marriage is consensual.
26. The Supreme Court's criticism of the Calcutta High Court's advisories suggests that it is not appropriate for a court to issue such advisories, especially when they could violate the rights of adolescents under Article 21 of the Constitution.
27. Yes, it is within the Supreme Court's jurisdiction to critique and overturn High Court judgments if they contain inappropriate moral advisories and violate constitutional rights.
28. Yes, High Court judgments with moral advisories to adolescents can be considered a violation of the right to privacy, as per the Supreme Court's observation.
29. A physical relationship based on a false promise of marriage can be considered rape if the promise is proven to be false and the marriage does not occur.
30. The Supreme Court views consensual relationships followed by marriage as negating the basis for allegations of rape by false promise of marriage.
31. No, the Supreme Court does not recognize the right of tenants to claim ownership of property through adverse possession due to the permissive nature of tenancy.
32. No, a tenant cannot become the owner of a property through long-term occupation without the landlord's objection, as tenancy is considered permissive possession.
33. Yes, it is within the Supreme Court's purview to address and correct lower court judgments that issue unsolicited moral advisories if they violate constitutional rights.
34. Yes, lower court advisories on personal conduct can be challenged in the Supreme Court if they are deemed to violate constitutional rights.
35. No, an apology by a public figure does not automatically lead to the quashing of criminal proceedings for defamatory remarks, especially when they are based on the chargesheet's contents.
36. Criticizing a Prime Minister is allowed under freedom of speech, but it must not cross into defamation or incitement of hatred.
37. No, it is not appropriate for courts to issue moral advisories to adolescents in legal judgments, as observed by the Supreme Court.
38. Yes, judicial remarks advising adolescents to control sexual urges can violate their rights under Article 21 of the Constitution.
39. The Supreme Court is set to examine the applicability of Hindu law principles to inheritance disputes under Mohammedan law.
40. The Supreme Court will determine if the concept of Kartha from Hindu law applies to Muslim families in partition disputes.
41. The Supreme Court held that marriage between the accused and the victim can negate a rape charge based on a false promise of marriage if the relationship was consensual.

**JANUARY, 2024**

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DISTRIBUTOR NOT AGENT, INDEPENDENT CONTRACTOR': SUPREME COURT ELABORATES LAW ON AGENCY

“ CONTEXT

The Supreme Court of India clarified the legal distinctions between agents and independent contractors, specifically in the context of distributor agreements. This clarification came while addressing the liability of cellular mobile service providers to deduct tax at source under Section 194-H of the Income Tax Act, 1961. The Court outlined several factors to consider when determining if a principal-agent relationship exists, emphasizing the legal and operational autonomy of distributors as independent contractors rather than agents.

LEGAL OUTLOOK

A distributor is generally regarded as an independent contractor, buying goods on their account and selling them within their territory, distinct from an agent who creates or communicates relationships between the principal and third parties. The essential characteristics of an agency include the agent's legal power to alter the principal's legal relationships with third parties and the principal's corresponding liability.

The degree of control exercised by the principal over an agent is less than that over a servant and differs from the dynamics in a principal-to-principal or independent contractor relationship. An independent contractor is not required to render accounts of the business to the employer, as the business belongs to the contractor, not the employer. The Court distinguished between "power" and "authority," noting that agency involves granting authority to affect the principal's legal relationships with third parties.

HCS & SC SHOULD REFRAIN FROM FIXING TIME-BOUND SCHEDULES FOR CASE DISPOSAL IN OTHER COURTS ORDINARILY: SUPREME COURT

LEGAL OUTLOOK

The Supreme Court clarified that it cannot issue directives under Article 142 for the automatic expiration of interim orders due to the lapse of time. Constitutional courts are advised to refrain from fixing time-bound schedules for case disposal in other courts, except under exceptional circumstances. The judgment acknowledges the importance of judicial discretion and the local awareness of judges in prioritizing cases. Only the legislature can mandate that cases of a particular category be decided within a specific timeframe, and such provisions are usually considered directory. The Supreme Court emphasized the principle of judicial independence, stating that no court is inferior to another within the judicial hierarchy, and the prioritization of cases should be left to the discretion

“ CONTEXT

The Supreme Court of India, in a landmark decision, reversed its 2018 Asian Resurfacing judgment, stating that the apex court under Article 142 of the Constitution cannot issue directives for the automatic expiration of interim orders after a set period. The ruling emphasized that constitutional courts should ordinarily avoid imposing time-bound schedules for the disposal of cases in other courts, except in exceptional circumstances.



tion of the concerned courts unless there are extraordinary circumstances.

DISTRIBUTOR NOT AGENT, INDEPENDENT CONTRACTOR': SUPREME COURT ELABORATES LAW ON AGENCY

The Supreme Court confirmed that Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989, is constitutional. The rule's objective to promote family planning was deemed a valid and non-discriminatory basis for disqualification. The Court dismissed the appeal of an ex-serviceman who was disqualified based on this rule, affirming the High Court's decision.

The Supreme Court referenced its earlier judgment in Javed vs. State of Haryana to support its decision, highlighting consistency in the application of such rules across different contexts. The plea that the rule does not apply to ex-servicemen was rejected, emphasizing that recruitment to the Rajasthan Police is governed by the specific rules of 1989, which include this disqualification criterion.

“ CONTEXT

The Supreme Court upheld the Rajasthan Government's rule disqualifying candidates from applying for a police constable post if they have more than two children. The Court found that Rule 24(4) of the Rajasthan Police Subordinate Service Rules, 1989, which sets this criterion, is non-discriminatory and aligns with the Constitution. This decision was based on the objective to promote family planning and follows precedents set in similar cases.





LAWYERS FUNCTION IN AN ENVIRONMENT BEYOND THEIR CONTROL: SCAORA URGES SUPREME COURT TO NOT APPLY CONSUMER PROTECTION ACT TO ADVOCATES

“ CONTEXT

The Supreme Court Advocates-on-Record Association (SCAORA) argued before the Supreme Court against including lawyer's services under the Consumer Protection Act of 1986. Senior Advocate Jaideep Gupta, representing SCAORA, highlighted that unlike other professions, lawyers operate in an environment controlled by judges, which impacts their ability to deliver services. This argument is part of a broader debate on whether legal services should fall under the Consumer Protection Act, sparked by a 2007 National Consumer Disputes Redressal Commission judgment.

SCAORA presented arguments against the application of the Consumer Protection Act to legal services, emphasizing the unique environment in which lawyers operate. The Supreme Court was reminded of the principle that lawyers' services, due to their nature and the judicial environment, should not be assessed under the Consumer Protection Act. The discussion included references to previous judgments and the inherent differences between the legal profession and others, such as the medical field, where stan-

dards of care can be more clearly defined.

The debate also touched on ethical considerations and duties of lawyers towards their clients, the court, the opposing party, and the public, which could conflict with the application of consumer protection laws.

The Supreme Court's decision on this matter could redefine the accountability and expectations from legal professionals in terms of consumer protection.

WHY RANGE OF RATES FOR HOSPITAL SERVICES NOT SPECIFIED? SUPREME COURT SLAMS CENTRE, WARNS COURT MIGHT APPLY CGHS RATES

LEGAL OUTLOOK

The Supreme Court highlighted the failure of the Central Government to enforce Rule 9 of the Clinical Establishment (Central Government) Rules, 2012, which requires hospitals to display and adhere to standardized rates for services.

The Union Government's defense, citing lack of response from states, was rejected by the court, emphasizing that healthcare is a fundamental right and the Centre cannot evade its responsibility.

The court ordered the union health secretary to convene a meeting with state counterparts to come up with a concrete proposal for notifying standard rates. The court warned that if the Centre fails to present a solution, it might consider applying the rates applicable to CGHS-empanelled hospitals as an interim measure.

The matter has been directed to be re-listed for further hearing after six weeks.

“ CONTEXT

The Supreme Court criticized the Central Government for not specifying the range of rates for services provided by private hospitals and clinical establishments, despite having a rule framed twelve years ago under the Clinical Establishment (Central Government) Rules, 2012. The rule aimed to ensure hospitals and clinical establishments display rates for services and charge fees within a range determined by the Centre in consultation with state governments. The case was brought to the court by the NGO 'Veterans Forum for Transparency in Public Life' through a PIL.



STATE OF TN MUST TRAIN POLICE OFFICERS ON PROCEDURE TO OBTAIN CERTIFICATE UNDER S.65B INDIAN EVIDENCE ACT: SUPREME COURT

LEGAL OUTLOOK

The Supreme Court observed the lack of awareness among police officers regarding the procedure to obtain a certificate under Section 65B of the Evidence Act for electronic evidence.

It highlighted the necessity for the state government to ensure that police officers re-

ceive appropriate training on this aspect.

The court's observation came in the backdrop of a criminal appeal case where the absence of a Section 65B certificate led to the exclusion of crucial electronic evidence. The judgment underscores the importance of procedural compliance in the handling of electronic evidence in legal proceedings.

“ CONTEXT

The Supreme Court emphasized the need for the Tamil Nadu state government to provide proper training to police officers on the procedure for obtaining a certificate for electronic evidence as required under Section 65B of the Indian Evidence Act. This observation was made during a criminal appeal where the High Court had dismissed phone call evidence due to the absence of the necessary certificate under Section 65B.



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INTERIM ORDER RESTRICTING ZOOS/ SAFARIS WITHIN FORESTS WILL OPERATE ONLY TILL FINAL JUDGMENT OF COORDINATE BENCH, CLARIFIES SUPREME COURT

“ CONTEXT

The Supreme Court clarified that the interim order led by Chief Justice of India Chandrachud, which restricts the establishment of zoos and safaris within forest areas, will remain in effect only until a final judgment is issued by a coordinate bench led by Justice BR Gavai. This interim order was issued in response to writ petitions challenging the Forest Conservation (Amendment) Act 2023, while Justice Gavai's bench had reserved orders on the same issue.

LEGAL OUTLOOK

The interim order to restrict the establishment of zoos and safaris within forest areas is temporary and will last only until the coordinate bench led by Justice Gavai issues its final judgment. The Supreme Court emphasized the need for prior permission from the Court for any proposal for the establishment of zoos and safaris in forest areas, as referred to in the Wildlife Protection Act 1972. States and Union Territories must comply with the definition of "forest" in the 1996 judgment

in T.N Godavarman Thirumalpad v. Union of India during the identification process as per the 2023 amendment to the Forest (Conservation) Act. The bench led by Justice Gavai had previously expressed disapproval of the practice of setting up zoos in tiger safaris and restrained authorities from making any constructions within the core areas of national parks, wildlife sanctuaries, and tiger reserves. The final judgment by the coordinate bench will ultimately govern the regulations regarding the establishment of zoos and safaris within forest areas.

MERE DEMAND FOR RANSOM AFTER KIDNAPPING WON'T AMOUNT TO S.364A IPC OFFENCE IF THERE'S NO DEATH THREAT: SUPREME COURT

“ CONTEXT

The Supreme Court acquitted an individual charged under Section 364A of the Indian Penal Code (IPC), which pertains to kidnapping for ransom, due to the prosecution's failure to prove an immediate threat of death or harm to the kidnapped individual from the accused. The Court highlighted that for an offense under Section 364A to be established, there must be evidence of a threat to cause death or harm, which was not present in this case.

LEGAL OUTLOOK

The Supreme Court found that the prosecution did not provide sufficient evidence to establish the second ingredient of Section 364A IPC, which requires a threat to cause death or harm. The case involved a demand for ransom following a kidnapping, but the Court determined that the prosecution failed to connect the accused to the alleged demand and threat. The Court clarified that for a conviction under Section 364A IPC, it must be proven that the kidnapping or abduction was coupled with a threat to cause death or harm.

Although the Supreme Court set aside the conviction under Section 364A, it upheld the conviction for the lesser offense of kidnapping under Section 361 IPC, punishable under Section 363 IPC. The accused were directed to be released as they had already served the maximum sentence for the offense punishable under Section 363 IPC.



STATE IS NOT DOING ANY CHARITY BY PAYING COMPENSATION TO CITIZEN WHOSE LAND WAS ACQUIRED: SUPREME COURT

The Supreme Court underscored that the Right to Property, though not a fundamental right, is still a constitutional right under Article 300A of the Constitution of India. It criticized the state's delay in compensating citizens for land acquisition, stating that depriving a citizen of their constitutional right to use the land for 20 years and then portraying the payment of compensation as a gracious act is unacceptable.

The court observed that the state and its instrumentalities cannot claim to be doing a favor by compensating citizens for acquired land. The Supreme Court dismissed the contempt petition but granted liberty to the petitioners to challenge the award and associated proceedings according to the law. The court directed that any attempt by the GDA or its officers to prolong proceedings should be met with the pos-

“ CONTEXT

The Supreme Court criticized the approach of the state in handling land acquisition cases, emphasizing that paying compensation to a citizen for acquired land is not an act of charity. The court made these remarks while addressing a contempt petition against the Ghaziabad Development Authority (GDA) for failing to compensate petitioners as per a previous Supreme Court order. The case highlighted issues related to the delay in compensation and the misclassification of land type in compensation calculations.

sibility of adverse inference by the court or authorities, who should decide the proceed-

ings within six months from the date of institution.



WIFE'S SUICIDE WITHIN 7 YEARS OF MARRIAGE WON'T RAISE PRESUMPTION OF HUSBAND'S ABETMENT IF THERE'S NO EVIDENCE OF CRUELTY: SUPREME COURT

“ CONTEXT

The Supreme Court acquitted a husband charged with abetment of his wife's suicide under Section 306 of the IPC, clarifying that the presumption under Section 113A of the Evidence Act does not automatically apply just because the suicide occurred within seven years of marriage. The Court emphasized the need for cogent evidence of harassment or cruelty to establish such a charge.

The Supreme Court stated that for the presumption under Section 113A of the Evidence Act to apply, the prosecution must first establish evidence of cruelty or harassment. The Court highlighted the necessity of cogent and convincing proof of incitement to the commission of suicide, which should be proximate to the time of occurrence. It was observed that mere demand of money or the fact that the wife died within 7 years of marriage, without more, does not constitute cruelty or harassment sufficient

to charge the husband under Section 306 IPC for abetment of suicide.

The Court clarified that the presumption under Section 113A is discretionary and not mandatory, unlike the presumption regarding dowry death under Section 113B of the Evidence Act.

The Supreme Court acquitted the appellant, underscoring that the prosecution failed to establish the guilt beyond a reasonable doubt and lamented the time taken for the justice system to reach this conclusion.

REGISTRY SHOULDN'T EXERCISE JUDICIAL FUNCTION, CAN'T REFUSE CURATIVE PETITION SAYING REVIEW WAS DISMISSED IN OPEN COURT: SUPREME COURT

LEGAL OUTLOOK

The Supreme Court emphasized that the Registry does not have the authority to decide on the merits of a curative petition based on the manner of dismissal of the review petition (open court hearing vs. circulation).

It was clarified that the dismissal of a review petition in open court does not preclude the filing of a curative petition. The Court outlined the proper procedure for handling curative petitions arising from review petitions dismissed after an open court hearing, including the necessity of an application seeking exemption from compliance with certain averments.

The Supreme Court provided guidance on the process to be followed when a review petition is dismissed by circulation, detailing the roles of

“ CONTEXT

The Supreme Court set aside an order by its Registrar refusing to register a curative petition on the grounds that the underlying review petition was dismissed after an open court hearing. The Court clarified that such a decision is a judicial exercise and should be made by a Bench, not the Registry, as it contradicts the Supreme Court Rules, 2013.

the Registry and the Chamber Judge in such cases. Ultimately, the Court found no grounds to entertain the appellant's curative plea and did not remand the matter back for reconsideration, citing the passage of substantial time since the initiation of the curative petition.

NOT UNTOUCHABILITY': KERALA HIGH COURT UPHOLDS CONDITION THAT SABARIMALA MELSHANTHI (CHIEF PRIEST) MUST BE MALAYALI BRAHMIN

The Division Bench clarified that the right protected under Article 25(2)(b) of the Constitution is the right to enter a temple for worship and does not extend to performing services that are reserved for archakas (priests). The court found no merit in the contention that specifying Malayala Brahmins as eligible for the Melshanthi position amounts to untouchability, as abolished under Article 17 of the Constitution.

The court refrained from delving into the interplay between fundamental rights and religious rights due to lack of proper pleadings and noted that these issues are pending before the Supreme Court in the Sabarimala reference. It was emphasized that the duties of the Travancore Devaswom Board and its members are administrative in nature, aimed at ensuring traditional rites and ceremonies are conducted according to prevalent practices.

“ CONTEXT

The Kerala High Court dismissed petitions challenging the appointment criteria that only Malayala Brahmins hailing from Kerala can be appointed as Melshantis (chief priests) at Sabarimala Devaswom and Malikappuram Devaswom. The court ruled that this requirement does not amount to untouchability and is not in violation of Article 17 of the Constitution.

The court dismissed the petitions, stating that the eligibility criteria issued by the Devaswom Commissioner cannot be challenged due to lack of pleadings and that

appointments of Melshantis are to be governed by guidelines framed by the High Court and the Supreme Court until statutory rules are enacted.



FEBRUARY, 2024

a monthly Legal compendium

LAW GRID

SALE AGREEMENT WITH MINOR VOID, NOT ENFORCEABLE IN LAW: SUPREME COURT

“ CONTEXT

The Supreme Court held that a sale agreement entered into by a minor is void and not enforceable under law, affirming the High Court's decision that deemed such a contract void ab initio. This judgment came in a case where a minor, through her mother, sought specific performance of a sale agreement for immovable property, which was contested on the grounds of the minor's incapacity to contract.

LEGAL OUTLOOK

The Supreme Court reiterated that contracts entered into by minors are void and not enforceable under the law, aligning with the provisions of the Contract Act, 1872.

The Court dismissed the appellant's (minor's) argument that a contract in favor of a minor is enforceable, emphasizing that parties must be competent to contract, which minors are not.

It was clarified that a sale agreement involving a minor as one of the parties is void from the outset, regardless of

the nature of the agreement or the intentions behind it.

The Supreme Court referenced its decision in *Mathai Mathai vs. Joseph Mary Alias Marykutty Joseph* (2015), which stated that a mortgage or any contract in the name of a minor is invalid unless represented by a natural guardian or a guardian appointed by the court.

The appeal filed by the minor against the High Court's order was dismissed, with the Supreme Court finding no infirmity in the High Court's judgment that upheld the void nature of the sale agreement entered by the minor.

FOOD SAFETY AND STANDARDS ACT OVERRIDES INDIAN PENAL CODE; SIMULTANEOUS PROSECUTION UNDER BOTH ACTS NOT POSSIBLE: SUPREME COURT

“ CONTEXT

The Supreme Court clarified that the Food Safety and Standards Act, 2006 (FSSA) has an overriding effect over the Indian Penal Code, 1860 (IPC) in matters of food adulteration. Consequently, if a case is registered under the IPC for food adulteration, proceedings under the IPC cannot continue due to the overriding effect of Section 89 of the FSSA.

The Supreme Court reversed the High Court's decision, which had refused to quash criminal proceedings against an accused under the IPC for food adulteration, stating that FSSA overrides IPC provisions.

It was observed that simultaneous prosecution under both the IPC and FSSA is not possible because Section 89 of FSSA gives overriding effect to its provisions over those in the IPC, specifically Sections 272 and 273.

The Court highlighted that Section 59 of FSSA, which deals with unsafe food, is more stringent than the IPC sections on food adulteration because it does not require the presence of intention for the offense to be made out.

The Supreme Court quashed the pending criminal case against the appellant under

the IPC but mentioned that authorities are free to act against the appellant as per the provisions of the FSSA.

The judgment underscores the FSSA's comprehensive approach to food safety and standards, ensuring that its provisions take precedence over any other law in matters related to food.

SUPREME COURT ASKS BOMBAY HC TO DECIDE BAIL APPLICATIONS EXPEDITIOUSLY, SAYS NOT DECIDING MATTERS OF PERSONAL LIBERTY VIOLATES ARTICLE 21

LEGAL OUTLOOK

The Supreme Court requested the Chief Justice of the Bombay High Court to instruct judges exercising criminal jurisdiction to decide bail and anticipatory bail applications promptly.

This request came in light of a specific case where the Bombay High Court directed an accused, who had been in custody for over seven years, to approach the trial

court for bail instead of deciding the matter on its merits.

The Supreme Court criticized the practice of not deciding bail matters on merits and finding excuses to defer or avoid decisions, highlighting that such practices deprive individuals of their right to liberty under Article 21.

The Court noted instances where bail applications were not decided for extended periods, including a case where

“ CONTEXT

The Supreme Court expressed concern over the delay in deciding bail and anticipatory bail applications by the Bombay High Court, emphasizing that such delays violate the fundamental right to liberty under Article 21 of the Constitution. The Court requested the Chief Justice of the Bombay High Court to ensure that bail matters are decided expeditiously.

an anticipatory bail application remained undecided for more than four years.

The Supreme Court directed its Registrar (Judicial) to communicate the order to the Reg-

istrar (Judicial) of the Bombay High Court for further action, underscoring the importance of expeditious decision-making in matters affecting personal liberty.



GYANVAPI: ALLAHABAD HIGH COURT DISMISSES PLEA CHALLENGING VARANASI COURT'S ORDER ALLOWING 'PUJA' IN 'VYAS TEHKHANA'

CONTEXT

The Allahabad High Court dismissed a plea by the Mosque committee challenging the Varanasi Court's order that allowed Hindu 'Puja' in the 'Vyas Tehkhana' within the Gyanvapi Mosque premises. The Mosque committee contended that the Vyas Tehkhana was part of the Mosque and that the Vyas family or others had no right to worship there. The Varanasi District Judge had earlier directed the District Magistrate to make arrangements for Hindu worship in the Tehkhana.

The Allahabad High Court upheld the Varanasi District Judge's order allowing Hindu worship in the Vyas Tehkhana of the Gyanvapi Mosque.

The Mosque committee's argument that the Vyas Tehkhana was under their possession and that no puja had been conducted there since 1993 was rejected.

The Court noted that the question of possession could only be decided after framing issues, indicating that the le-

gal process regarding the dispute was ongoing.

The Hindu plaintiffs argued that their religious practices in the Tehkhana never ceased, even after the CRPF took possession in 1993.

The District Judge's order was based on the application by Plaintiff Shailendra Kumar Pathak Vyas, seeking worship of Shringar Gauri and other deities in the Gyanvapi mosque's cellar, with the District Magistrate appointed as the receiver of the property.

NEW CRIMINAL LAWS REPLACING IPC, CRPC & EVIDENCE ACT TO COME INTO FORCE FROM JULY 1, 2024

CONTEXT

The Union Government has announced that the new criminal laws, namely Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam, will replace the Indian Penal Code (IPC), the Code of Criminal Procedure (CrPC), and the Indian Evidence Act, respectively, from July 1, 2024. These laws were passed by Parliament on December 21, 2023, and received Presidential assent on December 25, 2023. However, the implementation of a specific provision under Section 106(2) of Bharatiya Nyaya Sanhita related to causing death by rash and negligent driving has been put on hold due to widespread protests.

The Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhiniyam will officially replace the IPC, CrPC, and the Indian Evidence Act from July 1, 2024.

The implementation of Section 106(2) of Bharatiya Nyaya Sanhita, concerning death caused by rash and negligent driving, has been postponed due to protests from truckers.

These new laws aim to modernize and consolidate India's criminal justice system, reflecting contemporary societal values and legal practices.

The laws were enacted following Parliamentary approval and Presidential assent in December 2023 but were set to come into effect at a later date specified by the Union Government.

SUPREME COURT | HOMEMAKER'S DEEMED INCOME CAN'T BE LESS THAN MINIMUM WAGES FOR DAILY WAGERS

The Supreme Court recognized the role of a homemaker as invaluable and of high order, equating it to that of a family member with a tangible source of income.

The Court corrected factual and legal errors in the impugned order regarding the deceased's age, dependency of appellants on the deceased, and the mode of transport in which the deceased was traveling at the time of the accident.

It was clarified that a homemaker's direct and indirect monthly income should

not be less than the minimum wages for a daily wager as per the state's Minimum Wages Act.

The Court granted a lump sum compensation of Rs.6,00,000/- to the appellants, considering the vehicle involved was not insured and to avoid calculating compensation under different heads.

The respondents were ordered to pay the balance amount within six weeks, failing which they would be liable to pay interest as awarded by the Tribunal.

CONTEXT

The Supreme Court, in a judgment related to a claim under the Motor Vehicles Act of 1988, emphasized the invaluable contribution of homemakers to their families. The Court observed that the deemed income of a homemaker cannot be less than the minimum wages notified for a daily wager. This observation came during the adjudication of compensation for the family of a deceased woman, a homemaker, who died in a car accident.





RIGHT TO PROPERTY UNDER ARTICLE 300A AVAILABLE TO A PERSON WHO ISN'T A CITIZEN OF INDIA: SUPREME COURT

“ CONTEXT

The Supreme Court clarified that Article 300A of the Constitution, which provides for the right to property, extends to individuals who are not citizens of India. This observation was made while adjudicating a case involving 'enemy property' under the Enemy Property Act, 1968, stating that such property is not exempt from municipal laws and is not vested with the Union Government by default.

LEGAL OUTLOOK

Article 300A's protection of the right to property applies not only to legal or juristic persons but also to non-citizens.

The Enemy Property Act, 1968, was legislated to ensure uniform protection, management, and dealing of enemy properties across India.

The Supreme Court emphasized that taking possession of enemy property for administration by the Custodian

does not imply a transfer of ownership from the true owner to the Custodian or the Union. The Court expressed concern that depriving the true owner (even if an enemy or enemy subject) of their property without compensation contradicts the principles of Article 300A. The judgment underscores that the constitutional right to hold property is broadly applicable, ensuring protection beyond the citizenship status of an individual.

BAIL CONDITION TO SHARE LIVE LOCATION VIOLATES PRIVACY? SUPREME COURT ASKS GOOGLE INDIA TO EXPLAIN WORKING OF GOOGLE PIN

“ CONTEXT

The Supreme Court issued a notice to Google India to understand the workings of Google PIN, especially in the context of bail conditions mandating the sharing of live mobile locations.

The Court is not impleading Google India as a respondent but is seeking information to assess the privacy implications of such bail conditions. The inquiry was initiated after the Ministry of Electronics and Information Technology suggested consulting Google India for detailed information on Google PIN's functionality.

The Supreme Court is examining two key issues: the imposition of bail conditions requiring foreign accused to secure embassy assurances

The Supreme Court has sought clarification from Google India on the functioning of Google PIN, in light of bail conditions requiring accused individuals to share their live mobile location with investigating officers. This inquiry stems from concerns over whether such bail conditions infringe on the right to privacy.

not to leave India, and conditions mandating accused to share their Google Pin location with investigating officers. The Court has expressed preliminary reservations about the potential privacy implications of both conditions.

SURROGACY AMENDMENT RULES | CENTRE ALLOWS COUPLES WITH MEDICAL CONDITIONS TO USE DONOR GAMETES

The Surrogacy (Regulation) Rules, 2022, have been amended to allow the use of donor gametes for couples with certified medical conditions necessitating such use. The amendment specifies that at least one gamete must come from the intending couple, with exceptions allowed for single women (widow or divorcee) using self eggs and donor sperms. This development was influenced by legal challenges and observations from the Supreme Court and Delhi High Court, highlighting the previous rules' infringement on the

right to parenthood for infertile couples.

The amendment aims to reconcile the surrogacy laws with the Assisted Reproductive Technology (Regulation) Act, 2021, addressing conflicts between the two and ensuring access to medically regulated procedures and services.

The change reflects the government's response to the evolving legal and social landscape surrounding surrogacy in India, aiming to safeguard the interests of all parties involved while accommodating medical necessities.

“ CONTEXT

The Central Government has amended the Surrogacy (Regulation) Rules, 2022, permitting couples with specific medical conditions to use donor gametes for surrogacy. This amendment modifies the previous stance that both gametes must come from the intending couple, now allowing the use of donor gametes if certified by the District Medical Board as medically necessary. This change follows legal challenges and Supreme Court observations regarding the restrictive nature of the earlier rules.





SUPREME COURT JUDGMENT | JUDICIAL DECISION DOESN'T INFRINGE FUNDAMENTAL RIGHTS

“ CONTEXT

The Supreme Court reaffirmed that a judicial decision made by a judge of competent jurisdiction does not infringe upon fundamental rights. This principle was reiterated in the context of refusing to direct a High Court to expedite a criminal appeal filed by the petitioner, highlighting that such decisions are part of the judicial process and cannot be challenged as a breach of fundamental rights under Article 32 of the Constitution.

LEGAL OUTLOOK

The Supreme Court cited the precedent set in *Naresh Shridhar Mirajkar Vs. State of Maharashtra*, emphasizing that judicial decisions do not infringe fundamental rights. A writ petition under Article 32 is not maintainable against orders regarding the listing of cases by the High Court, as these decisions are part of the judicial process. The Supreme Court noted that it does not have the power of superintendence over High

Courts, respecting the division of jurisdiction and mutual respect required between these constitutional courts.

The petitioner seeking bail pending a criminal appeal must resort to an application under Section 389(1) of the Code of Criminal Procedure instead of invoking a writ remedy.

The Supreme Court dismissed the writ petition as misconceived, stating that it can only request the High Court to expedite the hearing but cannot issue a directive in this regard.

SUPREME COURT CONFIRMS LACK OF SUPERINTENDENCE POWER OVER HIGH COURTS

“ CONTEXT

The Supreme Court clarified that it does not possess the power of superintendence over High Courts, emphasizing the constitutional division of jurisdiction and the need for mutual respect between these two judicial institutions. This observation came while the Court was refusing to direct a High Court to expedite a criminal appeal, highlighting the constitutional framework that separates the powers and responsibilities of the Supreme Court and High Courts.

The Supreme Court stated that there is no constitutional provision granting it superintendence power over High Courts, drawing a parallel to Article 227, which gives High Courts superintendence over lower courts.

The Court referenced the *Tirupati Balaji Developers (P) Ltd. Vs. State of Bihar* case to underline the clear division of jurisdiction and the principle of mutual respect between the Supreme Court and High Courts.

It was observed that directing the High Court as per the petitioner's request would be an inappropriate exercise of

discretionary jurisdiction and show disrespect to another constitutional court.

The Court also reiterated the principle from *Naresh Shridhar Mirajkar Vs. State of Maharashtra* that a judicial decision by a competent judge does not infringe on fundamental rights, applying this to the refusal to expedite the criminal appeal.

The Supreme Court dismissed the writ petition as not maintainable under Article 32 against the High Court's order regarding the listing of the case, emphasizing the judicial process's integrity and the non-infringement of fundamental rights by judicial decisions.

SUPREME COURT DECLARES ELECTORAL BONDS SCHEME UNCONSTITUTIONAL, DIRECTS SBI TO STOP EB ISSUANCE

The Supreme Court unanimously found that the electoral bonds scheme infringes upon the right to information, a fundamental right under Article 19(1)(a) of the Constitution.

The judgment was based on the principle that voters have a right to know about the funding of political parties, which is essential for the exercise of informed voting choices.

The Court held that the scheme and related amendments to the Representation of the People Act, the Companies Act, and the Income Tax Act, which fa-

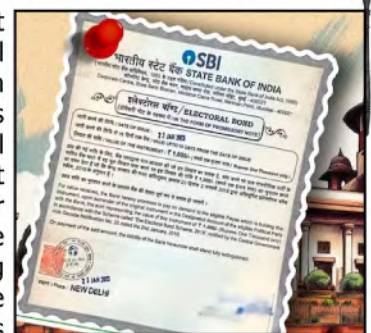
cilitated anonymous donations, are unconstitutional.

The Court issued directives for the State Bank of India (SBI) to stop the issuance of electoral bonds and to submit detailed information about the bonds purchased and encashed by political parties since an interim order in 2019 to the Election Commission of India (ECI).

The ECI is directed to publish the information received from SBI on its website, ensuring transparency in political funding.

“ CONTEXT

The Supreme Court ruled that the electoral bonds scheme, which allows for anonymous contributions to political parties, violates the right to information under Article 19(1)(a) of the Constitution, rendering the scheme unconstitutional. This landmark judgment addresses concerns regarding transparency in political funding and the potential for undisclosed corporate influence on politics.





Important Questions



1. What distinguishes a distributor's legal status from that of an agent in the context of principal-agent relationships?
2. Can the Supreme Court or High Courts impose time-bound schedules for the disposal of cases in other courts under ordinary circumstances?
3. Does the rule disqualifying candidates with more than two children from government jobs violate the Constitution?
4. Should legal services be included under the Consumer Protection Act of 1986?
5. When will the new criminal laws replacing the IPC, CrPC, and Evidence Act come into force?
6. Can a sale agreement entered into by a minor be enforceable under the law?
7. Does a bail condition requiring an accused to share their live location via Google PIN infringe on the right to privacy?
8. Can the deemed income of a homemaker be considered less than the minimum wages notified for a daily wager?
9. Are couples with medical conditions allowed to use donor gametes for surrogacy under the amended Surrogacy (Regulation) Rules, 2022?
10. Can a judicial decision be challenged as infringing fundamental rights?
11. Does the Supreme Court have the power of superintendence over High Courts?
12. Does the electoral bonds scheme violate the right to information under Article 19(1)(a) of the Constitution?
13. What distinguishes a distributor's legal status from that of an agent in the context of principal-agent relationships?
14. Can the Supreme Court or High Courts impose time-bound schedules for the disposal of cases in other courts under ordinary circumstances?
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20. Can the deemed income of a homemaker be considered less than the minimum wages notified for a daily wager?
21. Are couples with medical conditions allowed to use donor gametes for surrogacy under the amended Surrogacy (Regulation) Rules, 2022?
22. Can a judicial decision be challenged as infringing fundamental rights?
23. Does the Supreme Court have the power of superintendence over High Courts?
24. Does the electoral bonds scheme violate the right to information under Article 19(1)(a) of the Constitution?
25. Does advising a partner to marry someone else after a breakup amount to abetment to suicide?
26. What legal principle differentiates a distributor's role from an agent's in contractual relationships?
27. Is it within the judiciary's authority to mandate specific timelines for case resolutions in courts?
28. Are employment restrictions based on family size constitutionally valid?
29. Do legal practitioners fall under the consumer protection framework for service accountability?
30. What is the effective date for the implementation of India's revised criminal legislation?



31. Is a contractual agreement initiated by a minor legally binding?
32. Are privacy concerns valid in the context of bail conditions involving real-time location tracking?
33. How does the Supreme Court view the economic valuation of homemaking in compensation claims?
34. Can medical necessity justify the use of donor gametes in surrogacy under recent legal amendments?
35. Are judicial decisions immune from challenges on the basis of fundamental rights infringement?
36. What is the scope of the Supreme Court's supervisory jurisdiction over High Courts?
37. How does the electoral bond scheme align with the constitutional right to information?
38. What criteria allow for the differentiation between an independent contractor and an agent in legal terms?
39. Is judicial intervention permissible to set deadlines for court proceedings?
40. Under what conditions can government employment policies restrict candidates based on family size without violating constitutional rights?
41. Are attorneys subject to consumer protection laws in their professional services?
42. What marks the commencement date for the new legal framework replacing traditional criminal codes in India?
43. At what age is a person legally capable of entering into enforceable contracts in India?
44. How does the requirement to share live location for bail compliance intersect with privacy rights?
45. What legal recognition does homemaking receive in the context of economic contribution assessments?
46. Under what legal provisions can donor gametes be utilized in surrogacy arrangements?
47. Can the outcome of a court's decision be contested on the grounds of violating individual rights?
48. What delineates the Supreme Court's jurisdictional limits over High Courts?
49. What constitutional implications does the electoral bond scheme have on the right to information?
50. How does the legal system address the enforceability of contracts involving minors?



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ANSWERS

1. A distributor is considered an independent contractor who operates autonomously, buying and selling goods on their own account within their territory, without the legal obligation to alter the principal's legal relationships with third parties, which is a hallmark of an agent.
2. No, the Supreme Court and High Courts should refrain from imposing time-bound schedules for the disposal of cases in other courts under ordinary circumstances, except in exceptional cases where such direction is deemed necessary.
3. No, the Supreme Court held that the rule disqualifying candidates having more than two children from government jobs does not violate the Constitution, as it is non-discriminatory and serves the objective of promoting family planning.
4. SCAORA argues that legal services should not be included under the Consumer Protection Act of 1986, due to the unique and uncontrollable environment in which lawyers operate, which significantly differs from other service professions.
5. The new criminal laws, Bharatiya Nyaya Sanhita, Bharatiya Nagarik Suraksha Sanhita, and Bharatiya Sakshya Adhinyam, will come into force on July 1, 2024.
6. No, the Supreme Court confirmed that a sale agreement entered into by a minor is void and not enforceable under the law.
7. The Supreme Court is currently examining whether such a bail condition infringes on the right to privacy and has sought information from Google India to aid in this assessment.
8. No, the Supreme Court held that a homemaker's deemed income cannot be less than the minimum wages for daily wagers, recognizing the significant contribution of homemakers to their families.
9. Yes, the amendment to the Surrogacy (Regulation) Rules, 2022, permits couples with certified medical conditions to use donor gametes for surrogacy, provided at least one gamete comes from the intending couple.
10. No, the Supreme Court reiterated that a judicial decision rendered by a judge of competent jurisdiction does not infringe upon fundamental rights.
11. No, the Supreme Court confirmed that it does not have the power of superintendence over High Courts, respecting the constitutional division of jurisdiction.
12. Yes, the Supreme Court declared that the electoral bonds scheme violates the right to information under Article 19(1)(a) of the Constitution and is therefore unconstitutional.
13. A distributor is considered an independent contractor, distinct from an agent who acts on behalf of the principal with third parties.
14. No, the Supreme Court and High Courts should ordinarily refrain from fixing time-bound schedules for case disposal in other courts.
15. No, the Supreme Court held that such a rule does not violate the Constitution, as it serves a legitimate state interest.
16. SCAORA argues that due to the unique operational environment of lawyers, legal services should not fall under the Consumer Protection Act.
17. The new criminal laws will come into effect on July 1, 2024, replacing the IPC, CrPC, and Evidence Act.
18. No, a sale agreement entered into by a minor is void and not enforceable under law.
19. The Supreme Court is examining the privacy implications of such a bail condition and has sought clarification from Google India.
20. No, the Supreme Court held that a homemaker's deemed income cannot be less than the minimum wages for daily wagers.
21. Yes, the amendment permits the use of donor gametes for couples with certified medical conditions, provided at least one gamete comes from the intending couple.
22. No, a judicial decision by a competent judge does not infringe upon fundamental rights.
23. No, the Supreme Court does not possess superintendence power over High Courts, maintaining a division of jurisdiction.
24. Yes, the Supreme Court found the electoral bonds scheme to violate the right to information, rendering it unconstitutional.



25. No, the Supreme Court held that heartbreaks are a part of everyday life, and advising a partner to marry someone else does not amount to abetment to suicide.
26. The legal status of a distributor as an independent contractor is defined by their operational autonomy and financial investment, unlike an agent who acts on behalf of a principal with third parties.
27. The judiciary typically avoids imposing strict timelines for case adjudications to respect procedural flexibility and judicial discretion.
28. Restrictions based on the number of children for government job eligibility do not contravene constitutional protections, serving broader public policy goals.
29. The unique professional obligations and ethical standards of lawyers exempt them from typical consumer service evaluations under consumer protection laws.
30. The comprehensive overhaul of India's criminal justice statutes is scheduled for July 1, 2024.
31. Contracts entered by minors are considered void ab initio, lacking legal enforceability due to the incapacity to contract.
32. The Supreme Court is scrutinizing the balance between the right to privacy and public interest in bail conditions requiring live location sharing.
33. The Supreme Court acknowledges the substantial, though often undervalued, economic contributions of homemakers to their families.
34. Legal amendments now permit the use of donor gametes in surrogacy for medically certified needs, ensuring at least one gamete originates from the intending couple.
35. A judicial decision made by a competent authority is not deemed a violation of fundamental rights, reflecting the judiciary's autonomy and authority.
36. The Supreme Court does not have direct supervisory control over High Courts, emphasizing the independence and co-equality of these judicial bodies.
37. The Supreme Court ruled that the electoral bond scheme's anonymity provisions infringe upon the constitutional right to information, necessitating transparency in political funding.
38. Legal differentiation is based on the degree of control, nature of work, and financial risk assumed by the party, distinguishing contractors from agents.
39. While the judiciary can recommend timely resolutions, it generally does not mandate fixed deadlines to ensure fairness and thoroughness in proceedings.
40. Policies limiting employment based on family size must align with public interest objectives and not arbitrarily infringe on individual rights.
41. The unique ethical obligations and regulatory framework governing legal practice exempt attorneys from standard consumer protection applicability.
42. July 1, 2024, is designated as the effective date for the enactment of India's new criminal justice reforms.
43. Indian law generally considers individuals under the age of 18 as minors, who are not fully capable of entering into legally binding contracts.
44. The judiciary examines the balance between ensuring public safety and upholding the constitutional right to privacy in bail conditions.
45. The Supreme Court acknowledges homemaking's substantial economic value, advocating for its consideration in compensation determinations.
46. Legal amendments now facilitate the use of donor gametes in surrogacy, provided medical conditions justify their necessity, with at least one gamete from the intending couple.
47. Judicial decisions, made within the scope of competent authority, are typically not viewed as infringing upon fundamental rights due to the judiciary's role in interpreting the law.
48. The Supreme Court operates without direct supervisory authority over High Courts, respecting the constitutional separation of powers and judicial independence.
49. The Supreme Court found the scheme's anonymity feature undermines the electorate's right to information, essential for informed voting and democratic transparency.
50. Contracts with minors are generally voidable at the minor's discretion, recognizing their limited capacity to understand and commit to contractual obligations fully.

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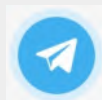
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MARCH, 2024

a monthly Legal compendium

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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a monthly Legal compendium

LAW GRID

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.



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.



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

“ CONTEXT

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

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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LAWYER MOVES SUPREME COURT SEEKING EXAMINATION OF COVISHIELD VACCINE SIDE EFFECTS, COMPENSATION FOR THOSE WHO SUFFERED ADVERSE EFFECTS

“ CONTEXT

A lawyer has filed a plea in the Supreme Court after pharmaceutical company AstraZeneca acknowledged that its Covishield vaccine could potentially cause rare side effects. The plea requests the formation of a Medical Expert Panel to scrutinize the vaccine's side effects and risk factors, and seeks compensation for those severely affected or deceased due to these side effects.

LEGAL OUTLOOK

The petition calls for the creation of a Medical Expert Panel comprising experts from the All India Institute of Medical Sciences, led by its Director and supervised by a retired Supreme Court Justice.

It urges the establishment of a Vaccine Damage Payment System in India similar to that of the UK, to support citizens



severely disabled from the vaccine.

It seeks compensation for those who have died or been severely disabled due to the Covishield vaccine side effects.

HINDU MARRIAGE AS SACRED TRADITION: SUPREME COURT CRITIQUES COMMERCIALIZATION OF MATRIMONIAL CEREMONIES



LEGAL OUTLOOK

The Court stressed that a Hindu marriage is a 'samskara' and a sacrament, critical to Indian social fabric, and should not be trivialized.

It criticized the practices of marriages for convenience, particularly those registered for practical reasons such as visa applications without the actual solemnization of the marriage.

“ CONTEXT

The Supreme Court of India highlighted the sacred nature of Hindu marriage, denouncing its reduction to mere celebratory events like song, dance, and commercial transactions. The court emphasized that marriage is a solemn institution, central to the structure of Indian society, and should be approached with the reverence it deserves.

The Court pointed out that the registration of a marriage without the requisite ceremonies does not confer a valid marital status, reinforcing the importance of following traditional rites and ceremonies.

SUPREME COURT QUERIES WEST BENGAL GOVERNMENT'S INTERVENTION ON BEHALF OF INDIVIDUAL IN CBI PROBE

LEGAL OUTLOOK

The Supreme Court adjourned the hearing until July 2024, granting the State of West Bengal's request for a delay.

The court emphasized the need for an impartial investigation into the allegations, instructing the state to support the CBI.

The court took judicial notice of the state's efforts to set up a commission to return lands to rightful owners and emphasized the state's duty to compensate victims.

“ CONTEXT

The Supreme Court questioned the State of West Bengal's decision to file a Special Leave Petition against the Calcutta High Court's order directing the CBI to investigate allegations of land-grabbing and sexual assault in Sandeshkhali. The state's intervention raised concerns about why it would protect private interests in legal matters involving criminal accusations.

“ CONTEXT

The Supreme Court expressed dissatisfaction with the Rajasthan Police's handling of officers accused of torturing a prosecution witness. The witness, a minor, alleged that police compelled her to confess to shooting her mother under duress and physical assault. This issue came to light during a hearing of a bail decline by the Rajasthan High Court, where the witness's serious allegations were not dismissed, and she was not declared hostile.

The Supreme Court noted a lack of satisfactory action from the Rajasthan DGP regarding the accused officers and directed an immediate inquiry. An FIR has been registered against the officers involved,

and departmental proceedings have been initiated. The court indicated potential personal appearance requirements for the DGP via video conference to address the matter seriously.



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LAW GRID

SUPREME COURT RULES NON-COMMUNICATION OF RESIGNATION ACCEPTANCE IRRELEVANT TO EMPLOYMENT TERMINATION

CONTEXT

The Supreme Court addressed a case involving a teacher whose resignation was accepted by a school committee without formal notification to him. The teacher had attempted to withdraw the resignation shortly after submitting it, arguing that his termination was invalid due to lack of formal acceptance communication. The court decided based on existing legal precedents that the lack of communication does not affect the validity of the resignation acceptance and consequent termination.

LEGAL OUTLOOK

The Supreme Court confirmed that employment is terminated from the date the resignation is accepted by the appropriate authority, regardless of whether the acceptance is communicated to the employee. It dismissed the teacher's appeal, upholding the school

committee's authority to accept the resignation under the governing rules, which do not require formal communication of acceptance.

The court emphasized that procedural guidelines under the relevant employment regulations do not mandate notifying the employee of the resignation's acceptance.

SUPREME COURT DISCUSSES LEGISLATIVE DUTIES IN DELETING STRUCK-DOWN PROVISIONS

CONTEXT

The Supreme Court of India deliberated on whether the legislature is obligated to formally remove provisions from the statute books that have been declared unconstitutional by the judiciary. This discussion arose during the interpretation of Article 39(b), which relates to the distribution of resources to subserve the common good. The court examined the legislative and judicial roles in ensuring the clarity and validity of laws.

LEGAL OUTLOOK

The court noted that struck-down provisions often remain in the statute books, which can lead to confusion among the general public. It highlighted the separation of powers, stating that while the judiciary can declare a law unconstitutional, it is up to the legislature to amend or delete these provisions.

The court discussed the impact of legislative inaction, which can lead to legal ambiguities and affect the clarity of the law as understood by the common man.



SUPREME COURT LAUNCHES WHATSAPP SERVICE FOR CASE UPDATES, HOPES FOR SIGNIFICANT JUDICIAL TRANSPARENCY

CONTEXT

Chief Justice DY Chandrachud announced a new Supreme Court initiative to integrate WhatsApp messaging services with the court's IT services. This integration aims to send updates about case statuses, electronic filings, causers, and judgments directly to Advocates on Record and Parties in Person via WhatsApp. This move is intended to enhance access to justice and increase transparency within the judicial system.

The Supreme Court has introduced a system where court-related updates will be sent through WhatsApp, directly to the involved parties' mobile numbers.

Automated notifications will cover various aspects of the judicial process including

electronic filings, publication of causers, and the availability of orders and judgments.

This service will use a one-way communication system from the Supreme Court's official WhatsApp number to ensure security and control over the information distributed.

SUPREME COURT ADVOCATES VIRTUAL APPEARANCE FOR GOVERNMENT OFFICERS IN INITIAL INSTANCES IF DEEMED NECESSARY

CONTEXT

The Supreme Court criticized the practice of High Courts mandating the personal appearance of government officers and upheld the preference for virtual appearances initially, unless exceptional circumstances demand otherwise. This decision was influenced by past procedures and aims to reduce unnecessary burdens on public officers, allowing them to focus on their essential duties.

Virtual appearance for government officers is to be the first course of action unless specific, exceptional circumstances are documented. The ruling sets aside a portion of the Calcutta High Court's order that demanded the personal appearance of

a superintendent without proper justification.

The Supreme Court emphasized the importance of recording reasons for requiring personal appearances, to ensure that such demands are justified and necessary.



SUPREME COURT CLARIFIES EFFECTS OF REPEALED AND SUBSTITUTED PROVISIONS ON LEGAL PENALTIES

“ CONTEXT

The Supreme Court addressed the operational effects of statutory amendments concerning penalties under the Madhya Pradesh Excise Act. The case involved **PERNOD RICARD INDIA (P) LTD.** facing a penalty under the old Rule 19, which prescribed a higher penalty rate for losses in liquor transit. This penalty rate was reduced through an amendment after the incident but before the penalty was enforced. The court examined whether the old or new penalty provisions should apply.

LEGAL OUTLOOK

The Supreme Court ruled that a repealed provision ceases to operate from the date of its repeal, and a new provision begins from its substitution, subject to any specific statutory directions. The court held that the amended Rule 19, which re-

duced the penalty, should apply retroactively to the case because the demand notice was issued after the amendment.

The judgment emphasized the principle that legal amendments aimed at reducing penalties should reflect the intention of better administration and should not be ignored.

SUPREME COURT SETS PRINCIPLES FOR CONDONATION OF DELAY, HIGHLIGHTS NON-REQUIREMENT OF CASE MERITS

LEGAL OUTLOOK

The court affirmed that the law of limitation is based on the policy of ending litigation after a fixed period, prioritizing timely pursuit of legal remedies.

It stated that while Section 3 of the Limitation Act should be strictly construed, Section 5 allows for a liberal approach to condone delays if sufficient cause is shown.

However, discretion in condoning delays is not absolute and should not override the fundamental law of limitation, particularly in cases of inordinate delay or lack of due diligence.

“ CONTEXT

The Supreme Court refused to condone a significant delay of 5659 days in filing an appeal, outlining eight principles related to the condonation of delays under the Limitation Act, 1963. This decision emphasizes the need for due diligence and timely action in legal processes, stating that the merits of the case should not influence the decision to condone delays.

SUPREME COURT ESTABLISHES RIGHT AGAINST CLIMATE CHANGE IMPACTS

“ CONTEXT

The Supreme Court of India recognized the right to be free from the adverse effects of climate change as a distinct right under Articles 14 and 21 of the Constitution. This landmark decision came as part of a ruling involving the protection of the Great Indian Bustard (GIB) from collisions with power lines, emphasizing the need to balance environmental protection with developmental needs. The Court also highlighted India's responsibilities under international environmental agreements, like the Paris Agreement.

LEGAL OUTLOOK

Recognition of the right to be free from adverse effects of climate change as a distinct constitutional right. Formation of an expert committee to examine the balance between wildlife conservation and energy infrastructure development.

Emphasis on the obligations of the state under both national and international law to mitigate the impacts of climate change and protect environmental rights.



SUPREME COURT INITIATES SENSITIZATION FOR JUDICIARY AND POLICE ON POCSO PRIVACY BREACHES

“ CONTEXT

The Supreme Court called for the sensitization of judicial and police officers in West Bengal after concerns were raised about the improper disclosure of a POCSO victim's identity during legal proceedings. The court stressed strict compliance with the laws protecting the anonymity of victims to prevent their future discrimination and harassment.



LEGAL OUTLOOK

The Supreme Court mandates the sensitization of judicial and police officers to ensure the identity of POCSO victims is never disclosed during investigations or trials.

Emphasizes the need for strict adherence to Section 33(7) of the POCSO Act and Section 228A of the IPC, which prohibit revealing the identity of sexual offence victims.

Affirms that the identity of victims can only be disclosed under special circumstances if it serves the best interests of the child, and such decisions must be documented by the court.



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LAW GRID

SUPREME COURT EXAMINES KERALA HC'S DECISION ON UNCONDITIONAL KHULA RIGHT FOR MUSLIM WOMEN

“ CONTEXT

The Supreme Court issued notice on a plea challenging the Kerala High Court judgment that recognized the unconditional right of Muslim women to resort to khula—a form of divorce under Muslim personal law. This plea was against the High Court's decision that a Muslim wife can terminate her marriage without her husband's consent, effectively overruling a 49-year-old judgment that previously required judicial or husband's approval.

LEGAL OUTLOOK

The Supreme Court's notice reopens discussion on the unconditional right of Muslim women to invoke khula without needing their husband's consent. The High Court had affirmed that khula should be valid under specific conditions: a declaration from the wife, an

offer to return the dowry, and an attempted reconciliation before the declaration. The review petition arguing for the necessity of judicial or qazi intervention in khula was dismissed, reinforcing the High Court's stance that a woman's right to khula should not be contingent upon her husband's will.

SUPREME COURT TO EXAMINE COMPENSATION CRITERIA IN DOMESTIC VIOLENCE CASES

“ CONTEXT

The Supreme Court is set to decide on the criteria for awarding compensation in domestic violence cases, questioning whether it should reflect the severity of the offense or the financial status of the offender. This issue arises from a case where a woman filed under the Protection of Women from Domestic Violence Act, claiming she had suffered physical and emotional abuse, leading to a compensation award of Rs. 3 crores based on the husband's U.S. income and standard of living.

LEGAL OUTLOOK

The Supreme Court has issued a notice to examine whether compensation in domestic violence cases should correlate with the degree of violence or the financial capability of the offender.

It has stayed the execution of the compensation payment pending further review, requiring the husband to deposit half of the awarded amount. The court continues to enforce the maintenance amount set previously, emphasizing the ongoing financial responsibilities of the offender.

SUPREME COURT HIGHLIGHTS IMPORTANCE OF CEREMONIAL OBSERVANCE IN HINDU MARRIAGES

“ CONTEXT

The Supreme Court of India ruled that for Hindu marriages to be valid under the Hindu Marriage Act, 1955, they must be conducted with essential rites and ceremonies, specifically emphasizing the 'saptapadi' (seven steps around the sacred fire). The court declared that registration alone cannot confer legitimacy on a marriage if the required ceremonies are not performed, addressing a case where a marriage certificate was issued despite the absence of these ceremonies.

LEGAL OUTLOOK

A Hindu marriage is considered invalid if the essential ceremonies, like the saptapadi, are not performed. The mere registration of a marriage does not confer legal legitimacy if the requisite ceremonies are not conducted

as per Section 7 of the Hindu Marriage Act. The court decried marriages of convenience aimed at securing legal status without following traditional customs, emphasizing the sanctity and spiritual significance of Hindu marriage ceremonies.

SUPREME COURT AFFIRMS STRIDHAN AS WIFE'S ABSOLUTE PROPERTY IN LEGAL DISPUTE

“ CONTEXT

The Supreme Court reiterated the absolute ownership rights of a wife over her stridhan, in a case involving matrimonial dispute and alleged misappropriation of stridhan by the husband. The court emphasized that stridhan remains a woman's exclusive property and is not subject to the control or claim by the husband. The case surfaced from a matrimonial conflict where the wife accused her husband and his family of misappropriating her stridhan, including a significant amount of gold jewelry and cash given by her father.

LEGAL OUTLOOK

The Supreme Court upheld the wife's claim to her stridhan as her absolute property, reinforcing that the husband has no legal title or control over it. The court highlighted the incorrect application of the evidentiary standard by the High Court, stating that civil matters should

be judged on the preponderance of probabilities rather than beyond a reasonable doubt. The Supreme Court reversed the High Court's decision and directed the husband to pay compensation, considering the evidence presented, including the admission of receiving stridhan and the wedding photos showing the wife wearing the jewelry.



SUPREME COURT REVISES MEDICAL NEGLIGENCE COMPENSATION, CLARIFIES APPLICATION OF 'EGG SHELL SKULL' RULE

“ CONTEXT

The Supreme Court enhanced the compensation awarded to a patient for medical negligence from Rs. 2 Lakhs to Rs. 5 Lakhs, critiquing the lower courts' application of the 'Egg Shell Skull' rule. The patient had experienced continuous pain post-surgery, and later it was discovered that a 2.5 cm needle was left near the surgical site, necessitating further medical intervention. The legal dispute focused on whether the 'Egg Shell Skull' rule was applicable given the patient did not have a pre-existing condition that fit the specific criteria for applying this rule.

LEGAL OUTLOOK

The Supreme Court overturned lower court decisions that had reduced the compensation based on the 'Egg Shell Skull' rule, which is only applicable when a patient has specific pre-existing conditions that would amplify the injury. The court clarified the correct application of the 'Egg Shell

Skull' rule, emphasizing that it should be applied only when a pre-existing condition of the patient falls into certain specified categories.

The court restored the original compensation amount awarded by the District Forum to Rs. 5 Lakhs, asserting the need for just compensation for the patient's suffering due to medical negligence.

SUPREME COURT URGES HIMACHAL PRADESH TO PROVIDE CHILD CARE LEAVE, HIGHLIGHTING ITS IMPORTANCE FOR WORKING MOTHERS

“ CONTEXT

The Supreme Court has directed the Himachal Pradesh government to revise its Child Care Leave (CCL) policies, particularly for mothers of children with special needs. This came after the state lacked a policy providing CCL for mothers of differently abled children, prompting the Court to call for a committee to evaluate potential solutions. The case arose when a petition filed by an assistant professor was dismissed by the Himachal Pradesh High Court due to the state not adopting specific CCL provisions.

The Supreme Court emphasized the necessity of CCL to ensure working mothers do not have to leave their jobs, particularly those with special needs children.

A committee, led by the State Commissioner under the Rights of Persons With Disability Act 2016, is to be formed to assess and possibly revise CCL policies.

The Court pointed out the importance of aligning state

policies with constitutional protections that safeguard women's rights to work and equality under Article 15 of the Constitution.



SUPREME COURT ENDS DECADE-LONG CUSTODY WITHOUT TRIAL, GRANTS BAIL TO ACCUSED

“ CONTEXT

The Supreme Court granted bail to a man who had been in custody for over 10 years without trial completion, highlighting severe delays in the judicial process. The man, involved in a criminal case since 2014, faced prolonged incarceration as the trial progressed slowly with numerous witnesses yet to be examined. His bail applications had previously been rejected by lower courts despite the extended period of custody.

The Supreme Court granted bail to the appellant, recognizing the undue length of his incarceration without trial completion. The Court critiqued the slow progress of the trial and the high court's advisory approach rather than a substantive decision on bail.

The Court ordered the appellant's release on terms to be set by the Trial Court and emphasized the necessity for the appellant's cooperation in expediting the trial, with a warning that bail could be revoked if cooperation was not evident.

SUPREME COURT SETS PRECEDENT ON WRIT PETITION DELAYS, REJECTS CASE DUE TO LACHES

“ CONTEXT

The Supreme Court ruled against accepting a writ petition under Article 226 due to significant delay and laches. The case involved a petitioner who challenged a decision years after being aware of it, concerning the allotment of a distributorship initially granted in 2014 but only contested in 2017 after alternate land was offered for a godown and showroom. The Court emphasized that such delays undermine equity, and petitioners who sleep on their rights cannot seek extraordinary relief from writ courts.

The Supreme Court reversed the High Court's decision which had allowed the writ petition despite the delay. It was established that delay and laches should be a primary consideration for High Courts when exercising their

discretionary powers under Article 226.

The Court dismissed the writ petition on the basis of the petitioner's excessive delay in filing the petition and tacit acceptance of earlier developments.



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SUPREME COURT DISMISSES PETITION FOR 3-YEAR LL.B COURSE POST-SCHOOL, CITES NEED FOR MATURE LEGAL PROFESSIONALS

“ CONTEXT

The Supreme Court refused to entertain a petition that proposed reducing the duration of the law degree (LL.B) to three years immediately after high school. The petition argued that the current five-year course duration post-high school negatively impacts students, especially those from economically weaker backgrounds, and is not aligned with international standards like in the UK. The Court emphasized the importance of a mature and well-prepared legal profession, advocating for the existing five-year integrated law course.

LEGAL OUTLOOK

The Supreme Court did not entertain the petition and did not allow it to be presented as a representation to the Bar Council of India. The Court stressed the necessity of the five-year inte-

grated LL.B course for developing mature and competent legal professionals. The petition was withdrawn without the liberty to approach the Bar Council, indicating the Court's firm stance on the issue.

SUPREME COURT ORDERS REINSTATEMENT OF COLLEGE REGISTRAR AFTER UNJUST TERMINATION

“ CONTEXT

The Supreme Court reinstated the Registrar of GB Pant Institute of Engineering and Technology, Ghurdauri, after finding that his termination without a disciplinary inquiry violated the principles of natural justice. The appellant's services were terminated without an opportunity for a disciplinary hearing or a chance to respond to allegations, based merely on the decision of respondent No. 2, who claimed the appellant did not meet the job qualifications and had suppressed information about his previous suspension.

The Supreme Court found the termination without a disciplinary inquiry to be unjustified and against the principles of natural justice. The appellant was reinstated to his position as Registrar with all consequential benefits, emphasizing that the termination was not preceded

by any disciplinary proceedings or a chance to respond to the charges. The Court noted that the appellant had satisfactorily completed his probation period, undermining the respondent's grounds for termination without due process.

SUPREME COURT PENALIZES MISUSE OF SECTION 498A IPC WITH SUBSTANTIAL FINE

“ CONTEXT

The Supreme Court imposed a fine of Rs. 5 lakh on a wife's father for filing duplicate and false cases under Section 498A of the Indian Penal Code (IPC) in different locations to harass his daughter's husband. The case involved the lodging of complaints with similar allegations in Hisar and Udaipur, resulting in multiple trials for the husband based on the same set of facts. The Court criticized the misuse of state machinery for personal grievances and targeted harassment.

LEGAL OUTLOOK

The Supreme Court awarded Rs. 5 lakh in costs against the wife's father for filing redundant and malicious complaints in different jurisdictions. Rs. 2.5 lakh of the total costs were to be paid directly to the husband as compensation,

and the remaining amount was allocated to the Supreme Court Legal Services Committee. The FIR registered in Udaipur was quashed, acknowledging that the authorities were aware of the previous complaint in Hisar, which had already resulted in an acquittal.

SUPREME COURT CHALLENGES SURROGACY RESTRICTIONS FOR PARENTS WITH ONE CHILD

“ CONTEXT

The Supreme Court has issued a notice to the Union government regarding a plea that challenges the constitutional validity of a provision in the Surrogacy (Regulation) Act, 2021, which bars couples with a healthy biological child from having a second child through surrogacy. The petitioners, a married couple, argue that this provision unjustly interferes with their reproductive rights and discriminates against those suffering from secondary infertility, where natural conception poses significant health risks.

LEGAL OUTLOOK

The Supreme Court sought the Union government's response on the petition challenging the Surrogacy Act's provision. The provision in question denies surrogacy for couples who already have a healthy child, except in cases where

the child has severe health issues. The petitioners request that the provision be read down or made less restrictive, asserting that their situation warrants an exception for the well-being of their existing child and the wife's health.



PATANJALI'S TOP EXECUTIVES MAKE COURTROOM APOLOGIES OVER MISLEADING ADVERTISEMENTS

CONTEXT

Baba Ramdev and Acharya Balkrishna of Patanjali Ayurved Ltd personally apologized in the Supreme Court for their misleading advertisements and disparaging comments against allopathic medicine. This apology was part of a contempt case hearing, where they were accused of breaching a prior court undertaking to not mislead the public with their advertisements.

LEGAL OUTLOOK

Baba Ramdev and Acharya Balkrishna expressed their regret directly to the court, acknowledging their breach of the court's trust. Patanjali Ayurved Ltd agreed to publish a public apology to demonstrate their contrition and comply with the court's directives.

The Supreme Court gave the executives until April 23 to provide further details on how they plan to rectify their actions and prevent future breaches. The court had previously warned of a potential Rs. 1 crore fine for each misleading advertisement if the practice continued.

SUPREME COURT CLARIFIES SCOPE OF ARTICLE 226 WRITS DESPITE STATUTORY REMEDIES

LEGAL OUTLOOK

The Supreme Court set aside the High Court's order that had wrongly interfered in auction proceedings completed by a bank, emphasizing the established statutory remedies under the SARFAESI Act.

The Court delineated exceptions where High Courts can intervene under Article 226, such as when statutory authorities act outside their legal bounds, violate principles of natural justice, or when there is a total absence of procedures.

A fine of Rs. 1 Lakh was imposed on the borrower for misuse of judicial processes

CONTEXT

The Supreme Court outlined specific exceptions where High Courts can entertain writ petitions under Article 226 of the Constitution, even when statutory remedies are available. This directive came while addressing a case where the High Court had inappropriately interfered in bank auction proceedings under the SARFAESI Act, which already has a comprehensive statutory remedy framework.

and causing unnecessary interference in the statutory procedure.

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Important Questions



1. Does the state owe a duty to compensate individuals harmed by mandatory health interventions?
2. Is the establishment of a specialized medical panel to examine vaccine side effects a judicial matter or within the executive's domain?
3. Can a marriage be considered legally valid if it lacks the customary rites and ceremonies specific to the Hindu tradition?
4. Does the registration of a marriage equate to the solemnization of a marriage under Hindu law?
5. Is it appropriate for a state government to intervene in legal proceedings on behalf of a private individual accused of criminal activities?
6. What is the role of the state in ensuring impartial investigations into criminal allegations involving influential political figures?
7. What legal responsibilities do police departments have when officers within their ranks are accused of misconduct?
8. How should judicial bodies address the continuation of service by police officers under investigation for serious crimes?
9. Does the failure to communicate the acceptance of a resignation to the employee render the resignation invalid?
10. What are the legal requirements for the valid acceptance of a resignation under employment law?
11. Is the legislature required to amend or delete provisions that have been struck down by the judiciary to avoid legal confusion?
12. What are the consequences of legislative inaction on provisions declared unconstitutional by the courts?
13. Does the implementation of a WhatsApp communication service by the Supreme Court conform to the principles of judicial transparency and accessibility?
14. What legal frameworks govern the use of digital tools like WhatsApp for official judicial communication?
15. Under what conditions can a court demand the personal appearance of government officers?
16. What is the legal basis for preferring virtual appearances of government officers in judicial proceedings?
17. When does a repealed statutory provision cease to have effect?
18. Can a substituted statutory provision have retroactive application?
19. What is the significance of the merits of the case in the condonation of delays?
20. How should courts balance the strictness of law of limitation with the flexibility provided under Section 5?
21. Does the recognition of a right against the adverse effects of climate change under the Constitution obligate the state to take specific actions?
22. How does the recognition of such a right affect India's policies on environmental conservation and energy infrastructure?
23. What are the legal requirements for maintaining the confidentiality of POCSO victims' identities?
24. Under what circumstances can the identity of a POCSO victim be legally disclosed?
25. Is a Muslim woman's right to khula absolute, independent of her husband's consent?
26. What judicial role, if any, is required in the process of khula as per Indian legal standards?
27. Does the registration of a marriage alone establish its legitimacy under Hindu law?
28. What is the significance of performing traditional ceremonies in Hindu marriages?



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| <p>29. Should compensation in domestic violence cases primarily reflect the severity of the offense or the financial status of the offender?</p> <p>30. How should courts balance considerations of fairness and punitive measures in determining compensation in domestic violence cases?</p> <p>31. Does stridhan become a joint property of the husband and wife upon marriage?</p> <p>32. What is the required standard of proof for claims regarding stridhan in civil matrimonial disputes?</p> <p>33. When is the 'Egg Shell Skull' rule applicable in cases of medical negligence?</p> <p>34. What are the criteria for applying the 'Egg Shell Skull' rule in determining compensation for medical negligence?</p> <p>35. Is the provision of Child Care Leave a constitutional right under Article 15 for working mothers?</p> <p>36. Does the absence of Child Care Leave policies for mothers of children with special needs violate constitutional protections and rights?</p> <p>37. Is the duration of the legal education program a matter for judicial review or is it a policy decision better suited for educational authorities?</p> <p>38. Does the length of the legal education curriculum violate constitutional rights under Articles 14 and 21 as argued by the petitioner?</p> <p>39. Does extended pre-trial detention violate the right to a speedy trial?</p> <p>40. Can the Supreme Court intervene in lower court procedures to rectify delays in trial processes?</p> | <p>41. Does delay and laches on the part of a petitioner justify the dismissal of a writ petition under Article 226?</p> <p>42. How should courts balance the urgency of relief sought against the timeliness of the petition?</p> <p>43. Does filing multiple cases with identical allegations in different jurisdictions constitute abuse of judicial process under Indian law?</p> <p>44. What legal recourse is available against individuals who misuse legal provisions for personal harassment?</p> <p>45. Is the restriction on having a second child through surrogacy for parents with a healthy biological child constitutionally valid?</p> <p>46. Does this provision of the Surrogacy (Regulation) Act, 2021 violate the reproductive rights protected under Article 21 of the Constitution?</p> <p>47. Does the termination of an employee without a disciplinary inquiry violate the principles of natural justice?</p> <p>48. Is it lawful to terminate an employee based on allegations without providing an opportunity for a disciplinary hearing or to contest the allegations?</p> <p>49. Is a personal apology by corporate executives in court sufficient to mitigate contempt of court proceedings?</p> <p>50. Does the commitment to publish a public apology adequately address the breach of an earlier court undertaking?</p> |
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ANSWERS

1. Compensation may be deemed a state responsibility under tort or public health law, especially when interventions are mandated or strongly recommended by the government.
2. The constitution of a medical panel could be ordered by the judiciary as a form of judicial oversight in matters impacting public health, especially when there are significant concerns about safety.
3. No, under Hindu law, a marriage is not legally valid unless it includes the customary rites and ceremonies, as these are essential elements that constitute the marriage.
4. Merely registering a marriage does not amount to its solemnization; traditional rituals and ceremonies are required to legally establish a marital union under Hindu law.
5. Generally, it is unusual for state governments to intervene on behalf of private individuals in criminal matters, unless there are broader implications for state policy or public welfare.
6. The state is expected to facilitate and ensure impartial investigations, especially when the accusations involve individuals with significant political influence, to maintain public trust in the legal and political systems.
7. Police departments are legally required to conduct immediate and thorough investigations into misconduct allegations and to take appropriate disciplinary actions, which may include suspension or termination, to maintain public trust and law enforcement integrity.
8. Judicial bodies typically expect suspension or removal of officers from duty when under investigation for serious offenses, especially when the allegations involve abuse of power or harm to civilians, to prevent further misconduct and uphold justice.
9. No, the failure to communicate the acceptance of a resignation does not render the resignation invalid if it has been formally accepted by the appropriate authority.
10. The legal requirement for the valid acceptance of a resignation hinges on the acceptance by the authorized body as stipulated by the governing employment regulations, without a necessity for communication to the employee.
11. While not legally bound, it is advisable for the legislature to amend or delete unconstitutional provisions to maintain clear and effective legal governance.
12. Legislative inaction can lead to confusion and undermine public confidence in the legal system, as outdated or unconstitutional provisions may mistakenly be considered active or valid.
13. Yes, the implementation of WhatsApp for distributing judicial updates aligns with enhancing judicial transparency and accessibility, making court proceedings more open and accessible to relevant parties.
14. The use of digital tools like WhatsApp for judicial communication must comply with existing legal frameworks concerning digital communication and data privacy, ensuring that all procedural and privacy standards are met.
15. Courts can demand the personal appearance of government officers only under exceptional circumstances, which must be specifically justified and recorded in the court's order.
16. The legal basis for preferring virtual appearances lies in optimizing public officers' efficiency and minimizing disruptions to their duties, as well as in established procedural precedents that endorse such practices unless exceptional conditions apply.
17. A repealed statutory provision ceases to have effect from the date of its repeal, unless specified otherwise by statute.
18. Yes, a substituted statutory provision can have retroactive application if such application is intended to achieve administrative efficiency and is specifically prescribed by the statute.
19. The merits of the case are irrelevant when considering the condonation of delays, focusing solely on the reasons for the delay and adherence to procedural timelines.
20. Courts must balance the strictness required by Section 3 of the Limitation Act with the liberal interpretation of Section 5, ensuring that substantial justice is served without compromising the law's intent to limit prolonged litigation.



21. Yes, the recognition of this right obligates the state to enact and enforce policies that prevent and mitigate the adverse effects of climate change, aligning with constitutional guarantees and international commitments.
22. This recognition likely compels a review and potential adjustment of policies, ensuring they protect environmental rights while supporting sustainable development, balancing ecological concerns with the demands of energy infrastructure.
23. Legal requirements include non-disclosure of the victim's identity during any stage of the investigation or trial, as mandated by Section 33(7) of the POCSO Act and reinforced by IPC Section 228A.
24. The identity of a POCSO victim can only be disclosed if a special court, after thorough consideration and documentation, concludes that such disclosure is in the best interest of the child.
25. According to the Kerala High Court's judgment, a Muslim woman's right to khula is absolute and does not depend on her husband's consent, provided the established conditions are met.
26. The current legal challenge seeks clarity on whether judicial oversight is necessary for khula, contrasting with the High Court's position that it can proceed without such intervention if the conditions are met.
27. No, the registration of a marriage alone does not establish its legitimacy under Hindu law; traditional ceremonies must be performed as per the requirements of Section 7 of the Hindu Marriage Act.
28. Traditional ceremonies are crucial in Hindu marriages as they not only fulfill legal requirements but also hold spiritual significance, marking the marriage as a sacred union.
29. The question remains open for the Supreme Court's decision, focusing on whether compensation should be proportional to the severity of the offense or the financial status of the offender.
30. In balancing fairness and punitive measures, courts may need to consider both the impact of the offense on the victim and the financial capability of the offender to ensure just compensation that serves both compensatory and deterrent purposes.
31. No, stridhan does not become joint property upon marriage and remains the absolute property of the wife, with the husband having no title or independent dominion over it.
32. In civil matrimonial disputes concerning stridhan, the standard of proof is 'preponderance of probabilities' rather than 'beyond reasonable doubt', focusing on the likelihood rather than certainty of claims.
33. The 'Egg Shell Skull' rule is applicable only when the patient had pre-existing conditions that fall into specific categories, such as a latent condition unearthed by the incident, reactivation of a previously subsided condition, aggravation of an untreated pre-existing condition, or acceleration of an inevitable condition due to the incident.
34. The criteria for applying the 'Egg Shell Skull' rule include evidence of the patient's pre-existing conditions that make them more susceptible to harm from medical interventions. The rule does not apply if the patient does not meet these specific pre-existing conditions, and compensation should not be reduced based on the assumption of unusual vulnerability without proper justification.
35. The Court suggested that the provision of Child Care Leave is crucial for supporting working mothers, aligning with constitutional entitlements under Article 15 that ensure equality and non-discrimination in employment.
36. The absence of specific Child Care Leave policies for mothers of children with special needs can be seen as a failure to align state employment policies with constitutional rights, potentially violating the protections intended to ensure equal work opportunities for women.
37. The duration of legal education programs is predominantly a policy decision, falling under the purview of educational authorities and professional bodies like the Bar Council of India, rather than subject to judicial review.
38. The Supreme Court did not find the duration of the legal education curriculum to be a violation of constitutional rights under Articles 14 and 21, emphasizing the importance of thorough legal training and maturity in the profession.
39. Yes, extended pre-trial detention can infringe on the constitutional right to a speedy trial, as undue delays in the judicial process prevent the accused from securing a timely and fair hearing.

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| <p>40. Yes, the Supreme Court can intervene in lower court proceedings if it finds excessive delays that compromise the rights of the accused, ensuring justice is both swift and fair.</p> <p>41. Yes, delay and laches can justify the dismissal of a writ petition under Article 226, as courts must consider whether the petitioner acted within a reasonable time frame to preserve the principle of equity.</p> <p>42. Courts should evaluate the urgency of the relief sought in the context of the petitioner's promptness. A significant delay can undermine the cause of action, leading to dismissal unless the relief sought addresses a fundamental ongoing harm or rights violation.</p> <p>43. Yes, filing multiple cases on the same set of allegations in different jurisdictions is considered an abuse of the judicial process and can result in penalties or dismissal of the cases.</p> <p>44. Legal recourse against such misuse includes the imposition of fines and quashing of frivolous or malicious proceedings to deter similar future actions and to compensate the affected party.</p> <p>45. The validity of this restriction is currently under scrutiny by the Supreme Court, which will deter-</p> | <p>mine whether it is justifiable under the Constitution.</p> <p>46. The court is considering whether the restriction infringes on the reproductive rights of individuals, particularly in light of the rights to personal liberty and life, which include the right to make choices about one's reproductive health.</p> <p>47. Yes, terminating an employee without a disciplinary inquiry does violate the principles of natural justice, as everyone has the right to a fair hearing and to defend themselves against any allegations.</p> <p>48. No, it is not lawful to terminate an employee based solely on allegations without providing an opportunity for a disciplinary hearing or a chance to respond, as this breaches fundamental principles of fairness and due process under the law.</p> <p>49. A personal apology can be part of addressing contempt of court, but it must be sincere and accompanied by actions that correct the breach to fully mitigate legal consequences.</p> <p>50. Publishing a public apology is a step towards rectifying the situation, but it must be coupled with tangible measures to prevent future violations and ensure compliance with court orders.</p> |
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