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AIR
4
CLAT 2026



Arshnoor Singh

AIR
2
AILET 2025



Chaitanya Ghosh

AIR
2
CLAT 2025



Daiwik Agarwala

AIR
4
CLAT 2025



Aditya Gautam Ankhad

AIR
4
AILET 2026



Siddhant Rohit



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AIR 04, CLAT



Arshnoor Singh



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AIR 22, AILET



Aryan Gupta



AIR 30, CLAT



AIR 43, AILET



AIR 69, AILET



AIR 74, AILET



AIR 77, AILET



AIR 86, AILET



YE POSTER NAHI, PROOF HAI!



NPLC's TOP PERFORMERS 2025

AIR 02, AILET



Chaitanya Ghosh

AIR 02, CLAT



Daiwik Agarwala

AIR 04, CLAT



Aditya Ankhad

AIR 6, AILET



Dhruv Kamath

AIR 10, AILET



Vidisha Singh

AIR 24, AILET



Samyuktha Kovilakath

AIR 30, AILET



Goohika Joshi

AIR 51, AILET



Aditya Mehta

AIR 78, AILET



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He has been associated with some of the country's top-tier law firms, including Luthra & Luthra, and holds expertise in Intellectual Property, Insurance, and Trade Law, with over 30 national and international publications to his credit.

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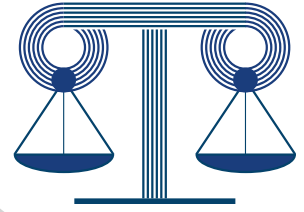
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SUPREME COURT

Landmark Judgements



1 Arbitrator's Jurisdiction Ruling Not Separately Challengeable Under Sections 34/37

Background

- The dispute arose between M/s. MCM Worldwide Private Limited (Appellant) and M/s. Construction Industry Development Council (Respondent) in the context of arbitral proceedings under the Arbitration and Conciliation Act, 1996, wherein the Respondent raised a jurisdictional objection before the arbitral tribunal contending that it lacked jurisdiction to adjudicate the dispute.
- The arbitrator dismissed the jurisdictional plea on the ground of limitation by an order dated 19.05.2023, thereby rejecting the challenge raised under Section 16 of the Act, following which the Respondent filed an application under Section 34 before the District Judge treating the rejection order as a challengeable award.
- The District Judge dismissed the Section 34 application on merits but failed to address the threshold issue of whether such an application was maintainable at all against an interlocutory order passed under Section 16 of the Act.
- The Respondent thereafter preferred an appeal under Section 37 before the Delhi High Court, which allowed the appeal and accepted the jurisdictional challenge on merits, setting aside the arbitrator's order dated 19.05.2023.
- The Appellant approached the Supreme Court challenging the Delhi High Court's decision, contending that the entire proceeding initiated by the Respondent under Sections 34 and 37 was not maintainable in law.

Case Details

- Case Title:** M/s. MCM Worldwide Private Limited v. M/s. Construction Industry Development Council
- Citation:** 2026 INSC 425 | 2026 LiveLaw (SC) 440
- Bench:** Justice Sanjay Kumar and Justice K. Vinod Chandran

Issue Before the Court

- Whether an arbitral tribunal's order rejecting a plea of lack of jurisdiction under Section 16 of the Arbitration and Conciliation Act, 1996 is independently challengeable by way of an application under Section 34 of the Act.
- Whether an appeal under Section 37 of the Act is maintainable against a decision rendered on an application filed under Section 34 challenging an order passed under Section 16 of the Act.
- What is the appropriate remedy available to a party aggrieved by an arbitral tribunal's rejection of its jurisdictional plea under Section 16 of the Act.

Judgement of the Court

- The Supreme Court held that Section 16 of the Arbitration and Conciliation Act, 1996, titled "Competence of arbitral tribunal to rule on its jurisdiction," expressly vests the arbitral tribunal with the authority to rule on its own jurisdiction, including objections relating to the existence or validity of the arbitration agreement, thereby codifying the Kompetenz-Kompetenz doctrine.
- The Court observed that where an arbitral tribunal rejects a jurisdictional plea under Section 16 and continues with the proceedings, the statutory scheme requires the tribunal to proceed and pass a final award, and the aggrieved party has no independent recourse under Section 34 at that intermediate stage. Such an order rejecting the jurisdictional plea is not an "award" within the meaning of the Act and therefore cannot be challenged by way of an application under Section 34.
- On the maintainability of the appeal under Section 37, the Court held that since the application under Section 34 filed by the Respondent was itself not maintainable, the question of entertaining an appeal under Section 37 against the decision rendered thereon did not arise. The Court noted that an appeal under Section 37 against a Section 16 order lies only where the tribunal accepts the jurisdictional plea and terminates the proceedings, not where it rejects the plea and continues.
- The Court held that both the District Judge and the Delhi High Court erred in entertaining the matters brought before them under Sections 34 and 37 respectively. While the District Judge was correct in ultimately dismissing the application, both courts erred in deciding the jurisdictional question on merits instead of ruling on the threshold issue of maintainability itself.
- The Court clarified that the Respondent is not without remedy. It remains open to the Respondent to test the validity of the arbitrator's order dated 19.05.2023 rejecting its jurisdictional plea, but only after the final award is passed in the arbitral proceedings, by way of an application under Section 34 of the Act at that stage.
- The Court disposed of the matter purely on a construction of Sections 16, 34 and 37 of the Arbitration and Conciliation Act, 1996, holding that the statutory scheme itself makes the position unambiguous, without relying on any specific precedents.
- Accordingly, the appeal was allowed and the Delhi High Court's order was set aside.

Key Takeaway for CLAT Aspirant

- **Kompetenz-Kompetenz Doctrine (Section 16, Arbitration and Conciliation Act, 1996):** The Kompetenz-Kompetenz doctrine, codified under Section 16 of the Arbitration and Conciliation Act, 1996, vests an arbitral tribunal with the competence to rule on its own jurisdiction, including objections relating to the existence or validity of the arbitration agreement. This doctrine is a foundational principle of modern arbitration law, ensuring that jurisdictional disputes are resolved within the arbitral framework itself rather than being referred to courts at the interlocutory stage, thereby preserving the independence and efficiency of the arbitral process.
- **Separability Doctrine (Section 16(1), Arbitration and Conciliation Act, 1996):** Section 16(1) of the Act embodies the separability doctrine, which treats an arbitration clause forming part of a contract as an agreement independent of the other terms of that contract. Consequently, even if the underlying

contract is declared null and void, the arbitration clause survives as a distinct and enforceable agreement. This principle ensures that a challenge to the validity of the main contract does not automatically displace the tribunal's jurisdiction to arbitrate the dispute.

- **Statutory Definition of "Arbitral Award" and Scope of Section 34 (Arbitration and Conciliation Act, 1996):** Section 34 of the Arbitration and Conciliation Act, 1996 provides a statutory remedy to challenge an "arbitral award" on specified grounds such as lack of jurisdiction, incapacity of parties, violation of public policy, and non-arbitrability. The provision is confined in its operation to a final award and does not extend to interlocutory or interim orders passed by the tribunal during the course of proceedings. An order rejecting a jurisdictional plea under Section 16 does not constitute an "award" within the statutory meaning and is therefore not amenable to challenge under Section 34 at the mid-proceedings stage.
- **Asymmetric Appellate Scheme under Section 37 (Arbitration and Conciliation Act, 1996):** Section 37 of the Act provides for a limited and specific right of appeal against enumerated orders, including orders passed under Sections 8, 9, 16, and 34. A crucial distinction exists within the appellate scheme: an appeal under Section 37 against a Section 16 order is available only where the tribunal accepts the jurisdictional plea and terminates the proceedings, not where the tribunal rejects the plea and continues with the arbitration. This asymmetric design reflects the legislative intent to prevent piecemeal litigation and mid-proceedings judicial interference.
- **Principle of Minimal Judicial Intervention (Preamble and General Scheme, Arbitration and Conciliation Act, 1996):** One of the foundational legislative policies underlying the Arbitration and Conciliation Act, 1996 is the minimisation of judicial intervention in arbitral proceedings. The Act is modelled on the UNCITRAL Model Law on International Commercial Arbitration and expressly limits the circumstances in which courts may intervene. This principle ensures that parties who choose arbitration as their dispute resolution mechanism are bound by that choice and cannot circumvent it by repeatedly approaching courts during the pendency of proceedings.
- **Principle of Non-Fragmentation of Proceedings and Finality of Arbitration:** A well-established principle in arbitration law is that arbitral proceedings must be allowed to reach their logical conclusion without being disrupted by piecemeal challenges before civil courts. Permitting independent challenges to every interlocutory order of a tribunal would undermine the very purpose of choosing arbitration over conventional litigation. The statutory scheme of the 1996 Act reflects this principle by channelling all jurisdictional objections to the final award challenge stage under Section 34, thereby consolidating grievances and promoting procedural efficiency.
- **Threshold Rule of Maintainability in Civil and Arbitral Proceedings:** A foundational procedural principle applicable across civil and arbitral forums is that courts must examine and decide the threshold issue of maintainability before proceeding to the merits of a case. This rule, rooted in the general principles of civil procedure and reinforced by the Code of Civil Procedure, 1908, prevents courts from expending judicial resources on matters that are not legally cognisable before them. Entertaining a non-maintainable application on merits is itself an error of jurisdiction and procedure, as illustrated by the conduct of both courts in the present case.
- **Doctrine of Deferred Challenge and Preservation of Remedies:** The statutory scheme of the Arbitration and Conciliation Act, 1996 operates on the principle that a party's remedy is not extinguished merely because it cannot be exercised immediately. Where a jurisdictional plea is rejected under Section 16, the aggrieved party's right to challenge the ruling is preserved and deferred to the stage of the final award, at which point a comprehensive challenge under Section 34 becomes available. This doctrine ensures that

no party is left remediless while simultaneously preventing premature and disruptive judicial intervention in ongoing arbitral proceedings.

- **Literal Rule of Statutory Interpretation and Plain Meaning of Statutory Text:** Where the language of a statute is clear, precise, and unambiguous, courts are required to apply the literal rule of statutory interpretation and give effect to the plain meaning of the text without importing external aids or expansive construction. Sections 16, 34, and 37 of the Arbitration and Conciliation Act, 1996 set out the procedural scheme in unambiguous terms, and no resort to purposive or liberal interpretation is warranted when the statutory text itself resolves the issue conclusively.
- **Time-Limit for Raising Jurisdictional Objections (Section 16(2) and 16(3), Arbitration and Conciliation Act, 1996):** Section 16(2) of the Act mandates that a plea challenging the tribunal's jurisdiction must be raised no later than the submission of the statement of defence, and Section 16(3) requires that a plea alleging that the tribunal is exceeding the scope of its authority must be raised as soon as the matter alleged to be beyond its authority arises during proceedings. Failure to raise such pleas within the prescribed time may result in waiver of the objection, subject to the tribunal's discretion under Section 16(4) to condone delay where the delay is justified. These provisions reinforce the principle of timely objection and prevent parties from strategically withholding jurisdictional challenges.



Practice Questions

1. Vihaan and Rohan enter into a supply contract that contains an arbitration clause. When a dispute arises, Rohan succeeds in getting the main supply contract declared null and void on the ground of illegality. He then contends before the arbitral tribunal that, since the contract itself is void, the arbitration clause within it has also perished, leaving the tribunal without jurisdiction. Is Rohan's contention correct?

- (a) Yes, because a void contract cannot give birth to any enforceable clause within it.
- (b) Yes, because the arbitration clause loses force once the main contract is set aside.
- (c) No, because only a court can decide the survival of an arbitration clause.
- (d) No, because the arbitration clause is independent and survives the contract's invalidity.

2. Meera is the respondent in an arbitration. She wishes to challenge the tribunal's jurisdiction and also intends to object that the tribunal is exceeding the scope of its authority on a matter that surfaces only midway through the hearings. Which of the following statements are false?

- i. Meera may raise her plea challenging the tribunal's jurisdiction at any stage before the final award.
- ii. Meera's plea that the tribunal is exceeding its authority must be raised as soon as that matter arises in the proceedings.
- iii. A jurisdictional plea raised after the statement of defence is automatically valid and cannot be treated as waived.
- iv. The tribunal may condone a delayed plea where it considers the delay to be justified.

- (a) Statement iii
- (b) Statements i and iv
- (c) Statements i and iii
- (d) Statements i, iii, and iv

3. During an ongoing arbitration, the tribunal rejects a party's plea that it lacks jurisdiction. The aggrieved party publicly declares that it will at once approach the court under Section 34 to have this rejection set aside before the arbitration proceeds any further, treating the rejection as a challengeable award. How does this declaration align with the statutory scheme governing Section 34?

- (a) The declaration is untenable, as the rejection order is not an award challengeable under Section 34.
- (b) The declaration is valid, as any adverse ruling by a tribunal can be challenged under Section 34.
- (c) The declaration is valid only if the rejected plea concerned the arbitration agreement's existence.
- (d) The declaration is partially valid, as Section 34 applies once the hearings stand concluded.

4. Under the appellate scheme of Section 37 of the Arbitration and Conciliation Act, 1996, a right of appeal against a Section 16 order arises only in one specific situation. In which of the following circumstances is such an appeal available?

- (a) Where the tribunal rejects the jurisdictional plea and continues with the arbitration.
- (b) Where the tribunal accepts the jurisdictional plea and terminates the arbitral proceedings.

- (c) Where the tribunal reserves the jurisdictional question for decision in the final award.
- (d) Where the tribunal stays the proceedings pending a direction from the court.

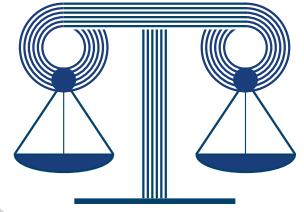
5. Which provision of the Arbitration and Conciliation Act, 1996 vests an arbitral tribunal with the competence to rule on its own jurisdiction, including objections relating to the validity of the arbitration agreement?

- (a) Section 8
- (b) Section 11
- (c) Section 16
- (d) Section 34



SUPREME COURT

Landmark Judgements



2 Principles for Exercise of Article 227 Jurisdiction

Background

- In 2007, a compromise was arrived at between Nandi Infrastructure Corridor Enterprises Ltd. (NICE) and landowners in Bengaluru, under which NICE had acquired a portion of their land for a road project and agreed to either provide alternate land or pay compensation calculated on the basis of the government guideline value.
- NICE failed to provide alternate land to the affected landowners, whereupon the landowners approached the executing court for enforcement of the compromise and payment of monetary compensation in lieu of the alternate land.
- The executing court, upon due consideration of the terms of the compromise and the applicable guideline values, fixed the compensation payable by NICE at Rs. 1,000 per square foot.
- NICE challenged this determination before the High Court by invoking its supervisory jurisdiction under Article 227 of the Constitution of India, whereupon the High Court reduced the compensation from Rs. 1,000 per square foot to Rs. 500 per square foot, thereby substituting its own assessment for the reasoned determination of the executing court.
- Aggrieved by the High Court's reduction of the compensation amount, the landowners preferred an appeal before the Supreme Court, contending that the High Court had exceeded the permissible limits of its supervisory jurisdiction under Article 227.

Case Details

- Case Title:** Nandi Infrastructure Corridor Enterprises Ltd. & Anr. v. B. Gurappa Naidu & Ors.
- Citation:** 2026 INSC 434 | 2026 LiveLaw (SC) 445
- Bench** Justice Aravind Kumar and Justice N.V. Anjaria

Issue Before the Court

- What are the nature, scope, and limits of the High Court's supervisory jurisdiction under Article 227 of the Constitution of India, and whether such jurisdiction permits re-appreciation of evidence or substitution of the High Court's own findings for those of a subordinate court.
- Whether the High Court, in the present case, exceeded the permissible limits of its jurisdiction under Article 227 by reducing the compensation amount fixed by the executing court and substituting its own assessment therefor.

Judgement of the Court

- The Supreme Court held that the power of superintendence under Article 227 is not to be exercised unless there has been an unwarranted assumption of jurisdiction not vested in the court or tribunal, a gross abuse of jurisdiction, or an unjustifiable refusal to exercise jurisdiction that is duly vested in the court or tribunal concerned.
- The Court emphasised that a High Court acting under Article 227 cannot exercise its power as an appellate court, substitute its own judgment for that of the subordinate court, or correct an error that is not apparent on the face of the record. Supervisory jurisdiction does not permit re-appreciation or reweighing of evidence or facts upon which the challenged determination is based.
- The Court further held that supervisory jurisdiction is not available to correct every error of fact or legal flaw where the final finding is otherwise justified or capable of being supported, and that the High Court cannot replace a reasonable decision of a subordinate court with its own view merely because it disagrees with the conclusion reached.
- On the facts of the present case, the Court found that the executing court had fixed the compensation at Rs. 1,000 per square foot through a reasoned and justified determination, and that no jurisdictional error had been committed by it. By re-determining the compensation amount and reducing it to Rs. 500 per square foot, the High Court had effectively acted as an appellate court and modified the executing court's factual findings, which was wholly impermissible under Article 227.
- The Court held that the High Court had adopted an alternative view to that of the executing court and thereby travelled beyond the narrow and circumscribed limits of scrutiny permissible under Article 227, rendering its order unsustainable in law.
- Accordingly, the Supreme Court set aside the High Court's order and restored the determination of the executing court fixing compensation at Rs. 1,000 per square foot, and the appeal was allowed.

Key Takeaway for CLAT Aspirant

- **Article 227 of the Constitution of India - Power of Superintendence of High Courts:** Article 227, enshrined under Part VI of the Constitution, vests in every High Court the power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. This power is supervisory in character and enables the High Court to call for returns, make and issue general rules, and prescribe forms for regulating the practice and proceedings of subordinate courts. Crucially, Article 227(4) expressly excludes courts or tribunals constituted under any law relating to the Armed Forces from the ambit of this supervisory power.
- **Supervisory Jurisdiction versus Appellate Jurisdiction - A Critical Distinction:** One of the most important constitutional distinctions for CLAT aspirants is the difference between supervisory jurisdiction under Article 227 and appellate jurisdiction under Articles 136 or 226. While an appellate court may re-examine the merits, re-appreciate evidence, and substitute its own findings for those of the court below, supervisory jurisdiction under Article 227 is strictly confined to correcting jurisdictional errors. A High Court exercising supervisory jurisdiction cannot act as a court of first

appeal to reappreciate or reweigh the evidence or facts upon which the determination under challenge is based.

- **Three Grounds for Exercise of Article 227 Jurisdiction:** The Supreme Court laid down that the power of superintendence under Article 227 can be exercised only in three circumstances: first, where there has been an unwarranted assumption of jurisdiction not vested in the subordinate court or tribunal; second, where there has been a gross abuse of jurisdiction; and third, where there has been an unjustifiable refusal to exercise jurisdiction that is duly vested. These three grounds constitute the narrow and exhaustive basis for supervisory interference, and no intervention is permissible outside of these conditions.
- **Doctrine of Non-Interference with Reasonable Findings:** A fundamental principle flowing from Article 227 jurisprudence is that a High Court cannot interfere with the findings of a subordinate court merely because it holds a different opinion or prefers an alternative view. So long as the finding of the subordinate court is reasonable and capable of being supported, the High Court is not entitled to substitute its own conclusion for that of the court below. Disagreement with the merits of a decision is not a ground for exercise of supervisory jurisdiction.
- **Perversity as the Standard of Intervention:** The threshold for judicial intervention under Article 227 is perversity, meaning that a High Court may interfere only if the finding of the subordinate court is so unreasonable or absurd that no reasonable person could possibly have arrived at such a conclusion. A finding that is merely erroneous or open to criticism does not meet this threshold. This high standard ensures that supervisory jurisdiction is not exercised as a disguised form of appellate review.
- **Compromise Decree and Execution Proceedings under Order XXI, Code of Civil Procedure, 1908:** Order XXI of the Code of Civil Procedure, 1908 governs the execution of decrees and orders, including decrees arising out of compromises between parties. The executing court is competent to determine all questions arising in the course of execution proceedings, including the assessment of compensation payable under the terms of a compromise decree. Such determination by the executing court is entitled to deference and can be challenged only on grounds of jurisdictional error or patent perversity, not on the basis of a mere difference of opinion regarding the quantum determined.
- **Doctrine of Jurisdictional Error and Limits of Correction:** The concept of jurisdictional error is central to the exercise of supervisory jurisdiction. A jurisdictional error arises when a court or tribunal acts without jurisdiction, exceeds its jurisdiction, or fails to exercise jurisdiction vested in it by law. Errors committed within jurisdiction, even if factually or legally incorrect, do not ordinarily warrant interference under Article 227. This doctrine distinguishes between errors going to the root of jurisdiction and errors of law or fact committed in the proper exercise of existing jurisdiction.
- **Non-Substitution Principle in Constitutional Supervision:** A core principle governing the exercise of Article 227 jurisdiction is the non-substitution principle, which prohibits the High Court from replacing the decision of a subordinate court or tribunal with its own view on the merits. This principle safeguards the institutional hierarchy of courts and preserves the finality of decisions rendered by subordinate courts within their competence. Any order of the High Court that effectively re-determines a factual question already decided by the court below amounts to acting as an appellate authority and is constitutionally impermissible under Article 227.
- **Article 226 versus Article 227 - Writ Jurisdiction and Supervisory Jurisdiction Distinguished:** While Article 226 empowers High Courts to issue writs, directions, and orders for enforcement of

fundamental rights and for any other purpose, Article 227 confers a distinct power of administrative and judicial superintendence over subordinate courts and tribunals. Unlike Article 226, which can be invoked to enforce rights and correct legal wrongs of a wider nature, Article 227 is confined to supervising the functioning of courts and tribunals within the High Court's territorial jurisdiction and cannot be used to reopen or reexamine the merits of concluded adjudications.

- **Principle of Finality of Executing Court's Determination:** A well-established principle of civil procedure is that the executing court's determination of questions arising in execution proceedings is entitled to a degree of finality, particularly where the determination is based on a reasoned assessment of relevant factors such as guideline values, market rates, or contractual terms. Interference with such determinations by a superior court exercising supervisory powers must be confined to cases where a clear jurisdictional infirmity is disclosed, thereby upholding the integrity and effectiveness of the execution process under the Code of Civil Procedure, 1908.



Practice Questions

1. Tarun and Bhavna settle a long-running property dispute through a compromise decree. During execution under Order XXI of the Code of Civil Procedure, 1908, the executing court assesses the compensation payable to Tarun under the terms of the compromise. Tarun is dissatisfied with the quantum and seeks to have it re-fixed by a superior court, contending only that a slightly higher figure would have been fairer. Is Tarun's challenge maintainable on this ground?
 - (a) Yes, because the executing court's assessment of compensation is always open to revision.
 - (b) Yes, because a fairer figure ought to replace the quantum fixed in execution.
 - (c) No, because mere dissatisfaction with the quantum is not a permitted ground of challenge.
 - (d) No, because only the original court, not the executing court, may fix compensation.

2. Saira files a petition before the High Court under Article 227 of the Constitution against a finding recorded by a subordinate court. She makes several submissions about the nature of supervisory jurisdiction. Which of the following statements are false?
 - i. An appellate court may re-appreciate evidence and substitute its own findings for those of the court below.
 - ii. Supervisory jurisdiction under Article 227 is strictly confined to correcting jurisdictional errors.
 - iii. A High Court exercising supervisory jurisdiction may act as a court of first appeal to reweigh the evidence.
 - iv. Under Article 227 the High Court may freely substitute its own findings on the merits for those of the court below.
 - (a) Statements iii and iv
 - (b) Statements i and iii
 - (c) Statements ii and iv
 - (d) Statements i, iii, and iv

3. A newly appointed High Court judge publicly declares that whenever he disagrees with a subordinate court's factual finding, he will, in the exercise of Article 227, re-determine that question himself and replace the finding with his own view, treating this as part of the supervisory power. How does this declaration align with the constitutional interpretation of Article 227?
 - (a) The declaration is valid, as Article 227 permits the High Court to substitute its own view on merits.
 - (b) The declaration is valid only where the subordinate court's finding concerns a question of law.
 - (c) The declaration is partially valid, as re-determination is allowed if the parties consent to it.
 - (d) The declaration is constitutionally impermissible, as it amounts to acting as an appellate authority.

4. The Supreme Court has laid down a narrow and exhaustive set of circumstances in which the power of superintendence under Article 227 may be exercised. Which of the following is one of those recognized grounds?
 - (a) A finding of the subordinate court that is merely erroneous on the facts

- (b) An unwarranted assumption of jurisdiction not vested in the subordinate court
- (c) A view of the subordinate court that the High Court does not prefer
- (d) A decision of the subordinate court that could have been better reasoned

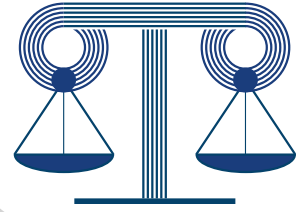
5. Which of the following constitutional provisions vests in every High Court the power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction?

- (a) Article 32
- (b) Article 136
- (c) Article 226
- (d) Article 227



SUPREME COURT

Landmark Judgements



3 Survival of Right to Sue Passes to Legal Representatives of Deceased Litigant

Background

- The case arose in the context of a consumer complaint alleging medical negligence against a doctor who passed away during the pendency of the proceedings, raising the question of whether the claim could be continued against his legal heirs and representatives under the Consumer Protection Act, 2019.
- The central legal tension involved the interplay between the common law maxim *actio personalis moritur cum persona*, which provides that personal actions die with the person, and the statutory framework governing the survival of rights and liabilities under Indian law, particularly Section 306 of the Indian Succession Act, 1925, and Order XXII of the Code of Civil Procedure, 1908.
- The Court was called upon to determine whether the right to sue survived the death of the accused doctor and, if so, whether it could be validly pursued against his legal representatives, requiring an authoritative summary of the governing principles on survivability of claims.
- The Court noted that Order XXII of the Code of Civil Procedure, 1908, which provides for substitution of parties upon death, must be harmoniously construed with Section 306 of the Indian Succession Act, 1925, and cannot independently expand the scope of survivable claims beyond what substantive law permits.
- Applying the principles summarised, the Court held that the medical negligence claim was one against the estate of the deceased doctor rather than a purely personal action, and accordingly held that the legal heirs of the deceased doctor could be proceeded against under the Consumer Protection Act, 2019.

Case Details

- Case Title:** Kumud Lall v. Suresh Chandra Roy (Dead) Through LRs and Others
- Citation:** 2026 INSC 443 | 2026 LiveLaw (SC) 454
- Bench** Justice J.K. Maheshwari and Justice A.S. Chandurkar

Issue Before the Court

- Whether the common law maxim *actio personalis moritur cum persona* operates in its absolute form in India, or whether it stands modified by statute.
- What are the governing principles for determining the survival of the right to sue upon the death of a party, and as of what date must such survivability be assessed.
- Whether the right to sue in a medical negligence consumer complaint survives the death of the accused doctor and can be continued against his legal representatives.

Judgement of the Court

- The Court held that the common law maxim *actio personalis moritur cum persona* does not operate in its absolute form in India and has been significantly modified by statutory instruments including the Fatal Accidents Act, 1855, the Legal Representatives' Suits Act, 1855, and the Indian Succession Act, 1925, which together enable the survival of a wide category of rights and liabilities to legal representatives.
- The Court held that the survivability of a claim is a matter of substantive law governed by Section 306 of the Indian Succession Act, 1925, and that procedural provisions under Order XXII of the Code of Civil Procedure, 1908 cannot independently determine or expand the scope of survivable claims beyond what substantive law permits.
- The Court clarified that the question of whether the right to sue survives must be assessed as on the date of death of the party, and not at any subsequent stage of the proceedings, and that Order XXII CPC, which enables substitution of parties upon death, must be harmoniously construed with Section 306 of the Indian Succession Act in this regard.
- The Court summarised the governing principle under Section 306 as one making survivability the rule and extinction the exception: as a general rule, all rights and liabilities survive to the legal representatives, with exceptions confined to purely personal claims such as those for defamation, assault, personal injury not causing death, and relief that would become infructuous or nugatory upon death.
- On the distinction between personal injury claims and estate claims, the Court held that personal injury claims in the strict sense abate upon the death of the party, while claims relating to pecuniary loss or the estate of the deceased survive and may be pursued by or against the legal representatives.
- Applying these principles to the facts, the Court held that the medical negligence consumer complaint was a claim against the estate of the deceased doctor and not a purely personal action. Accordingly, the legal heirs of the deceased doctor could be validly proceeded against under the Consumer Protection Act, 2019, and the proceedings were held to be maintainable against them.

Key Takeaway for CLAT Aspirant

- **Actio Personalis Moritur Cum Persona - Common Law Maxim and Its Statutory Modification in India:** The Latin maxim *actio personalis moritur cum persona*, meaning "a personal action dies with the person," was a foundational principle of common law providing that certain causes of action were extinguished upon the death of the party. However, this maxim does not operate in its absolute form in India and has been substantially modified by statutes including the Fatal Accidents Act, 1855, the Legal Representatives' Suits Act, 1855, and the Indian Succession Act, 1925. CLAT aspirants must note that in the Indian legal system, statutory law prevails over common law maxims wherever the two are in conflict.
- **Section 306 of the Indian Succession Act, 1925 - Substantive Law Governing Survival of Claims:** Section 306 of the Indian Succession Act, 1925 constitutes the primary substantive law governing the survival of demands and rights of action upon the death of a party. As a general rule, all rights to

prosecute or defend any action survive to and against the executors or administrators of the deceased. The exceptions are narrowly drawn and cover causes of action for defamation, assault, other personal injuries not causing death, and cases where the relief sought would become infructuous or nugatory upon death. The section thus makes survivability the rule and extinction the exception, which is a critical distinction for competitive examinations.

- **Order XXII of the Code of Civil Procedure, 1908 - Procedural Framework for Substitution of Parties:** Order XXII of the Code of Civil Procedure, 1908 governs the procedural consequences of the death, marriage, or insolvency of a party during the pendency of civil proceedings. Rules 1 to 6 deal specifically with death and enable the substitution of legal representatives in place of a deceased party. However, Order XXII is purely procedural in character and cannot enlarge the class of survivable claims beyond what substantive law under Section 306 of the Indian Succession Act, 1925 permits. Procedure cannot override substance, and this hierarchy is a recurring principle in Indian civil law.
- **Doctrine of Harmonious Construction - Order XXII CPC and Section 306 of the Indian Succession Act:** The Supreme Court applied the doctrine of harmonious construction to reconcile the procedural provisions of Order XXII of the CPC with the substantive provisions of Section 306 of the Indian Succession Act, 1925. This doctrine requires that where two provisions of law deal with the same subject matter, they must be read together and interpreted in a manner that gives effect to both, avoiding conflict. CLAT aspirants must understand that procedural law cannot expand or override substantive rights and liabilities, and any apparent conflict between the two must be resolved in favour of the substantive framework.
- **Distinction Between Personal Injury Claims and Estate Claims - Abatement versus Survival:** A fundamental distinction drawn by the Court is between claims that are purely personal in nature and claims that relate to pecuniary loss or the estate of the deceased. Personal injury claims such as those for pain, suffering, defamation, or assault abate upon the death of the claimant and cannot be pursued by or against legal representatives. In contrast, claims relating to financial loss, property, or the estate of the deceased survive and are maintainable by or against the legal representatives. This distinction is critical for determining the fate of pending litigation upon the death of a party.
- **Fatal Accidents Act, 1855 - Statutory Right of Action for Legal Representatives:** The Fatal Accidents Act, 1855 confers a statutory right of action on the legal representatives of a person whose death is caused by the wrongful act, neglect, or default of another. This Act creates a cause of action that survives the death of the injured party and is enforceable by the heirs, thereby partially abrogating the common law maxim in cases involving death caused by the wrongful act of another. It is one of the primary legislative instruments that modified the absolute operation of the actio personalis doctrine in India.
- **Legal Representatives' Suits Act, 1855 - Fresh Proceedings by or Against Legal Representatives:** The Legal Representatives' Suits Act, 1855 enables legal representatives of a deceased person to institute fresh suits or to be proceeded against afresh, in respect of causes of action that survive under the applicable substantive law. This statute supplements Section 306 of the Indian Succession Act, 1925 and provides a mechanism for initiating new proceedings where the original action was not pending at the time of death. It further reinforces the statutory modification of the common law maxim in the Indian legal context.
- **Consumer Protection Act, 2019 - Maintainability of Claims Against Legal Representatives of a Deceased Service Provider:** The Consumer Protection Act, 2019 governs the adjudication of consumer complaints, including those alleging deficiency in service such as medical negligence. The Act does not

extinguish claims upon the death of a party, and proceedings thereunder are maintainable against the legal representatives of a deceased service provider where the claim survives under Section 306 of the Indian Succession Act, 1925. A medical negligence claim is treated as a claim against the estate of the deceased rather than a purely personal action, and is therefore survivable in law.

- **Relevant Date for Assessment of Survivability - Date of Death as the Reference Point:** The Supreme Court held that the question of whether the right to sue survives must be assessed as on the date of death of the party, and not at any subsequent stage of the proceedings. This principle ensures legal certainty and prevents the nature of a claim from being retrospectively altered by subsequent events. For CLAT aspirants, this is an important procedural principle: the character of the cause of action is determined at the moment of death, and the rights and liabilities crystallise at that point for the purpose of deciding abatement or survival.
- **Substantive Law Prevails Over Procedural Law - A General Principle of Jurisprudence:** A broader jurisprudential principle illustrated by this case is that substantive law takes precedence over procedural law wherever the two operate in the same field. Section 306 of the Indian Succession Act, 1925, which determines whether a claim survives, is a provision of substantive law, and Order XXII of the CPC, which deals with substitution of parties, is procedural. The procedural mechanism cannot be used to circumvent the substantive framework or to expand the category of survivable claims beyond what the legislature has sanctioned. This principle of the primacy of substantive law over procedure is a foundational concept in Indian civil jurisprudence.



Practice Questions

1. Karan files a suit for defamation against Naveen, claiming damages for injury to his reputation. While the suit is pending, Karan dies. His legal representatives seek to continue the defamation suit and recover the damages on his behalf, contending that the right has passed to them. Can they maintain the suit?
 - (a) Yes, because every pending claim passes to the legal representatives.
 - (b) Yes, because defamation damages form part of the deceased's estate.
 - (c) No, because a defamation claim abates upon the death of the claimant.
 - (d) No, because legal representatives may never continue a pending suit.

2. Under Section 306 of the Indian Succession Act, 1925, a dispute arises as to which claims survive upon the death of a party. Which of the following statements are false?
 - i. As a general rule, all rights to prosecute or defend any action survive to and against the executors or administrators.
 - ii. Extinction of the right of action is the general rule and survivability is the exception.
 - iii. A cause of action for defamation survives to the legal representatives of the deceased.
 - iv. The exceptions to survival under the section are narrowly drawn.
 - (a) Statement ii
 - (b) Statements ii and iii
 - (c) Statements i and iv
 - (d) Statements ii, iii, and iv

3. During the pendency of a suit, a litigant whose claim does not survive under the substantive law publicly declares that he will nonetheless invoke Order XXII of the Code of Civil Procedure, 1908 to substitute the legal representatives of the deceased and continue the claim, asserting that the procedural rule by itself enlarges the category of claims that survive. How does this declaration align with the legal position laid down by the Court?
 - (a) The declaration is valid, as Order XXII can itself enlarge survivable claims.
 - (b) The declaration is valid only where the substituted party gives consent.
 - (c) The declaration is partly valid, as procedure prevails where substance is silent.
 - (d) The declaration is untenable, as Order XXII cannot enlarge survivable claims.

4. The Supreme Court clarified the point in time at which the question of survival of the right to sue must be assessed. Which of the following did the Court specifically hold on this question?
 - (a) Survival must be assessed as on the date of institution of the suit.
 - (b) Survival must be assessed as on the date of the final judgment.
 - (c) Survival must be assessed as on the date of death of the party.
 - (d) Survival must be assessed as on the date of substitution of representatives.

5. Which of the following statutes confers a statutory right of action on the legal representatives of a

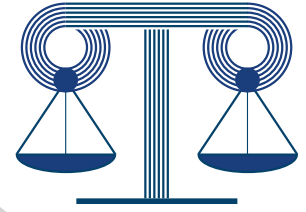
person whose death is caused by the wrongful act, neglect, or default of another?

- (a) The Indian Succession Act, 1925
- (b) The Code of Civil Procedure, 1908
- (c) The Fatal Accidents Act, 1855
- (d) The Consumer Protection Act, 2019



SUPREME COURT

Landmark Judgements



4 Accused May Exhibit Chargesheet Documents Without Formal Signature Proof

Background

- The case arose from a criminal appeal pending before the III Additional District Judge, Tiruchirappalli, during the pendency of which the accused filed an application under Section 294 of the Code of Criminal Procedure, 1973 seeking permission to mark certain documents, including account opening forms, bank certificates, copies of IT returns, risk rating, and pricing score sheets, as exhibits without insisting on formal proof of signatures, on the ground that these documents were already part of the prosecution's record and chargesheet materials.
- The Trial Court rejected the application, following which the accused filed a criminal revision petition before the Madras High Court, which also dismissed the revision by relying on the Supreme Court's decision in *State of Punjab v. Naib Din*, (2001) 8 SCC 578, a case concerning Section 296 CrPC, and held that the documents were of a formal character requiring proof by affidavit under Section 296 CrPC.
- Aggrieved by the High Court's dismissal, the accused filed a Special Leave Petition before the Supreme Court, contending that Sections 294 and 296 CrPC operate in entirely different procedural domains and that the High Court had wrongly applied precedent relating to affidavit evidence
- while deciding an application concerning admission or denial of documents under Section 294 CrPC.
- The Supreme Court found merit in the appellant's contention and held that Section 294(3) CrPC

Case Details

- Case Title:** R. Ganesh v. State of Tamil Nadu
- Citation:** SLP (Crl.) No. 1383 of 2026
- Bench:** Justice J.K. Maheshwari and Justice Atul S. Chandurkar

Issue Before the Court

- Whether the High Court was correct in relying upon the decision in *State of Punjab v. Naib Din*, rendered in the context of Section 296 CrPC, to reject an application filed under Section 294 CrPC for exhibiting documents without formal proof of signatures.
- Whether documents already forming part of the prosecution's record and chargesheet can be exhibited by the accused as exhibits without formal proof of signatures, in terms of Section 294(3) of the Code of Criminal Procedure, 1973, when their genuineness is not disputed.

expressly provides that where the genuineness of a document is not disputed, it may be read in evidence without formal proof of signatures, and that this provision applies independently of and distinctly from the mechanism under Section 296 CrPC.

- The Court set aside the High Court's order and remitted the matter to the High Court for fresh consideration of the Section 294 application in accordance with law, preserving the prosecution's liberty to raise all objections available to it regarding the admissibility or genuineness of the documents.

Judgement of the Court

- The Supreme Court held that Section 294 CrPC deals with documents already filed before the court, wherein parties may be called upon to admit or deny the genuineness of such documents, and that where genuineness is not disputed, Section 294(3) CrPC expressly enables such documents to be read in evidence without formal proof of signatures.
- The Court drew a clear distinction between Section 294 CrPC and Section 296 CrPC, holding that the two provisions operate in entirely different procedural domains. Section 294 CrPC pertains to documentary evidence and the mechanism of admission or denial of documents already on record, whereas Section 296 CrPC concerns evidence of a formal character given through affidavits by witnesses whose testimony is merely formal in nature. The two provisions cannot be conflated.
- The Court held that the ratio of *State of Punjab v. Naib Din*, which was rendered in the context of Section 296 CrPC, was not applicable to proceedings under Section 294 CrPC, and that the High Court had therefore erred in applying it to refuse the application for exhibiting documents without formal proof of signatures.
- The Court further observed that it is the duty of the court to uphold the spirit of Section 294 CrPC, and that any order on such an application must be passed after properly ascertaining the genuineness of the document by admission, denial, or proof, as the case may require.
- On the facts, the Court noted that the documents sought to be marked as exhibits by the appellant were part of the chargesheet and of documents produced by the prosecution itself, and that the High Court had therefore erred in refusing to allow them to be exhibited. However, since the prosecution disputed whether the documents actually formed part of the record, the matter was remitted to the High Court for fresh consideration, with the prosecution remaining free to raise all objections available to it under law.

Key Takeaway for CLAT Aspirant

- **Section 294 of the Code of Criminal Procedure, 1973 / Section 330 of the Bharatiya Nagarik Suraksha Sanhita, 2023 - No Formal Proof of Certain Documents:** Section 294 CrPC provides that where any document is filed before a court by the prosecution or the accused, the parties shall be called upon to admit or deny the genuineness of each such document. Where genuineness is not disputed, the document may be read in evidence without proof of the signature of the person to whom it purports to be signed. This provision eliminates unnecessary technicalities in the proof of documentary evidence and streamlines trial proceedings.
- **Section 296 of the Code of Criminal Procedure, 1973 / Section 332 of the Bharatiya Nagarik**

Suraksha Sanhita, 2023 - Evidence of Formal Character on Affidavit: Section 296 CrPC provides that evidence of any person whose testimony is of a formal character may be given by affidavit instead of oral examination, and may be read in evidence in any inquiry, trial, or other proceeding, subject to all just exceptions. This provision is confined to the testimony of formal witnesses and operates in a domain entirely distinct from the documentary evidence mechanism under Section 294 CrPC.

- **Critical Distinction Between Sections 294 and 296 CrPC:** Section 294 CrPC governs the admission or denial of documents already on record and enables their exhibition without formal proof where genuineness is undisputed. Section 296 CrPC, by contrast, concerns the substitution of oral examination by affidavit for witnesses whose testimony is merely formal. The two provisions serve entirely different procedural purposes and cannot be applied interchangeably. Conflating the two, as the courts below did in this case, constitutes a fundamental error of law.
- **Admission-Denial Mechanism and the Concept of Genuineness:** Under Section 294 CrPC and Section 330 of the BNSS, 2023, genuineness refers to the authenticity of a document, including the authenticity of the signature appearing on it. Where a party does not dispute the genuineness of a document, no formal proof of signature is required and the document becomes receivable in evidence by operation of law. This mechanism is designed to prevent unnecessary delays caused by formalistic proof requirements during trial.
- **Doctrine of Inapplicability of Precedent - Ratio Must Be Confined to Its Context:** The ratio decidendi of a judgment is binding only in the context of the legal provision and factual matrix in which it was rendered. The High Court's error lay in applying the ratio of *State of Punjab v. Naib Din*, decided under Section 296 CrPC, to refuse an application under Section 294 CrPC. A precedent must be carefully examined to determine whether its ratio is applicable to the facts and provision in issue, and mechanical application without this exercise constitutes a legal error.
- **Duty of Courts to Uphold the Spirit of Procedural Provisions:** The Supreme Court emphasised that courts must uphold the spirit of Section 294 CrPC while deciding applications thereunder. Procedural provisions enacted to facilitate fair and efficient trials must be interpreted purposively and not in a manner that defeats their legislative object. A restrictive or formalistic interpretation that imposes proof requirements where the statute expressly dispenses with them runs contrary to legislative intent.
- **Chargesheet Documents and Their Evidentiary Status under Section 173 CrPC / Section 193 BNSS:** A chargesheet filed by the investigating agency contains all documents relied upon by the prosecution. Where a document forms part of the chargesheet, it is already on record before the court. Such documents are eligible to be exhibited by the accused under Section 294 CrPC without formal proof of signatures, subject to the prosecution's right to dispute their genuineness at the appropriate stage of proceedings.
- **Special Leave Petition under Article 136 of the Constitution of India:** Article 136 vests in the Supreme Court a discretionary power to grant special leave to appeal from any judgment or order passed by any court or tribunal in India. It is not an ordinary right of appeal but a discretionary remedy exercised to correct substantial errors of law. In the present case, the Supreme Court invoked this jurisdiction to correct the High Court's misapplication of precedent and misconstruction of the statutory provisions governing documentary evidence in criminal proceedings.
- **Bhartiya Nagarik Suraksha Sanhita, 2023 - Key Additions under Section 330:** Section 330 of the BNSS, 2023 replaces Section 294 CrPC and retains the core admission-denial mechanism while introducing two significant additions: first, the court may relax the 30-day time limit for admission or

denial of documents with reasons recorded in writing; and second, no expert shall be called to appear before the court unless the expert's report is disputed by any party. CLAT aspirants must be familiar with these additions as they represent substantive procedural changes under the new criminal law framework.

- **Power of Remand - Supervisory and Appellate Courts:** Where a superior court finds that a lower court has committed an error of law, it may remit the matter to the lower court for fresh consideration in accordance with the correct legal position, instead of deciding the issue itself. This power of remand ensures that the correct legal framework is applied at the appropriate forum and preserves the rights of all parties, including the right to raise factual and legal objections before the reconsidering court.



Practice Questions

1. The prosecution files a document before the trial court, and the accused is called upon to admit or deny its genuineness. The accused does not dispute that the document is genuine. The accused later contends that the document still cannot be read in evidence until the signature of the person purporting to have signed it is formally proved. Is the accused's contention correct?
 - (a) Yes, because every document requires formal proof of signature before reading.
 - (b) Yes, because admission of genuineness does not dispense with proof of signature.
 - (c) No, because undisputed genuineness lets the document be read without proof of signature.
 - (d) No, because the prosecution alone decides whether signature proof is required.

2. A trial court is considering how the mechanism for admission and denial of documents operates. Which of the following statements are false?
 - i. Where genuineness is not disputed, no formal proof of signature is required for the document.
 - ii. Genuineness includes the authenticity of the signature appearing on the document.
 - iii. A document whose genuineness is undisputed still requires separate formal proof to be received in evidence.
 - iv. The mechanism is designed to prevent delays caused by formalistic proof requirements.
 - (a) Statement iii
 - (b) Statements i and iii
 - (c) Statements iii and iv
 - (d) Statements i, iii, and iv

3. A trial judge publicly declares that he will apply the ratio of a judgment rendered under Section 296 of the Code of Criminal Procedure, 1973 to reject an application moved under Section 294 of the Code, asserting that a ratio may be transplanted across provisions without examining the facts and provision in issue. How does this declaration align with the legal position on the use of precedent?
 - (a) The declaration is valid, as a ratio applies uniformly across all provisions.
 - (b) The declaration is valid only where both provisions appear in the same statute.
 - (c) The declaration is partly valid, as a ratio may be applied if the facts roughly resemble.
 - (d) The declaration is erroneous, as a ratio is confined to its provision and factual matrix.

4. A document relied upon by the prosecution forms part of the chargesheet filed by the investigating agency and is already on record before the court. Under the framework governing chargesheet documents, what is the evidentiary position of such a document so far as the accused is concerned?
 - (a) It must be independently re-filed by the accused before it can be exhibited.
 - (b) It is eligible to be exhibited by the accused without formal proof of signatures.
 - (c) It can be exhibited only after the prosecution formally proves every signature.
 - (d) It cannot be exhibited by the accused under any circumstance during trial.

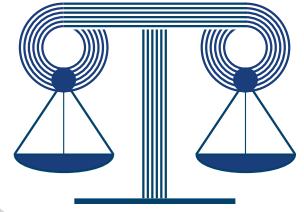
5. Under which provision of the Code of Criminal Procedure, 1973 may the evidence of a person whose testimony is of a formal character be given by affidavit instead of oral examination?

- (a) Section 173
- (b) Section 294
- (c) Section 296
- (d) Section 313



SUPREME COURT

Landmark Judgements



5 Child's Right to Mother-Tongue Education Protected under Article 19(1)(a)

Background

- The petition originated as a Public Interest Litigation filed by Padam Mehta and another, seeking the inclusion of the Rajasthani language in the syllabus for the Rajasthan Eligibility Examination for Teachers (REET) 2021 and the imparting of primary education in local dialects of Rajasthan, on the ground that the State had neither introduced Rajasthani as a subject in schools nor taken sufficient measures to facilitate its use as a medium of instruction.
- The Rajasthan High Court dismissed the petition on the ground that a writ of mandamus could not be issued in the absence of an enforceable legal right or a demonstrable failure to discharge a statutory duty, prompting the petitioners to approach the Supreme Court in appeal.
- The Supreme Court noted that while the REET 2021 recruitment process had since concluded, the broader constitutional questions regarding linguistic inclusivity in education warranted judicial intervention, particularly in light of the Union government's unambiguous policy on mother tongue-based instruction under the National Education Policy 2020 and Section 29(2)(f) of the Right of Children to Free and Compulsory Education Act, 2009.
- The State of Rajasthan resisted the directions by contending that only languages listed in the Eighth Schedule of the Constitution could be subjects of instruction, a contention the Court rejected, noting that Rajasthani was already being taught at the

Case Details

- Case Title:** Padam Mehta and Anr. v. State of Rajasthan and Ors.
- Citation:** 2026 INSC 476
- Bench** Justice Vikram Nath and Justice Sandeep Mehta

Issue Before the Court

- Whether the right to receive education in one's mother tongue is a fundamental right traceable to Article 19(1)(a) of the Constitution of India, and whether it forms part of the broader guarantee of freedom of speech and expression.
- Whether the State of Rajasthan's continued inaction in recognising Rajasthani as a regional language for educational purposes and introducing it as a subject and medium of instruction in schools constituted a violation of constitutional obligations under Articles 19(1)(a), 21A, and 350A.
- Whether the State's technical reliance on the Eighth Schedule as a bar to recognising Rajasthani for educational purposes was constitutionally sustainable.

university level within the State, making the technical objection inconsistent with the State's own educational practice.

- The Supreme Court set aside the High Court's order and directed the State of Rajasthan to formulate a comprehensive policy to recognise Rajasthani as a regional language, progressively adopt it as a medium of instruction at the foundational and preparatory stages, and introduce it as a subject in both government and private schools in a phased manner, with a compliance affidavit directed to be filed by September 25, 2026.

Judgement of the Court

- The Court held that the right to receive education in one's mother tongue is an intrinsic facet of the fundamental right to freedom of speech and expression under Article 19(1)(a) of the Constitution, since the guarantee of free speech necessarily encompasses the right to receive information in a form that is meaningful and comprehensible, and the ability to understand and internalise information is the very foundation of informed participation in society.
- The Court further held that this right, read conjunctively with Articles 21A and 350A of the Constitution and Section 29(2)(f) of the Right of Children to Free and Compulsory Education Act, 2009, creates a comprehensive constitutional and statutory mandate for mother tongue-based instruction at the foundational and preparatory stages of education.
- The Court held that education must be intelligible to qualify as quality education under Article 21A, and that language barriers in early schooling inflict a cruel strain on children and reduce learning to a mechanical process devoid of genuine comprehension and cognitive engagement.
- Referring to *State of Karnataka v. Associated Management of English Medium Primary and Secondary Schools*, the Court reiterated that Article 19(1)(a) confers freedom of choice on the child regarding the medium of instruction at the primary level, and that the State cannot impose education in the mother tongue on a child even on the ground that it would be beneficial, as the freedom of choice vests in the child and not in the State.
- The Court rejected the State's technical reliance on the Eighth Schedule, holding that the absence of a language from the Eighth Schedule does not disentitle children from receiving instruction in that language where it constitutes their mother tongue, and that Rajasthani's presence at the university level within the State rendered the objection untenable.
- The Court held that constitutional rights cannot be rendered illusory by executive inaction and must be translated into tangible outcomes through timely and purposive State action, and that the State of Rajasthan's continued inaction constituted a failure to discharge its constitutional and statutory obligations.

Key Takeaway for CLAT Aspirant

- **Article 19(1)(a) of the Constitution of India - Freedom of Speech and Expression and the Right to Receive Education in Mother Tongue:** Article 19(1)(a) guarantees to all citizens the right to freedom of speech and expression. The Supreme Court held that this guarantee necessarily encompasses the right to receive information in a form that is both meaningful and comprehensible, and that the right to receive education in one's mother tongue finds its normative basis in this provision. The freedom of speech and expression is thus not confined to the right to communicate but extends to the right to

understand, internalise, and process information, making it the constitutional foundation for mother tongue-based education.

- **Article 19(2) - Reasonable Restrictions on Freedom of Speech and Expression:** While Article 19(1)(a) guarantees freedom of speech and expression, Article 19(2) permits the State to impose reasonable restrictions on this right in the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, or incitement to an offence. This right is therefore not absolute and must always be understood subject to the permissible restrictions enumerated under Article 19(2).
- **Article 21A of the Constitution of India - Right to Free and Compulsory Education:** Article 21A, inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, guarantees the right to free and compulsory education to all children between the ages of six and fourteen years. The Court held that education under Article 21A must be intelligible and meaningful, and that instruction imparted in a language incomprehensible to the child reduces education to a mechanical process devoid of genuine cognitive engagement, thereby defeating the constitutional promise of quality education.
- **Article 350A of the Constitution of India - Facilities for Instruction in Mother Tongue at Primary Stage:** Article 350A directs every State and every local authority within a State to endeavour to provide adequate facilities for instruction in the mother tongue at the primary stage of education to children belonging to linguistic minority groups. The Court read this provision conjunctively with Articles 19(1)(a) and 21A to locate a comprehensive constitutional mandate for mother tongue-based instruction, reinforcing that linguistic inclusivity in education is not a policy preference but a constitutional obligation.
- **Section 29(2)(f) of the Right of Children to Free and Compulsory Education Act, 2009 - Curriculum in Mother Tongue:** Section 29(2)(f) of the Right of Children to Free and Compulsory Education Act, 2009 requires that the curriculum and evaluation procedure for elementary education shall, as far as practicable, be in the child's mother tongue. The Court held that this statutory provision, read alongside the National Education Policy 2020, creates a corresponding obligation on States to take timely and purposive steps towards its realisation, and that a failure to do so amounts to a constitutional and statutory infirmity.
- **The Eighth Schedule of the Constitution - Languages and Its Limitations:** The Eighth Schedule of the Constitution lists the officially recognised languages of India. The State of Rajasthan sought to resist the petitioners' claim by arguing that only languages listed in the Eighth Schedule could be used as mediums of instruction. The Court rejected this contention, holding that the absence of a language from the Eighth Schedule does not disentitle children from receiving instruction in that language where it constitutes their mother tongue. Inclusion in the Eighth Schedule is a matter of official recognition, not a precondition for the exercise of fundamental rights relating to language and education.
- **Writ of Mandamus - Enforceable Legal Right as a Precondition:** The Rajasthan High Court had dismissed the petition on the ground that a writ of mandamus cannot be issued in the absence of an enforceable legal right or a demonstrable failure to discharge a statutory duty. A writ of mandamus is issued by a superior court to compel a public authority to perform a public duty or statutory obligation. The Supreme Court's intervention in this case demonstrates that where a clear constitutional and statutory mandate exists and the State fails to implement it, the courts are competent to issue directions to compel compliance, even in cases brought by way of Public Interest Litigation.
- **Public Interest Litigation and Judicial Intervention in Policy Matters:** Public Interest Litigation, developed through the Supreme Court's expansive interpretation of Articles 32 and 226 of the

Constitution, enables any person to approach the court in the interest of the public where fundamental rights are threatened or violated. This case illustrates that the Supreme Court may intervene even in matters of educational and linguistic policy where executive inaction results in the infringement of fundamental rights, and may issue positive directions to the State to formulate and implement policies that give effect to constitutional guarantees.

- **Freedom of Choice in Medium of Instruction - Child's Right, Not State's Prerogative:** Referring to *State of Karnataka v. Associated Management of English Medium Primary and Secondary Schools*, the Court reiterated that Article 19(1)(a) confers the freedom to choose the medium of instruction on the child, not on the State. The State cannot compel a child to receive education in the mother tongue, even on the ground that it would be beneficial, as the freedom of choice is a fundamental right vesting in the individual. This principle reflects the broader constitutional value that personal liberty and autonomy cannot be overridden by paternalistic State action.
- **Constitutional Rights Cannot Be Rendered Illusory by Executive Inaction - Doctrine of Effective Implementation:** A fundamental principle of constitutional jurisprudence in India is that rights guaranteed under Part III of the Constitution must be translated into tangible outcomes and cannot remain mere abstractions on account of State inaction or indifference. The Court applied this doctrine to hold that the State of Rajasthan's failure to implement the mandate of mother tongue-based education, despite clear constitutional provisions and statutory directives, constituted a derogation of the fundamental rights of children and warranted judicial intervention to ensure effective realisation of those rights.



Practice Questions

1. Aarav, aged ten, attends a government elementary school where instruction in his mother tongue is feasible, but the State conducts the curriculum and evaluation only in a different language. The State claims that it is under no obligation to use the mother tongue at all. Is the State's claim correct?
 - (a) Yes, because the choice of medium of instruction lies solely with the State.
 - (b) Yes, because the Act treats mother tongue instruction as wholly optional.
 - (c) No, because the curriculum must, as far as practicable, be in the mother tongue.
 - (d) No, because every subject must compulsorily be taught in the mother tongue.

2. A court is examining the scope of the restrictions that may be placed on the freedom of speech and expression. Which of the following statements are false?
 - i. The State may restrict freedom of speech in the interests of public order.
 - ii. Freedom of speech and expression under Article 19(1)(a) is an absolute right.
 - iii. Defamation is a permissible ground for restricting freedom of speech.
 - iv. Friendly relations with foreign States is not a ground for restriction under Article 19(2).
 - (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. A State authority publicly declares that it will not provide any facilities for instruction in the mother tongue at the primary stage to children belonging to linguistic minority groups, asserting that this is merely an optional policy preference and not a constitutional obligation. How does this declaration align with the constitutional interpretation of Article 350A?
 - (a) The declaration is valid, as mother tongue instruction is only a policy preference.
 - (b) The declaration is valid only where the linguistic minority is very small.
 - (c) The declaration is partly valid, as the duty arises solely at the secondary stage.
 - (d) The declaration is untenable, as linguistic inclusivity in education is a constitutional obligation.

4. The Supreme Court held that the freedom of speech and expression under Article 19(1)(a) extends beyond the mere act of communication. Which of the following did the Court specifically locate within this guarantee?
 - (a) The State's right to prescribe a single national medium of instruction
 - (b) The right to receive education in one's own mother tongue
 - (c) The right to free legal aid in all educational disputes
 - (d) The right to compulsory higher education for every citizen

5. Which provision of the Constitution of India guarantees the right to free and compulsory education to all children between the ages of six and fourteen years?

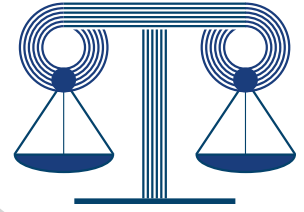


- (a) Article 21
- (b) Article 45
- (c) Article 21A
- (d) Article 350A



SUPREME COURT

Landmark Judgements



6

2005 Amendment Does Not Limit Daughters' Pre-Existing Inheritance Rights

Background

- The dispute arose from the estate of B.M. Seenappa, who died intestate on March 6, 1985, leaving behind his widow, three daughters, and four sons, following whose death the sons carried out an oral partition in 1985 and later executed a registered partition deed in 2000 among themselves and their mother, without allotting any share to the daughters or making them parties to the partition deed.
- In 2007, the appellant-daughters filed a suit seeking partition and claiming a 1/8th share each in five family properties, contending that since their father had died intestate, they were entitled to equal shares as Class I heirs under Section 8 of the Hindu Succession Act, 1956.
- The defendants repeatedly sought rejection of the plaint under Order VII Rule 11 CPC, contending that the suit was barred because the 2000 partition deed was protected under Section 6(5) of the Hindu Succession Act, which saves partitions effected before December 20, 2004 from the operation of the 2005 amendment; an earlier such application had already been dismissed by the Karnataka High Court in 2013.
- In 2021, another application under Order VII Rule 11 CPC was filed by the legal representatives of one of the sons, and the Karnataka High Court in 2024 allowed this second application and rejected the plaint at the threshold under Order VII Rule 11(d) CPC, accepting the respondents' plea that the suit

Case Details

- **Case Title:** B.S. Lalitha and Others v. Bhuvanesh and Others
- **Citation:** 2026 INSC 499 | 2026 LiveLaw (SC) 506
- **Bench** Justice Sanjay Karol and Justice Augustine George Masih

Issue Before the Court

- Whether Section 6(5) of the Hindu Succession Act, 1956 constitutes a jurisdictional bar precluding courts from entertaining a partition suit filed by daughters, or merely a saving clause providing a defence on merits to be proved at trial.
- Whether the 2005 amendment to the Hindu Succession Act, which granted daughters coparcenary rights by birth under Section 6(1), extinguishes or limits their pre-existing independent right to inherit their father's intestate property as Class I heirs under Section 8.
- Whether the second application filed by the defendants seeking rejection of the plaint under Order VII Rule 11 CPC was barred by res judicata, given that a prior application seeking the same relief had already been dismissed.

was barred by Section 6(5) of the Hindu Succession Act, without examining whether disputed questions of fact existed that could only be determined at trial.

- The daughters filed a Special Leave Petition before the Supreme Court, which set aside the High Court's 2024 order, restored the trial court's decision dismissing the defendants' application to reject the plaint, directed the partition suit to be restored to file and proceed expeditiously, and ordered status quo regarding the property to be maintained until further orders of the trial court.

Judgement of the Court

- The Court held that Section 6(5) of the Hindu Succession Act, 1956 is a saving clause and not a jurisdictional bar. The words "nothing contained in this section" in Section 6(5) refer exclusively to the substituted Section 6, that is, the new coparcenary rights conferred upon daughters by Section 6(1), and Section 6(5) saves pre-2004 partitions only from the retroactive reach of those new coparcenary rights, without on its plain language purporting to extinguish the pre-existing rights of Class I heirs under Section 8.
- The Court drew a legally significant distinction between a bar and a saving clause: while a bar prevents the court from entertaining a suit at all, a saving clause provides a defence on merits that must be proved by the party asserting it at trial. The High Court therefore erred in equating the existence of a registered partition deed with a conclusive determination that the partition was valid and binding on the daughters, who were not parties to it, and in dismissing the suit at the threshold without examining disputed questions of fact.
- The Court held that the 2005 amendment does not extinguish or cancel the pre-existing rights of a daughter in her father's intestate property. Such rights arise by way of succession under Section 8 of the HSA and are independent of the coparcenary rights granted by birth under Section 6(1) as amended in 2005. Since B.M. Seenappa had died intestate in 1985, his property devolved upon all his Class I heirs, including his daughters, by operation of Section 8 at the time of his death itself, and a partition deed executed among the sons alone in 2000 could not defeat or extinguish the daughters' succession rights.
- On the question of res judicata, the Court held that the second application seeking rejection of the plaint was barred, relying on *Singhai Lal Chand Jain v. Rashtriya Swayamsewak Sangh*, and holding that where interests are indivisible and parties litigate under the same title to protect a common interest, a subsequent application by a different party litigating under the same title is barred by res judicata, even if the parties in the two applications are technically different.
- The Court further referred to *Prasanta Kumar Sahoo and Others v. Charulata Sahu and Others* (2023), which had held that a preliminary decree for partition does not amount to a partition protected by Section 6(5), reaffirming the restricted scope of the saving clause and the threshold conditions for its invocation.
- The appeal was accordingly allowed, the High Court's 2024 order was set aside, and the trial court's decision was restored.

Key Takeaway for CLAT Aspirant

- **Section 6(1) of the Hindu Succession Act, 1956 - Daughters as Coparceners by Birth (2005)**

Amendment): The Hindu Succession (Amendment) Act, 2005 substituted Section 6 of the Hindu Succession Act, 1956 to confer upon a daughter of a coparcener in a Mitakshara joint Hindu family the status of a coparcener by birth, in the same manner as a son, with the same rights and liabilities in coparcenary property. This amendment was enacted to remove the gender discrimination inherent in the pre-amendment law, which had confined coparcenary membership exclusively to male lineal descendants.

- **Section 6(5) of the Hindu Succession Act, 1956 - Saving Clause for Pre-2004 Partitions:** Section 6(5) provides that nothing contained in the substituted Section 6 shall apply to a partition effected before December 20, 2004, where partition means a partition made by a registered deed or effected by a court decree. This is a saving clause of limited scope, confined in operation to the new coparcenary rights conferred by Section 6(1), and does not extinguish the independent succession rights of Class I heirs under Section 8. A saving clause provides a defence on merits to be proved at trial and is not a jurisdictional bar that prevents courts from entertaining a suit altogether.
- **Section 8 of the Hindu Succession Act, 1956 - Intestate Succession Among Class I Heirs:** Section 8 governs the general rules of succession in respect of the property of a male Hindu dying intestate. It provides that such property shall devolve upon the heirs specified in the Schedule, with Class I heirs, including daughters, taking the property simultaneously and to the exclusion of all other heirs. A daughter's right under Section 8 accrues at the moment of the father's intestate death and is entirely independent of the coparcenary rights conferred by the 2005 amendment, meaning the amendment neither creates nor extinguishes this right.
- **Distinction Between a Jurisdictional Bar and a Saving Clause:** A jurisdictional bar prevents a court from entertaining a suit altogether, and no proceedings can be maintained despite the merits of the claim. A saving clause, by contrast, is a provision that protects certain transactions or rights from the operation of a new enactment, and operates as a defence on merits that the party relying upon it must establish during trial. Conflating the two amounts to a fundamental error of law and results in premature termination of proceedings that are otherwise maintainable.
- **Order VII Rule 11(d) of the Code of Civil Procedure, 1908 - Rejection of Plaintiff on Bar of Law:** Order VII Rule 11(d) empowers the court to reject a plaintiff at the threshold where the suit appears from its statements to be barred by any law. This provision applies only where the bar is clear and apparent on the face of the plaintiff itself, and cannot be invoked where disputed questions of fact remain to be determined at trial. The court must take the averments in the plaintiff at face value for this purpose and cannot conduct a mini-trial or look beyond the plaintiff to resolve factual disputes.
- **Doctrine of Res Judicata - Application to Subsequent Applications Under the Same Title:** The doctrine of res judicata, codified under Section 11 of the Code of Civil Procedure, 1908, bars the relitigation of issues that have been finally decided between the same parties or parties claiming under them. Where interests are indivisible and parties litigate under the same title to protect a common interest, a subsequent application filed by a different party litigating under the same title is equally barred by res judicata. The identity of interest and title, rather than the identity of persons, is the operative test for applying this doctrine.
- **Mitakshara Coparcenary and the Pre-Amendment Law:** Under the pre-2005 Mitakshara system of Hindu joint family law, coparcenary membership was confined to male lineal descendants up to three generations below the last holder of property, and property devolved among coparceners by survivorship rather than succession. The 2005 amendment disrupted this scheme by conferring coparcenary status on daughters by birth, thereby making them entitled to a share in coparcenary

property by succession under Section 6(3) rather than survivorship. This disruption does not, however, affect the independent succession rights that had already accrued to daughters as Class I heirs upon a father's intestate death prior to the amendment.

- **Intestate Succession and the Right Accruing at the Date of Death:** A fundamental principle of succession law is that the rights of heirs in the property of a deceased person crystallise at the moment of death. Where a Hindu male dies intestate, his property devolves upon his Class I heirs under Section 8 of the Hindu Succession Act, 1956 at the time of his death, and no subsequent act, including a partition deed executed among other heirs without the knowledge or consent of a Class I heir, can defeat the right that has already accrued. This principle ensures that succession rights are not susceptible to being extinguished by transactions to which the rightful heirs are not parties.
- **Registered Partition Deed - Not Conclusive Proof of Validity and Binding Effect:** A registered partition deed creates a presumption of the factum of partition between the parties to it, but does not constitute conclusive proof that the partition is valid and binding on all persons, including those who were not parties to it. Disputed questions regarding the validity of an alleged partition, including whether it could bind parties who were not signatories to the deed, are matters of fact that can only be determined at trial, and courts cannot treat the mere existence of a registered deed as automatically conclusive of all such questions.
- **Special Leave Petition under Article 136 of the Constitution of India - Correction of Errors of Law:** Article 136 of the Constitution vests in the Supreme Court a discretionary power to grant special leave to appeal from any judgment, decree, determination, or order passed by any court or tribunal in India. It is not an ordinary right of appeal but a discretionary remedy exercised to correct substantial errors of law affecting the rights of parties. The jurisdiction under Article 136 is supervisory and residual in character, and is invoked where lower courts have misapplied statutory provisions, overlooked established procedural doctrines, or caused a failure of justice that warrants intervention by the highest court.



Practice Questions

1. Saroj's father, a male Hindu, dies intestate, leaving behind coparcenary as well as separate property. Her brother contends that as a daughter she has no claim at all, and that her only conceivable entitlement was the coparcenary right introduced by the 2005 amendment. Saroj invokes her right as a Class I heir under Section 8. Is her brother's contention correct?

- (a) Yes, because a daughter's only claim arises from the 2005 coparcenary amendment.
- (b) Yes, because Class I succession does not include daughters of the deceased.
- (c) No, because her Section 8 right accrues independently at the father's intestate death.
- (d) No, because daughters always take the property to the exclusion of sons.

2. A court is considering the scope and effect of the saving clause under Section 6(5) of the Hindu Succession Act, 1956. Which of the following statements are false?

- i. The saving clause is confined in operation to the new coparcenary rights conferred by Section 6(1).
- ii. The saving clause operates as a jurisdictional bar preventing courts from entertaining the suit at all.
- iii. The saving clause extinguishes the independent succession rights of Class I heirs under Section 8.
- iv. A partition under the clause means one made by a registered deed or effected by a court decree.

- (a) Statement iii
- (b) Statements ii and iii
- (c) Statements i and iv
- (d) Statements ii, iii, and iv

3. A trial judge publicly declares that wherever a defendant pleads a saving clause as a defence, he will at once reject the plaint under Order VII Rule 11(d) of the Code of Civil Procedure, 1908, treating the plea as an automatic bar of law, even though the plaint discloses disputed questions of fact requiring trial. How does this declaration align with the legal position governing Order VII Rule 11(d)?

- (a) The declaration is valid, as any pleaded defence operates as a bar of law.
- (b) The declaration is valid only where the defendant is a Class I heir.
- (c) The declaration is partly valid, as the court may resolve factual disputes summarily.
- (d) The declaration is untenable, as rejection requires a bar clear on the face of the plaint.

4. The Hindu Succession (Amendment) Act, 2005 substituted Section 6 of the Hindu Succession Act, 1956 to alter the position of a daughter in a Mitakshara joint Hindu family. What status did this amendment confer upon such a daughter?

- (a) The status of a coparcener by birth, in the same manner as a son
- (b) The status of a Class II heir taking only after all Class I heirs
- (c) The status of a coparcener only upon the death of her father
- (d) The status of a member entitled to maintenance but not partition

5. Under which provision of the Code of Civil Procedure, 1908 is the doctrine of res judicata, barring the relitigation of issues finally decided between the same parties, codified?

- (a) Section 9



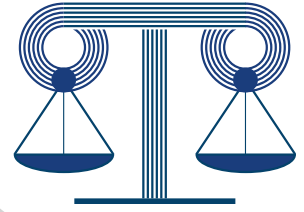
- (b) Section 10
- (c) Section 11
- (d) Order VII Rule 11





SUPREME COURT

Landmark Judgements



7 Threat to Upload Woman's Bathing Video Constitutes Criminal Intimidation Under Section 506 IPC

Background

- The prosecutrix alleged that the appellant had been in a romantic and physically intimate relationship with her for nearly two years.
- During the relationship, the appellant secretly recorded her while she was bathing.
- After the relationship deteriorated, the appellant threatened to upload the video on Facebook if the prosecutrix continued to contact him or insisted on continuing the relationship.
- The Trial Court acquitted the appellant of offences under Sections 376, 493, and 354C of the Indian Penal Code, 1860, holding the relationship to be consensual.
- The Trial Court convicted the appellant under Part II of Section 506 read with Section 503 of the Indian Penal Code, 1860, based on the threat established through oral evidence.
- The conviction for criminal intimidation was affirmed by the High Court of Madras.
- The appellant approached the Supreme Court, arguing that neither the alleged video nor the mobile phone used for recording was ever recovered, and that the allegations were improvements over the First Information Report and unsupported by material evidence.
- The incident dated back to 2015.

Judgement of the Court

- The Court held that the acquittal under Sections 376, 493, and 354C of the Indian Penal Code, 1860

Case Details

- Case Title:** Vijayakumar v. State of Tamil Nadu
- Citation:** 2026 INSC 525
- Bench:** Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- Whether the offence of criminal intimidation under Section 503 of the Indian Penal Code, 1860, punishable under Part II of Section 506, was proved beyond reasonable doubt despite the non-recovery of the mobile phone or the video.
- Whether the acquittal under Sections 376, 493, and 354C of the Indian Penal Code, 1860, nullified or affected the conviction under Section 506.
- Whether a threat to upload a woman's private bathing video amounts to a threat to impute unchastity within the meaning of Part II of Section 506 of the Indian Penal Code, 1860.
- Whether the term unchastity is to be understood through traditional

did not automatically nullify the conviction under Section 506, because each offence carries distinct legal ingredients and a consensual relationship does not make a subsequent threat to expose a private video lawful.

- The Court held that the term unchastity under Part II of Section 506 must be understood through constitutional values of dignity, privacy, and sexual autonomy, and not through traditional or patriarchal moral notions.
- It held that threatening to publish a woman's nude or semi-nude private bathing video on social media attacks her sexual autonomy, bodily privacy, and dignity, and therefore amounts to imputing unchastity within the meaning of the provision.
- On the nature of the threat, the Court held that whether the threat is actually capable of execution is not decisive, and that a person may be criminally intimidated even by a threat incapable of execution, so long as the victim genuinely perceives it as real and it is intended to cause alarm or compel an act or omission.
- The Court held that the prosecutrix held a bona fide belief that such a video existed and that the appellant's threat to upload it satisfied the key ingredients for invoking Section 503.
- It held that the failure to recover the mobile phone or video was not fatal where credible oral evidence established the threat beyond reasonable doubt, and noted that the prosecutrix's testimony was corroborated by her sisters and sister-in-law and was not effectively contradicted by the appellant.
- On Section 106 of the Indian Evidence Act, 1872, the Court held that especial knowledge is not confined to events occurring within a physical space but extends to the private interpersonal realm created by an intimate relationship, so that once the prosecution established foundational facts, the burden shifted to the appellant to explain circumstances especially within his knowledge.
- The Court relied on Section 114 of the Indian Evidence Act, 1872 relating to presumptions based on ordinary human conduct, finding the prosecutrix's belief in the existence of the video to be natural in light of the relationship and the threats, particularly as the appellant never specifically denied the physical relationship.
- On contradictions, the Court held that the defence failed to properly confront the prosecutrix with contradictions from her statement under Section 161 of the Code of Criminal Procedure, 1973 as required by Section 145 of the Indian Evidence Act, 1872 read with Section 162 of the Code of Criminal Procedure, 1973, and merely relied on omissions in the First Information Report.
- The Court observed that the First Information Report is not an encyclopaedia of all relevant facts, as it is meant primarily to set the criminal investigation in motion, so that omissions are not fatal unless they go to the root of the prosecution case.
- On the examination of the accused under Section 313 of the Code of Criminal Procedure, 1973, the Court held that the appellant offered only blanket denials without furnishing any alternative explanation despite the incriminating circumstances put to him.

moral notions or through constitutional values of dignity, privacy, and sexual autonomy.

- Whether especial knowledge under Section 106 of the Indian Evidence Act, 1872 extends to private interpersonal events occurring within an intimate relationship.

- The Court strongly criticised the investigating officer for failing to recover the mobile phone or digital evidence, observing that cases involving electronic material require greater professional competence and diligence.
- While upholding the conviction, the Court reduced the sentence to the period of custody already undergone, taking into account that the incident dated back to 2015.

Key Takeaway for CLAT Aspirant

- **Criminal Intimidation:** Criminal intimidation under Section 503 of the Indian Penal Code, 1860 (Section 351 of the Bharatiya Nyaya Sanhita, 2023) consists of threatening another person with injury to their person, reputation, or property, or to the person or reputation of anyone in whom they are interested, with intent to cause alarm or to compel them to do an act they are not legally bound to do, or to omit an act they are legally entitled to do.
- **Punishment for Criminal Intimidation:** Section 506 of the Indian Penal Code, 1860 (Section 351 of the Bharatiya Nyaya Sanhita, 2023) provides two grades of punishment. Part I covers simple criminal intimidation, while Part II covers aggravated criminal intimidation, including a threat to impute unchastity to a woman, a threat to cause death or grievous hurt, or a threat to destroy property by fire, carrying enhanced imprisonment of up to seven years.
- **Imputing Unchastity to a Woman:** The aggravating ingredient of imputing unchastity is not confined to traditional moral notions but is to be read in harmony with constitutional values, so that an attack on a woman's bodily privacy, dignity, and sexual autonomy through threatened circulation of intimate material falls within its scope.
- **Distinct Ingredients of Offences:** Acquittal on one charge does not automatically vitiate conviction on another, since each penal offence is built on its own essential ingredients, and a finding of consent on a sexual offence does not legalise a separate threat amounting to criminal intimidation.
- **Burden to Prove Facts Especially within Knowledge:** Section 106 of the Indian Evidence Act, 1872 (Section 109 of the Bharatiya Sakshya Adhinyam, 2023) places the burden of proving a fact especially within a person's knowledge on that person, and this especial knowledge extends to the private interpersonal realm of an intimate relationship, not merely to physical or enclosed spaces.
- **Court's Power to Presume Existence of Facts:** Section 114 of the Indian Evidence Act, 1872 (Section 119 of the Bharatiya Sakshya Adhinyam, 2023) permits a court to presume the existence of facts having regard to the common course of natural events and ordinary human conduct, allowing inferences consistent with normal behaviour in established relationships.
- **Contradictions and Use of Prior Statements:** Section 145 of the Indian Evidence Act, 1872 (Section 148 of the Bharatiya Sakshya Adhinyam, 2023) read with Section 162 of the Code of Criminal Procedure, 1973 (Section 181 of the Bharatiya Nagarik Suraksha Sanhita, 2023) governs how a prior police statement under Section 161 of the Code of Criminal Procedure, 1973 (Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023) may be used to contradict a witness, requiring the witness to be confronted with the specific contradiction.
- **First Information Report is Not an Encyclopaedia:** The First Information Report under Section 154 of the Code of Criminal Procedure, 1973 (Section 173 of the Bharatiya Nagarik Suraksha Sanhita, 2023) is intended only to set the investigation in motion and need not contain every detail, so that mere omissions do not discredit the prosecution unless they go to the root of the case.
- **Examination of the Accused:** Section 313 of the Code of Criminal Procedure, 1973 (Section 351 of the

Bharatiya Nagarik Suraksha Sanhita, 2023) requires the accused to be questioned on incriminating circumstances, and a bare or evasive denial without any alternative explanation may weaken the defence and permit an adverse inference.

- **Standard of Proof Beyond Reasonable Doubt:** In criminal cases the prosecution must establish guilt beyond reasonable doubt, but this standard does not demand mathematical or absolute certainty, and conviction may rest on credible oral testimony even where corroborative material objects are not recovered.
- **Right to Privacy, Dignity, and Sexual Autonomy:** Article 21 of the Constitution of India protects the right to life and personal liberty, which includes privacy, dignity, and bodily and sexual autonomy, and these constitutional guarantees inform the interpretation of penal provisions affecting women.
- **Voyeurism:** Section 354C of the Indian Penal Code, 1860 (Section 77 of the Bharatiya Nyaya Sanhita, 2023) penalises watching or capturing the image of a woman engaging in a private act in circumstances where she would expect privacy, and protects against the very kind of covert recording involved where a woman is filmed while bathing.



Practice Questions

1. Vikram, in order to force his neighbour Suresh to withdraw a complaint, threatens to burn down Suresh's house unless he does so, intending to cause alarm and to compel Suresh to do something he is not legally bound to do. Suresh is not legally bound to withdraw the complaint. Has Vikram committed criminal intimidation?

- (a) No, because a threat to property cannot amount to criminal intimidation.
- (b) No, because criminal intimidation covers only threats of bodily harm.
- (c) Yes, because he threatened injury to property to compel an act not legally bound.
- (d) Yes, because any disagreement between neighbours amounts to intimidation.

2. A court is considering the operation of the rule that places the burden of proving a fact especially within a person's knowledge upon that person. Which of the following statements are false?

- i. The burden of proving a fact especially within a person's knowledge lies on that person.
- ii. The especial knowledge contemplated is limited only to physical or enclosed spaces.
- iii. The especial knowledge extends to the private interpersonal realm of an intimate relationship.
- iv. The burden of proving such a fact always rests on the prosecution regardless of knowledge.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A trial judge publicly declares that, in deciding cases, he will refuse to draw any inference from the common course of natural events or ordinary human conduct, asserting that a court can never presume the existence of any fact and must ignore how people normally behave in established relationships. How does this declaration align with the legal position governing presumption of facts?

- (a) The declaration is valid, as courts are barred from presuming any fact at all.
- (b) The declaration is valid only in cases involving documentary evidence.
- (c) The declaration is partly valid, as presumptions are allowed only by express statute.
- (d) The declaration is untenable, as a court may presume facts from the ordinary course of conduct.

4. A woman is covertly filmed while bathing, in circumstances where she would reasonably expect privacy. Under the principle governing voyeurism, what is the legal position regarding such conduct?

- (a) It is not an offence, as the act took place inside a private dwelling.
- (b) It is penalised as voyeurism, being the covert recording the provision guards against.
- (c) It is an offence only if the recording is later shared with other persons.
- (d) It is not an offence unless the woman had expressly forbidden the recording.

5. A prior statement made to the police under Section 161 of the Code of Criminal Procedure, 1973 is sought to be used to contradict a witness during trial. Under the governing provisions, what is required before such a prior statement can be used to contradict the witness?

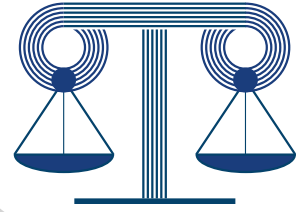
- (a) The witness must be confronted with the specific contradiction relied upon.

- (b) The prior statement must first be read out in full to the entire court.
- (c) The investigating officer alone may decide whether the witness is contradicted.
- (d) The contradiction may be used freely without putting it to the witness.



SUPREME COURT

Landmark Judgements



8

Injury Severity Alone Insufficient for Attempt to Murder Conviction

Background

- The injured-informant Amar Singh (PW3) was on night watchman duty in his village when he came upon a gathering of persons assaulting an individual, the driver of a jeep, and intervened to question their conduct.
- The accused persons turned upon him, with Sajjan Singh inflicting a lathi blow on his head, Satya Prakash striking his right hand, Dharamvir assaulting with fists and kicks, and the appellant Roshan Lal also delivering a lathi blow on his head.
- Amar Singh sustained grievous head injuries, including a compound fracture of the scalp and fractures in both parietal bones, accompanied by neurological complications and prolonged hospitalisation, and the injury was medically opined to be dangerous to life.
- The First Information Report (No. 116 of 2000) was registered initially under Sections 323, 325, and 506 of the Indian Penal Code, 1860, with Section 307 added later.
- The Trial Court, the Additional Sessions Judge at Rewari, convicted Roshan Lal and two co-accused under Section 307 read with Section 34 and Section 506 of the Indian Penal Code, 1860, relying primarily on the fact that the injury was opined to be dangerous to life.
- The High Court of Punjab and Haryana affirmed the conviction.
- The appellant challenged the conviction before the Supreme Court, contending that the essential ingredient of intention to cause death had not been established by the prosecution.

Case Details

- **Case Title:** Roshan Lal v. State of Haryana & Anr.
- **Citation:** 2026 INSC 524
- **Bench:** Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- Whether a conviction under Section 307 of the Indian Penal Code, 1860 could be sustained solely on the basis of the gravity of the injury suffered, without independent proof of the intention or knowledge to cause death.
- Whether the intention to commit murder under Section 307 exists independently of the act itself and must be separately established by the prosecution.
- Whether, on the facts, the appellants possessed the requisite intention or knowledge to attract Section 307, given the sudden nature of the incident, the absence of prior enmity, and the use of ordinary lathis.
- Whether, in the absence of the

Judgement of the Court

- The Court reiterated the settled principle of restraint in interfering with concurrent findings of fact, while recognising that interference is permissible where wrong inferences of law have been drawn or where striking features demolishing the prosecution case have been overlooked.
- It held that two essential elements must be independently established to constitute attempt to murder under Section 307: the intention or knowledge to commit murder, and an actual overt act towards commission of the murder, so that both the necessary mens rea and actus reus must be proved.
- The Court held that the intention to commit murder exists prior to the actual attempt and must be established independently of the act itself, and that once such intention is proved the eventual outcome of the attempt becomes irrelevant, unless the attempt culminates in death, in which case the offence falls under Section 300.
- It clarified that an accused cannot be acquitted under Section 307 merely because the injury inflicted was simple, since the determinative factor is intention and not the nature of injury, and that conversely the gravity of injury alone cannot fasten liability without independent proof of mens rea.
- The Court explained that the expression such intention in Section 307 refers to the intention contemplated in Section 300, namely the intention to cause death, or to cause bodily injury the offender knows is likely to cause death, or to cause injury sufficient in the ordinary course of nature to cause death.
- It noted that intention may be inferred from surrounding circumstances such as the type of weapon used, the words spoken, the motive, the part of the body targeted, the nature and extent of the injuries, and the force and manner in which the blows were delivered.
- On the facts, the Court found there was no history of enmity between the appellants and the injured, and no material showing prior planning, preparation, or concerted intention to cause death, the incident having arisen suddenly when the injured intervened in a third-party altercation, so that the assault appeared to be a spontaneous reaction in the heat of the moment.
- It observed that the weapons used were ordinary lathis, which though capable of causing grievous hurt could not in the circumstances be regarded as inherently deadly weapons, and that there was nothing to show the assault was persisted in with such brutality as to unmistakably disclose an intention to cause death.
- The Court held that the courts below had placed undue reliance on the injury being dangerous to life while entirely overlooking the critical absence of the requisite intention or knowledge to commit murder.
- It held that the prosecution had nonetheless established that the appellants, in furtherance of their common intention, voluntarily caused grievous injuries on vital parts of the body resulting in fractures and prolonged treatment, squarely covered by Clauses Seventhly and Eighthly of Section 320 defining grievous hurt.
- The Court accordingly altered the conviction from Section 307 read with Section 34 to Section

intention to murder, the proved injuries disclosed the distinct offence of voluntarily causing grievous hurt under Section 325 of the Indian Penal Code, 1860.

325 read with Section 34, holding the ingredients of voluntarily causing grievous hurt to be fully satisfied.

- On the quantum of sentence, the Court held that the interest of justice would be served by sentencing the appellants to the period of imprisonment already undergone and imposing a fine of Rs. 50,000 each payable to the injured-informant, with a default sentence of six months of simple imprisonment.

Key Takeaway for CLAT Aspirant

- **Attempt to Murder:** Section 307 of the Indian Penal Code, 1860 (Section 109 of the Bharatiya Nyaya Sanhita, 2023) penalises any act done with such intention or knowledge and in such circumstances that, if it caused death, the offender would be guilty of murder, and it requires both the intention or knowledge to cause death and an overt act towards its commission.
- **Mens Rea and Actus Reus:** Criminal liability generally rests on the coexistence of a guilty mind and a guilty act, and for an inchoate offence like attempt to murder both the mental element and the physical act must be independently established, since proof of one cannot substitute for the other.
- **Intention Tied to the Definition of Murder:** The expression such intention in Section 307 draws its meaning from Section 300 of the Indian Penal Code, 1860 (Section 101 of the Bharatiya Nyaya Sanhita, 2023), so the relevant intention is the intention to cause death, or to cause injury the offender knows is likely to cause death, or to cause injury sufficient in the ordinary course of nature to cause death.
- **Doctrine of Attempt and Preparation:** In criminal law a mere preparation to commit an offence is not punishable as an attempt, and there must be an overt act going beyond preparation in execution of the criminal intent, though the act need not be the last or penultimate act towards the offence.
- **Gravity of Injury is Not Determinative:** The nature and extent of the injury caused is only one relevant circumstance and not the decisive factor in an attempt to murder, so liability cannot be fastened on the basis of a dangerous or grievous injury alone where the requisite intention to kill is not proved.
- **Inference of Intention from Circumstances:** Where intention is not directly proved it may be gathered from surrounding circumstances, including the weapon employed, the words spoken, the motive, the part of the body targeted, the force and manner of the assault, and whether the attack was sustained or spontaneous.
- **Grievous Hurt:** Section 320 of the Indian Penal Code, 1860 (Section 116 of the Bharatiya Nyaya Sanhita, 2023) exhaustively designates certain kinds of hurt as grievous, including fracture or dislocation of a bone or tooth and any hurt that endangers life or causes the sufferer prolonged severe bodily pain or incapacity.
- **Voluntarily Causing Grievous Hurt:** Section 325 of the Indian Penal Code, 1860 (Section 117(2) of the Bharatiya Nyaya Sanhita, 2023) punishes the voluntary causing of grievous hurt, and it operates as the appropriate lesser offence where the assailant intended or knew his act would cause grievous hurt but lacked the intention to cause death.
- **Common Intention:** Section 34 of the Indian Penal Code, 1860 (Section 3 sub-section 5 of the Bharatiya Nyaya Sanhita, 2023) fastens joint liability where a criminal act is done by several persons in furtherance of the common intention of all, making each participant liable as if the act were done by him alone.
- **Power to Convict for a Minor Offence:** Section 222 of the Code of Criminal Procedure, 1973 (Section 246 of the Bharatiya Nagarik Suraksha Sanhita, 2023) permits a court to convict an accused of a minor

offence that is constituted by the proved facts even when he is charged with a graver offence, which enables an appellate court to alter a conviction from attempt to murder to grievous hurt.

- **Special Leave to Appeal and Concurrent Findings:** Article 136 of the Constitution of India confers a discretionary power on the Supreme Court to grant special leave to appeal, and in exercising it the Court ordinarily does not reappreciate concurrent findings of fact unless they are perverse, based on no evidence, or arrived at by overlooking material that demolishes the prosecution case.
- **Standard of Proof in Criminal Cases:** In a criminal trial the prosecution must establish every essential ingredient of the offence charged beyond reasonable doubt, and the failure to prove a single indispensable ingredient, such as intention in an attempt to murder, entitles the accused to be acquitted of that specific charge.
- **Probation of Offenders Act, 1958:** This welfare-oriented statute empowers courts to release certain offenders on probation of good conduct or after admonition instead of sentencing them to imprisonment, with first-time offenders and the nature of the offence being relevant considerations in deciding whether its benefit should be extended.



Practice Questions

1. Rohit strikes Mohan a single blow on the arm with a stick, fracturing the bone, intending only to cause him serious bodily harm and not to kill him. Mohan suffers a fracture but survives without any threat to his life. The prosecution presses a charge of voluntarily causing grievous hurt. Is the charge appropriate on these facts?

- (a) No, because a single blow can never amount to grievous hurt.
- (b) No, because any fracture must be charged as an attempt to murder.
- (c) Yes, because he caused a fracture intending grievous hurt without intent to kill.
- (d) Yes, because every assault with a stick is grievous hurt in law.

2. A court is considering the meaning of the intention required for the offence of attempt to murder, as drawn from the definition of murder. Which of the following statements are false?

- i. The relevant intention includes the intention to cause death.
- ii. The relevant intention is satisfied by an intention to cause any trivial hurt whatsoever.
- iii. The intention to cause injury sufficient in the ordinary course of nature to cause death suffices.
- iv. The required intention has no connection with the definition of murder.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A trial judge publicly declares that whenever several persons are present at the scene of a crime, he will hold every one of them jointly liable for the criminal act, even without any common intention, asserting that mere presence together is by itself enough to fasten joint liability under the law. How does this declaration align with the legal position governing common intention?

- (a) The declaration is valid, as mere presence together always fastens joint liability.
- (b) The declaration is valid only where the persons are related to one another.
- (c) The declaration is partly valid, as common intention may be presumed from numbers.
- (d) The declaration is untenable, as joint liability requires a common intention of all.

4. The offence of attempt to murder requires more than a mere intention or knowledge to cause death. Apart from such intention or knowledge, what further element does the offence require?

- (a) A confession by the accused admitting the intention to cause death
- (b) An overt act done towards the commission of the offence
- (c) The actual death of the person against whom the act is directed
- (d) A prior threat communicated to the intended victim beforehand

5. Which provision of the Indian Penal Code, 1860 exhaustively designates certain kinds of hurt, such as the fracture or dislocation of a bone or tooth, as grievous hurt?

- (a) Section 319
- (b) Section 320



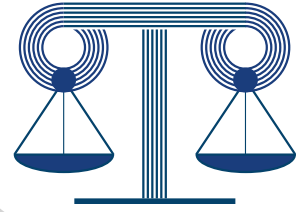
- (c) Section 321
- (d) Section 325





SUPREME COURT

Landmark Judgements



9 Principles On Promissory Estoppel

Background

- The respondent, M/s Kundlas Loh Udyog, was an existing manufacturer engaged in industrial metal processing and stamping, established in 2005 to 2006.
- In 2020 the respondent undertook substantial expansion by increasing its plant and machinery by 88.69% and generating additional employment.
- The Himachal Pradesh Industrial Policy, 2019 contemplated incentives for both new industrial enterprises and existing enterprises undertaking substantial expansion, with Clause 16 dealing specifically with concessional electricity charges.
- Under Clause 16(a), eligible enterprises were entitled to electricity charges at rates 15% lower than the approved tariff for three years, while Clause 16(b) provided a rebate on additional power consumption for existing enterprises undertaking substantial expansion.
- The respondent claimed the concessional tariff benefit under Clause 16(a) on the basis of its expansion, relying on the expression eligible enterprises.
- The State rejected the claim, contending that Clause 16(a) was intended exclusively for new enterprises, that existing expanding units were covered only under Clause 16(b), and that the word eligible was a drafting error.
- During the pendency of the dispute, the State amended the policy on 29 April 2022 by substituting the expression eligible enterprises in

Case Details

- **Case Title:** State of Himachal Pradesh & Ors. v. M/s Kundlas Loh Udyog
- **Citation:** 2026 INSC 534
- **Bench** Justice J.B. Pardiwala and Justice K.V. Viswanathan

Issue Before the Court

- Whether, on a true construction of Clause 16(a) of the Himachal Pradesh Industrial Policy, 2019, an existing industrial unit undertaking substantial expansion was entitled to the concessional electricity tariff, or whether the clause was confined to new industrial enterprises.
- Whether the doctrine of promissory estoppel could be invoked to compel the State to grant a benefit which was never intended for the class of industry to which the respondent belonged.
- Whether the respondent, being an existing industrial unit, could claim the benefit on the basis of the doctrine of legitimate expectation despite the substantial expansion undertaken in reliance on the policy.
- Whether the amendment dated 29

Clause 16(a) with new enterprises.

- The respondent had already availed the rebate incentive of 15% on energy charges for additional power consumption under Clause 16(b).
- The Himachal Pradesh High Court ruled in favour of the respondent and directed the State to extend the concessional tariff benefit.
- Aggrieved, the State appealed to the Supreme Court.

Judgement of the Court

- The Court held that Clause 16(a), properly construed, was never intended to extend concessional tariff benefits to existing industrial enterprises undergoing substantial expansion, as it was aimed exclusively at new industrial enterprises, and the High Court had erred in overlooking this fundamental distinction.
- It found that the policy consciously maintained a distinction between new industrial enterprises under Clause 16(a) and existing enterprises undertaking substantial expansion under Clause 16(b).
- The Court observed that the respondent's interpretation would lead to an anomalous consequence whereby a benefit specifically designed to encourage the establishment of fresh industrial units would stand extended to existing units merely because they had expanded.
- It held that the amendment dated 29 April 2022 substituting eligible with new was merely clarificatory in nature, did not introduce any new class of beneficiaries, and neither created nor extinguished any substantive right.
- The Court reiterated that the doctrine of promissory estoppel is a principle evolved by equity to avoid injustice, operating not in the realm of contract or technical estoppel under the law of evidence, but upon broader considerations of fairness, justice, and good conscience.
- It held that the doctrine applies with full force against the State, its departments, statutory corporations, and instrumentalities falling within Article 12 of the Constitution, which cannot arbitrarily resile from a solemn representation upon which another has acted.
- The Court observed that where the State frames industrial or fiscal incentive schemes to attract investment, the representations contained therein are intended to induce entrepreneurs to act upon them and are enforceable, and that once an entrepreneur establishes a unit, commences production, or satisfies the eligibility conditions during the scheme's currency, the promise crystallises and an enforceable equity arises.
- It clarified that the grant of an exemption, concession, or incentive under a statutory scheme is ordinarily defeasible and the Government is competent to modify or revoke it, though it may be precluded from doing so on the ground of promissory estoppel, which itself remains subject to considerations of equity and public interest.
- The Court held that the doctrine could not be invoked to compel the State to grant a benefit never intended for the class of industry to which the respondent belonged, and that even assuming the respondent could invoke the doctrine, it could not be stretched to create an entitlement contrary to the true scope and intent of the Industrial Policy of 2019.
- It held that the benefit of the doctrine of legitimate expectation could not be claimed by the respondent as an existing industrial unit, regardless of the substantial expansion undertaken.

April 2022 substituting eligible with new in Clause 16(a) was merely clarificatory or whether it created or extinguished any substantive right.

- Whether extending the concessional tariff under Clause 16(a) in addition to the rebate already availed under Clause 16(b) would amount to an impermissible double benefit.

- The Court observed that the respondent had already availed the rebate under Clause 16(b), and that extending the concessional tariff would amount to conferring a double benefit, contrary to the scheme of the policy, public interest, and fiscal discipline governing industrial incentives.
- It held that once the respondent had received the benefit legitimately attachable to its category under Clause 16(b), no enforceable equity survived in its favour to claim an additional concessional tariff.
- The Court laid down twelve governing principles on the doctrine of promissory estoppel, drawing guidance from its earlier decision, and accordingly allowed the appeal and set aside the judgment of the Himachal Pradesh High Court.

Key Takeaway for CLAT Aspirant

- **Doctrine of Promissory Estoppel:** It is a principle evolved by equity to prevent injustice, under which a clear, unequivocal, and unambiguous promise intended to create or affect a legal relationship, made knowing it would be acted upon and in fact acted upon, becomes binding on the promisor, who cannot then resile from it.
- **Estoppel as a Rule of Evidence:** In India, estoppel is codified as a rule of evidence under Section 115 of the Indian Evidence Act, 1872 (Section 121 of the Bharatiya Sakshya Adhiniyam, 2023), and is essentially defensive, whereas promissory estoppel is a rule of equity that, under Indian law, can also furnish an independent cause of action.
- **Promissory Estoppel and Consideration:** The doctrine can render a promise binding even in the absence of consideration as required under Section 25 of the Indian Contract Act, 1872, and the 108th Report of the Law Commission of India, submitted in 1984, suggested the insertion of Section 25A in the Indian Contract Act, 1872 to give statutory recognition to such promises.
- **Reliance and Alteration of Position:** It is not necessary for the promisee to prove actual detriment, and it is sufficient that the promisee has altered its position in reliance on the promise, such as by making substantial investment, incurring liabilities, or establishing industrial infrastructure on the faith of the representation.
- **Estoppel against the State:** The doctrine applies with full force against the State, its departments, statutory corporations, and other instrumentalities falling within the meaning of State under Article 12 of the Constitution of India, which cannot arbitrarily go back on a solemn representation acted upon by another.
- **No Estoppel Contrary to Law or Policy:** Promissory estoppel cannot be invoked to compel a benefit that was never intended under the governing scheme, nor to create an entitlement contrary to the true scope and intent of a policy, and it cannot operate to defeat or enlarge statutory provisions.
- **Defeasible Nature of Concessions:** The grant of an exemption, concession, or incentive under a statutory scheme is ordinarily defeasible and may be modified or revoked by the Government in exercise of the same power under which it was granted, subject to the limits imposed by promissory estoppel, equity, and public interest.
- **Doctrine of Legitimate Expectation:** This doctrine protects an expectation of a benefit or of fair treatment arising from an established practice or an express promise of a public authority, but it cannot be claimed by a person falling outside the class for whom the benefit or assurance was meant.
- **Fairness and Non-Arbitrariness in State Action:** Article 14 of the Constitution of India requires that State action be fair, non-arbitrary, and consistent, and this constitutional guarantee forms the larger

foundation on which the obligation of the State to honour its solemn representations rests.

- **Clarificatory Amendments:** An amendment that merely removes ambiguity or corrects a drafting inconsistency is clarificatory in nature, does not introduce a new class of beneficiaries, and neither creates nor extinguishes any substantive right, and it ordinarily operates to declare the original intent of the provision.
- **Rule against Double Benefit:** A claimant cannot be permitted to avail dual or overlapping benefits under two distinct provisions of the same scheme where this would distort the policy framework and impose unintended fiscal burdens, as the conferral of such a double benefit is contrary to public interest and fiscal discipline.
- **Purposive Interpretation of a Scheme:** A policy or statutory scheme must be construed as a whole and in the light of its object, so that the distinct purpose of each provision is preserved and an interpretation leading to an anomalous or self-defeating consequence is avoided.



Practice Questions

1. A State Government solemnly represents to an industrialist that if he sets up a factory in a backward district, he will receive a tax exemption for ten years. Acting on this representation, the industrialist establishes the factory. The Government later seeks to resile, contending that the doctrine of promissory estoppel can never operate against the State. Is the Government's contention correct?
 - (a) Yes, because the State enjoys complete immunity from promissory estoppel.
 - (b) Yes, because only private promisors can be bound by such a representation.
 - (c) No, because the doctrine applies with full force against the State.
 - (d) No, because the State is bound by every representation it has ever made.

2. A court is considering the nature of estoppel as codified in Indian law and how it differs from promissory estoppel. Which of the following statements are false?
 - i. Estoppel is codified as a rule of evidence under Section 115 of the Indian Evidence Act, 1872.
 - ii. Estoppel as codified is essentially offensive and is used to found a fresh claim.
 - iii. Promissory estoppel under Indian law can furnish an independent cause of action.
 - iv. Promissory estoppel is a rule of evidence identical in nature to codified estoppel.
 - (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. A claimant publicly declares that he will invoke promissory estoppel to compel the Government to grant him a benefit that the governing scheme never intended to confer, asserting that the doctrine can override the true scope of the policy and even enlarge statutory provisions in his favour. How does this declaration align with the legal position governing promissory estoppel?
 - (a) The declaration is valid, as promissory estoppel can override any policy or statute.
 - (b) The declaration is valid only where the claimant has spent a large sum.
 - (c) The declaration is partly valid, as the doctrine may enlarge a statute marginally.
 - (d) The declaration is untenable, as estoppel cannot create an entitlement contrary to policy.

4. A promisee alters its position in reliance on a clear representation by establishing industrial infrastructure on the faith of it. The promisor argues that the promisee cannot succeed unless it first proves that it actually suffered detriment. Under the principle governing reliance, what is the legal position?
 - (a) The promisee must in every case prove actual detriment suffered by it.
 - (b) Altering position in reliance on the promise is sufficient without proving detriment.
 - (c) The promisee succeeds only if the infrastructure has already become profitable.
 - (d) The promisee must prove both detriment and a written contract with the promisor.

5. Which of the following best describes the doctrine of promissory estoppel as evolved by equity to prevent injustice?

- (a) A clear unequivocal promise acted upon becomes binding on the promisor
- (b) A vague assurance not intended to be acted upon binds the promisor absolutely
- (c) A promise binds only where supported by consideration and a written deed
- (d) A promise may be freely withdrawn even after it has been acted upon

Their Next Chapter



NLSIU - Bengaluru

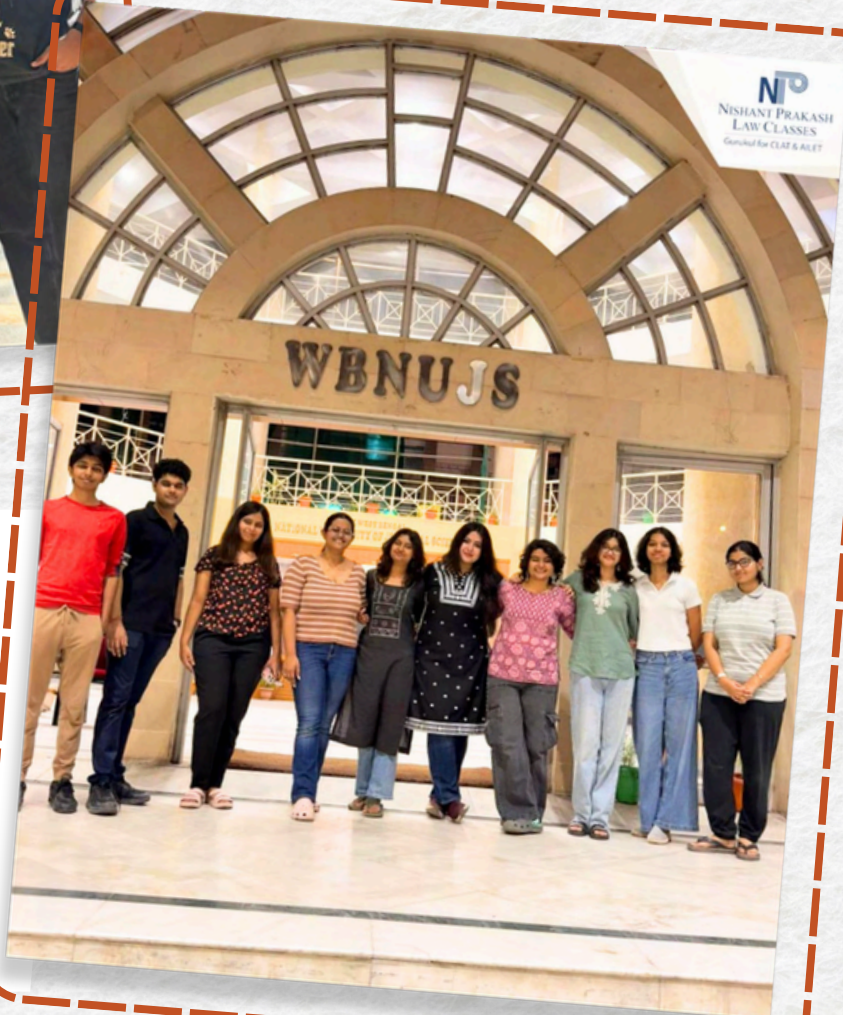
(Left to Right)

**Dainik Agarwala
Daksh Balakrishnan
Dhruv Kamath
Aditya Ankhad**

WBNUJS - Kolkata

(Left to Right)

**Reyhaan Aryan, Shashwat
Singh, Aanya Arora,
Shivakshi Dixit, Dhara
Mittal, Vaishali Bhatra,
Labonyo Banerjee, Yutika
Kumar, Janani Murugan,
Megha Malhotra**



Their Next Chapter



NLU - Delhi

(Left to Right)
**Ananya Prakash,
Amoolya Kapani, Vidisha
Singh, Goohika Joshi,
Masirah Hussain, Krish
Walia, Chaitanya Ghosh,
Aditya Mehta**



NLU - Jodhpur

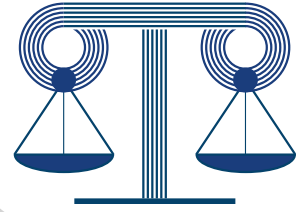
(Left to Right)

**Vivaan Mehta
Khushi Gaur
Maahi Yadav
Shefali Talwar
Kaushtubh Anand**



SUPREME COURT

Landmark Judgements



10

Appellate Court Reversing Acquittal Must Itself Hear Convict on Sentence

Background

- The appellant stood trial before the Sessions Judge, Andaman and Nicobar Islands at Port Blair, for offences punishable under Sections 376, 312, and 417 of the Indian Penal Code, 1860.
- By judgment dated 24 April 2024, the Sessions Judge acquitted the appellant of all the offences charged.
- The State and the victim, Ms. X, separately preferred appeals against the acquittal before the High Court at Calcutta, Circuit Bench at Port Blair.
- By the impugned judgment and order dated 23 April 2026, the High Court reversed the acquittal and convicted the appellant under Sections 376 and 312 of the Indian Penal Code, 1860, finding that the victim's consent had been obtained on a false promise of marriage made with no intention to marry from the inception, and that the appellant had persuaded her to consume pills to terminate her pregnancy.
- Instead of fixing a date to hear the convict on sentence, the High Court directed the appellant to surrender before the Trial Judge.
- The High Court further directed that upon surrender the Trial Judge would take the appellant into custody and pronounce and impose the proper sentence under Sections 376 and 312 of the Indian Penal Code, 1860, after hearing on the point of sentence.
- Aggrieved by this direction, the accused approached the Supreme Court, which issued notice confined to the correctness of the procedure adopted by the High Court.

Case Details

- **Case Title:** Mukesh Kumar Yadav v. The State (UT of Andaman & Nicobar Islands) Etc.
- **Citation:** Criminal Appeal Nos. 2863-2864 of 2026 | 2026 INSC 559
- **Bench:** Justice K.V. Viswanathan and Justice Vijay Bishnoi

Issue Before the Court

- Whether an appellate court, after reversing an order of acquittal and recording a conviction for the first time, can relegate the matter to the trial court solely for the purpose of imposing sentence.
- Whether the appellate court is itself obligated under Section 386(a) of the Code of Criminal Procedure, 1973 to hear the convict on the question of sentence and to pass an appropriate sentence according to law.
- Whether the requirement of hearing a convict on sentence is rooted in the principles of natural justice, and whether such a hearing may be deferred to a later date by the convicting court.

Judgement of the Court

- The Court referred to the procedure for trial before a court of session, noting that under Section 235 of the Code of Criminal Procedure, 1973 the judge first delivers judgment, and on convicting the accused must, unless proceeding under the probation provision, hear the accused on the question of sentence before passing sentence according to law.
- It explained that the requirement of a pre-sentence hearing is intended to satisfy the rule of natural justice, since courts exercise a wide discretion in sentencing and fair play demands that a convict be asked whether he has anything to say or any material to place on the question of sentence.
- The Court observed that where a convicting court omits to hear the accused on sentence, a higher court may itself remedy the breach by giving the convict a real and effective hearing, and that this course must inevitably follow where the conviction is recorded for the first time by a higher court.
- Turning to appeals against acquittal, the Court analysed Section 386(a) of the Code of Criminal Procedure, 1973, which empowers an appellate court to reverse an acquittal and direct further inquiry, order retrial or committal, or find the accused guilty and pass sentence on him according to law.
- It held that where an appellate court hearing an appeal from acquittal finds the accused guilty, it is itself required to pass sentence according to law, and the judicial function of imposing an appropriate sentence can be performed only by the appellate court that reverses the acquittal, not by any other court.
- The Court relied on settled precedent holding that an appellate court cannot, after recording a conviction, remit the matter to the trial court for passing sentence, such a course being unknown to law and amounting to an abdication of the appellate court's judicial discretion.
- It held that not only must the appellate court refrain from remanding the matter for sentencing alone, it has a bounden duty to hear the convict and impose an appropriate sentence, adjourning the matter to a suitable date if necessary.
- The Court noted that it had itself, in earlier cases, after convicting an accused for the first time, adjourned the matter to hear the accused on sentence, and had in another case taken upon itself to hear the accused on sentence where the High Court had failed to do so while reversing an acquittal.
- It clarified that remand solely for a sentence hearing is an exception and not the rule, and ought to be avoided in the interest of expeditious yet fair disposal of cases.
- Applying these principles, the Court held that the High Court committed an error in directing the Trial Judge to pronounce and impose the sentence after having itself reversed the acquittal and recorded the conviction.
- The Court accordingly set aside the impugned portion of the High Court's order, restored the appeals to the file of the High Court, and directed the High Court to fix a date, hear the convict on the issue of sentence, and thereafter impose an appropriate sentence in accordance with law.

- Whether the direction of the High Court requiring the appellant to surrender before the Trial Judge for sentencing was legally sustainable.

- It clarified that once the sentence is imposed, the appellant would be at liberty to challenge both the conviction and the sentence afresh in accordance with law.

Key Takeaway for CLAT Aspirant

- **Judgment of Acquittal or Conviction:** Section 235 of the Code of Criminal Procedure, 1973 (Section 258 of the Bharatiya Nagarik Suraksha Sanhita, 2023) requires the Sessions Judge to deliver judgment after hearing arguments, and where the accused is convicted, to hear him on the question of sentence before passing sentence according to law, unless the court proceeds under the probation provision.
- **Mandatory Pre-Sentence Hearing:** The opportunity to be heard on sentence is a salutary requirement that must be strictly followed, and its non-compliance is not a mere irregularity but an illegality capable of vitiating the sentence, since it enables the convict to place all material relevant to punishment before the court.
- **Powers of the Appellate Court:** Section 386 of the Code of Criminal Procedure, 1973 (Section 427 of the Bharatiya Nagarik Suraksha Sanhita, 2023) enumerates the powers of an appellate court, and in an appeal from acquittal it may reverse the acquittal and direct further inquiry, order retrial or committal, or find the accused guilty and pass sentence on him according to law.
- **Appellate Court's Duty to Impose Sentence:** Under Section 386(a), once an appellate court reverses an acquittal and records a conviction, the judicial function of imposing an appropriate sentence vests in that court alone, and it cannot abdicate this function by relegating the matter to the trial court merely for sentencing.
- **Principles of Natural Justice:** The rule of audi alteram partem underpins the right of a convict to a pre-sentence hearing, requiring that a person found guilty be granted a real and effective opportunity to be heard before the court exercises its sentencing discretion.
- **Judicial Discretion in Sentencing:** Penal statutes ordinarily prescribe only the outer limits of punishment and graduate it according to the gravity of the offence, leaving the choice of sentence to the discretion of the court, which makes a hearing on sentence essential for tailoring the punishment to the facts of each case.
- **Probation of Offenders:** Section 360 of the Code of Criminal Procedure, 1973 (Section 401 of the Bharatiya Nagarik Suraksha Sanhita, 2023) empowers a court to release certain convicts on probation of good conduct or after admonition instead of sentencing them at once, and the pre-sentence hearing operates unless this alternative course is adopted.
- **Remand as an Exception:** Where a convicting court omits to hear the accused on sentence, the higher court may itself cure the defect by hearing the convict, and a remand solely for a sentence hearing is an exception rather than the rule, to be avoided so far as possible in the interest of expeditious yet fair disposal.
- **Limits on Enhancement of Sentence:** Within the appellate framework, a sentence cannot be enhanced unless the accused is first given an opportunity to show cause against enhancement, and the appellate court cannot impose a punishment greater than what the court whose order is under appeal could lawfully have imposed.
- **Rape and Consent by Misconception:** Rape is defined under Section 375 of the Indian Penal Code, 1860 (Section 63 of the Bharatiya Nyaya Sanhita, 2023) and punishable under Section 376 (Section 64 of the Bharatiya Nyaya Sanhita, 2023), and consent obtained on a false promise of marriage held out with no intention to fulfil it is vitiated by misconception of fact and is not valid consent.
- **Consent under Misconception:** Section 90 of the Indian Penal Code, 1860 (Section 28 of the Bharatiya Nyaya Sanhita, 2023) provides that consent given under a misconception of fact, where the person doing the act knew or had reason to believe that the consent was so given, is not a valid consent in law.

- **Causing Miscarriage:** Section 312 of the Indian Penal Code, 1860 (Section 88 of the Bharatiya Nyaya Sanhita, 2023) penalises voluntarily causing a woman with child to miscarry where it is not done in good faith to save her life, and it extends to one who induces or causes the woman to consume substances to terminate her pregnancy.



Practice Questions

1. Aakash induces Priya into a physical relationship by promising to marry her, having no intention whatsoever of doing so and using the promise only as a means to obtain her consent. Priya consents solely on the faith of this promise. When the truth emerges, Aakash contends that since she consented, no offence is made out. Is his contention correct?

- (a) Yes, because any consent given by the woman defeats a charge of rape.
- (b) Yes, because a promise of marriage is not connected with consent in law.
- (c) No, because a false marriage promise with no intent vitiates the consent.
- (d) No, because every breach of a marriage promise by itself amounts to rape.

2. After hearing an appeal from an order of acquittal, an appellate court reverses the acquittal and records a conviction against the accused. It then declares that it will send the case back to the trial court only for the limited purpose of imposing the sentence. Which of the following statements are false?

i. Once the appellate court records a conviction, the function of imposing sentence vests in that court alone.

ii. The appellate court may abdicate the sentencing function by relegating it to the trial court.

iii. Having recorded the conviction, the appellate court is competent to impose the appropriate sentence.

iv. The appellate court must in every such case send the matter to the trial court for sentencing.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A newly appointed appellate judge publicly declares that in an appeal from an acquittal his powers are confined to one single course, and that he can do nothing more than simply dismiss the appeal in every case, asserting that an appellate court has no authority to reverse an acquittal or to order a retrial. How does this declaration align with the legal position governing the powers of an appellate court?

- (a) The declaration is valid, as an appellate court can only dismiss such appeals.
- (b) The declaration is valid only where the accused was acquitted of a minor offence.
- (c) The declaration is partly valid, as a retrial may be ordered but not a conviction.
- (d) The declaration is untenable, as the court may reverse the acquittal and pass sentence.

4. In a sessions trial, the Sessions Judge convicts the accused after hearing arguments and is not minded to release the accused on probation. Before passing sentence according to law, what does the governing provision require the judge to do?

- (a) Refer the question of sentence to a higher court for its opinion
- (b) Hear the accused on the question of sentence before passing it
- (c) Pass the maximum sentence prescribed for the offence at once
- (d) Pronounce the sentence without any further hearing of the accused

5. Which provision of the Indian Penal Code, 1860 penalises voluntarily causing a woman with child to

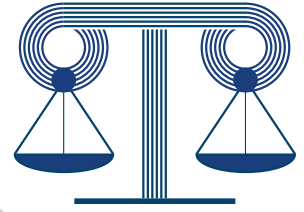
miscarry where it is not done in good faith to save her life?

- (a) Section 312
- (b) Section 313
- (c) Section 314
- (d) Section 316



SUPREME COURT

Landmark Judgements



11 Right to Trauma Care is Part of Right to Life

Background

- The writ petition was instituted under Article 32 of the Constitution of India by a social impact organisation as the first petitioner and its founder and managing trustee as the second petitioner.
- The petitioners highlighted a stark rise in road accident fatalities, attributed primarily to a systemic lack of access to quick emergency and trauma care during the golden hour following an accident.
- They sought a writ of mandamus directing the Union, the States, and the Union Territories to operationalise a comprehensive public law framework treating trauma care as a matter of right.
- The reliefs prayed for included the integration of all emergency helpline numbers into the universal number 112, implementation of Good Samaritan protections, standardisation of ambulance services under the National Ambulance Code with mandatory tracking, creation of trauma registries, a formal grading system for medical facilities, and operationalisation of cashless treatment schemes for road accident victims.
- The Court noted that the Union government had already introduced several schemes and policies, including the PM RAHAT cashless treatment scheme, the Good Samaritan Rules, the National Ambulance Code, and the ERSS-112 framework.
- The respondents contended that public health, medical care, and police enforcement fell within

Case Details

- **Case Title:** Savelife Foundation & Anr. v. Union of India & Ors.
- **Citation:** WP (C) No. 726 of 2024
- **Bench:** Justice J.K. Maheshwari and Justice Atul S. Chandurkar

Issue Before the Court

- Whether the right to timely trauma care and emergency medical response forms an integral part of the right to life guaranteed under Article 21 of the Constitution of India.
- Whether the State is under an enforceable constitutional obligation to establish a uniform and effective trauma care and emergency response framework across the country.
- Whether the existing institutional barriers, including the hesitation of bystanders to assist accident victims for fear of legal entanglement, require systemic intervention and strengthened Good Samaritan protections.
- Whether the Supreme Court could issue binding, time-bound interim

- the legislative and executive competence of the States, so uniform implementation required structured inter-state coordination rather than a singular immediate directive, and that nationwide execution across diverse terrains posed practical administrative and financial challenges.
- On scrutiny of the report compiled by the Attorney General detailing the responses of thirty-four States and Union Territories, the Court found that implementation across jurisdictions remained scanty, fragmented, and inconsistent despite a general willingness to implement central schemes.

directions to the Union, the States, and the Union Territories to remedy the fragmented implementation of trauma care schemes.

Judgement of the Court

- The Court held that the right to receive timely trauma care is an integral and inseparable facet of the right to life enshrined under Article 21 of the Constitution of India.
- It observed that a victim of a road accident or similar traumatic incident invariably experiences shock, disorientation, and helplessness, and that every passing minute without medical attention substantially narrows the scope of survival, so that swiftness in response is literally akin to medicine.
- The Court explained that post-incident trauma care comprises distinct and crucial stages, namely the initial response and first aid, the safe transportation of the victim to a healthcare facility, and immediate post-hospitalisation medical care.
- It held that a robust trauma care mechanism requires a bottom-up approach accounting for all stakeholders, including the common man acting as a bystander, who bears the moral responsibility to alert emergency services, control bleeding, and stabilise the victim.
- The Court recognised that bystanders often hesitate and suffer a reactive paralysis, stemming both from the psychological weight of witnessing the incident and from a deep-seated fear of legal proceedings, police harassment, and being summoned as witnesses.
- It held that dismantling these institutional barriers requires systemic intervention, including a uniform trauma framework, enhanced public awareness, standardised first-aid training, and strictly enforced Good Samaritan protections under Section 134A of the Motor Vehicles Act, 1988.
- The Court observed that quick transportation through well-equipped ambulances manned by trained paramedics, alongside adequately prepared medical facilities, are non-negotiable steps to realise this constitutional guarantee.
- It held that while the Union had fulfilled its role as an enabler by formulating statutory rules and national policies, the ultimate responsibility of implementation rested upon the executive machinery of the respective States and Union Territories.
- The Court concluded that sustained and concerted efforts by both the Union and the States working in unison could establish an efficient, uniform, and effective trauma care system and substantially reduce preventable deaths.
- Accepting the suggestions placed before it by the Attorney General, the Court issued comprehensive time-bound interim directions, including the integration of emergency helplines such as 100, 101, 102, 108, 1033, and 1091 into the unified number 112 within three months, with concurrent mass-media publicity.
- It directed all States and Union Territories to establish functional physical and digital Good

Samaritan grievance redressal systems with designated nodal authorities at the State and district levels within three months.

- It permitted the Union to issue a standardised medical rescue protocol for trauma cases within three months, to be operationalised thereafter by the States and Union Territories.
- It directed full compliance with the AIS-125 ambulance standards, mandatory fitment of Global Positioning System or vehicle location tracking devices with real-time integration with helpline 112, and adoption of the notified emergency medical technician curriculum.
- It directed the Union Ministry of Health and Family Welfare to issue guidelines for the data format of a trauma registry within eight weeks, following which the States and Union Territories were to establish State Trauma Registries covering all medical facilities and linked to a coordinated trauma registry.
- It directed the grading and designation of all public and private medical facilities, with geographic scope extended beyond National Highways to State Highways, Major District Roads, and urban and peri-urban areas, and the full operationalisation of the PM RAHAT cashless treatment scheme, warning that non-implementation would amount to a violation of the Motor Vehicles Act.

Key Takeaway for CLAT Aspirant

- **Right to Life and Personal Liberty:** Article 21 of the Constitution of India provides that no person shall be deprived of his life or personal liberty except according to procedure established by law, and the right to life means not mere animal existence but the right to live with human dignity and all that makes life meaningful and worth living.
- **Right to Health and Emergency Medical Care:** The right to health and timely medical aid is read as an inseparable component of the right to life under Article 21, so that access to emergency trauma care during the critical period after an accident becomes a constitutionally protected entitlement enforceable against the State.
- **Availability of Article 21:** The protection of life and personal liberty under Article 21 is available to every person, citizen and foreigner alike, and the obligation it imposes operates against the State as defined in the Constitution.
- **Golden Hour:** The expression golden hour, defined under Section 2(12A) of the Motor Vehicles Act, 1988, refers to the period of one hour following a traumatic injury during which prompt medical care has the highest likelihood of preventing death, and it underlies the constitutional emphasis on swiftness in emergency response.
- **Good Samaritan Protection:** Section 134A of the Motor Vehicles Act, 1988 protects a Good Samaritan, who voluntarily and in good faith aids an accident victim, from civil and criminal liability and from compulsion to disclose personal details, thereby removing the fear of legal entanglement that deters bystanders from assisting.
- **Cashless Treatment of Accident Victims:** Section 162 of the Motor Vehicles Act, 1988 provides for a scheme for the cashless treatment of road accident victims during the golden hour, furnishing the statutory foundation for schemes such as PM RAHAT and casting an obligation on the State to operationalise them.
- **Directive Principles on Public Health:** Article 47 of the Constitution of India directs the State to regard the raising of the level of public health among its primary duties, and this Directive Principle reinforces and informs the content of the right to health drawn from Article 21.

- **Right to Constitutional Remedies:** Article 32 of the Constitution of India guarantees the right to move the Supreme Court for the enforcement of fundamental rights and empowers the Court to issue writs, and it is itself a fundamental right described as the heart and soul of the Constitution.
- **Public Interest Litigation:** Public interest litigation permits a public-spirited person or organisation to approach the constitutional courts on behalf of those whose rights are affected, relaxing the traditional rule of locus standi to secure access to justice for the disadvantaged and to enforce public duties.
- **Writ of Mandamus:** Mandamus is a command issued by a constitutional court directing a public authority to perform a public or statutory duty that it has failed to discharge, and it is the appropriate remedy to compel the State to implement schemes and obligations it is legally bound to fulfil.
- **Continuing Mandamus:** Where compliance with a constitutional obligation requires sustained supervision, courts may issue a continuing mandamus through time-bound interim directions coupled with periodic compliance reporting, retaining seisin of the matter until the directions are effectively carried out.
- **Distribution of Legislative Powers:** Under the Seventh Schedule of the Constitution of India, subjects such as public health, sanitation, and police fall largely within the State List, which makes the implementation of a uniform national framework a matter of cooperative effort between the Union and the States rather than unilateral central action.
- **Cooperative Federalism:** The principle of cooperative federalism envisages the Union and the States functioning in coordination towards common national goals, and it underpins the requirement of concerted action to eliminate regional disparities in the delivery of trauma and emergency care.



Practice Questions

1. Ramesh, an ordinary passer-by, sees a road accident victim bleeding on the highway and rushes him to the nearest hospital, acting voluntarily and in good faith. The local police later threaten to make him a witness and to drag him into criminal proceedings, and a relative of the victim seeks to sue him for the manner of the transport. Ramesh resists, relying on the protection given to a Good Samaritan. Is Ramesh entitled to that protection?

- (a) No, because a bystander who moves a victim must always be made a witness.
- (b) No, because only trained medical staff are protected when aiding a victim.
- (c) Yes, because a Good Samaritan acting in good faith is shielded from such liability.
- (d) Yes, because any person near an accident is automatically free of all duties.

2. A foreign national who is injured in an accident on Indian soil seeks to assert the protection of the right to life and personal liberty. A court is considering to whom this protection extends. Which of the following statements are false?

- i. The protection of life and personal liberty under Article 21 is available to every person.
- ii. The protection under Article 21 is available only to citizens of India and not to foreigners.
- iii. The obligation imposed by Article 21 operates against the State as defined in the Constitution.
- iv. A foreigner present in India cannot claim the protection of Article 21 in any circumstances.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A petitioner approaches a constitutional court complaining that a public authority has failed to discharge a public duty that it is legally bound to perform. The authority publicly declares that a court can never issue any command directing it to perform such a duty, asserting that the performance of its statutory obligations lies entirely beyond judicial compulsion. How does this declaration align with the legal position governing the writ of mandamus?

- (a) The declaration is valid, as no court can ever command a public authority.
- (b) The declaration is valid only where the duty is administrative in nature.
- (c) The declaration is partly valid, as a court may advise but never command.
- (d) The declaration is untenable, as mandamus commands performance of a public duty.

4. The right to life under Article 21 has been given an expanded content in the context of accident victims. Which of the following has been read as an inseparable component of the right to life in this context?

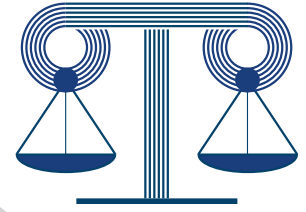
- (a) The right to free higher education for every accident victim
- (b) The right to timely emergency medical aid after an accident
- (c) The right to monetary compensation irrespective of any fault
- (d) The right to choose any hospital anywhere in the world

5. Under the Motor Vehicles Act, 1988, which expression refers to the period of one hour following a traumatic injury during which prompt medical care has the highest likelihood of preventing death?
- (a) Trauma window
 - (b) Critical interval
 - (c) Golden hour
 - (d) Emergency span



SUPREME COURT

Landmark Judgements



12

Arbitrator's Section 16 Decision Not Challengeable Under Writ Jurisdiction

Background

- An agreement for the sale of iron ore was executed on 12 February 2004 between M/s Tarini Prasad Mohanty, the mine owner, and M/s Sunflag Iron and Steel Company Limited.
- Disputes arose between the parties and the matter was referred to a Sole Arbitrator.
- During the arbitral proceedings, the mine owner filed an application under Section 16 of the Arbitration and Conciliation Act, 1996 on 5 February 2024, contending that the principal agreement and the supplementary agreements were insufficiently stamped.
- The mine owner argued that the contract was in the nature of a conveyance requiring stamping under Article 23 of Schedule I to the Indian Stamp Act, 1899, and not under Article 5(c) as claimed by the company.
- By order dated 30 May 2024, the Arbitrator rejected the objection, holding that the document was an agreement to sell and not a conveyance, that it had been properly stamped, and that the arbitration would continue.
- Aggrieved, the mine owner filed a writ petition before the High Court of Orissa under Articles 226 and 227 of the Constitution of India.
- The Single Judge interfered with the Arbitrator's decision and directed impounding of the agreements on the ground of insufficient stamping.
- The company filed an intra-court appeal, and the Division Bench set aside the Single Judge's order, holding that the Arbitrator's decision under

Case Details

- Case Title:** M/s Tarini Prasad Mohanty v. M/s Sunflag Iron and Steel Company Limited
- Citation:** 2026 INSC 566
- Bench** Justice J.K. Maheshwari and Justice Atul S. Chandurkar

Issue Before the Court

- Whether, in the exercise of jurisdiction under Articles 226 and 227 of the Constitution of India, a challenge to an order passed under Section 16 of the Arbitration and Conciliation Act, 1996 is maintainable while the arbitral tribunal remains seized of the proceedings.
- Whether an error committed by the arbitral tribunal on the merits, such as on the nature of the agreement, amounts to a jurisdictional error warranting writ interference.
- Whether the issue of insufficient stamping of an agreement falls within the competence of the arbitral tribunal.
- Whether the Division Bench was justified in setting aside the Single Judge's order and relegating the aggrieved party to its remedy under Section 34.

Section 16 could not be challenged through writ jurisdiction and that the proper remedy lay under Section 34 at the conclusion of the proceedings.

- The mine owner then appealed to the Supreme Court.

Judgement of the Court

- The Court held that Section 16 of the Arbitration and Conciliation Act, 1996 empowers the arbitral tribunal to rule on its own jurisdiction, including objections relating to the existence or validity of the arbitration agreement.
- It held that it was not open to the Single Judge, in the exercise of writ jurisdiction, to enter into the merits of the dispute while adjudicating a challenge to an order passed under Section 16, particularly as the Arbitrator remained seized of the proceedings and the parties were yet to lead evidence.
- The Court held that the invocation of writ jurisdiction would be permissible only in cases involving a complete or inherent lack of jurisdiction on the part of the arbitrator, which was not the position in the present case.
- Relying on the seven-Judge Constitution Bench decision in *In Re Interplay*, the Court affirmed that the issue of stamping of a document falls squarely within the domain of the arbitral tribunal and that such defects are curable in nature.
- The Court observed that the jurisdiction to decide a question cannot be equated with a jurisdiction to decide it in a particular manner, so that an error committed while exercising such power may be an error on the merits but is not necessarily an error beyond jurisdiction.
- It held that the Arbitrator was therefore within his jurisdiction in declining to uphold the objection, and that there was no inherent lack of jurisdiction.
- The Court held that even assuming the Arbitrator had erred in concluding that the agreement was an agreement to sell, such an error would not render the case exceptional so as to justify the exercise of writ jurisdiction, since judicial review cannot rest merely on disagreement with the merits of the arbitral decision.
- It held that the mere labelling of the circumstances as exceptional could not justify the exercise of writ jurisdiction.
- The Court held that the proper remedy, even on the assumption that the order under Section 16 was erroneous in law, was to challenge the eventual award under Section 34 of the Arbitration and Conciliation Act, 1996 at the conclusion of the proceedings, as expressly provided under Section 16(6).
- It observed that the interpretation of the various agreements between the parties required a detailed exercise that ought not to have been undertaken in the exercise of extraordinary jurisdiction.
- The Court accordingly upheld the Division Bench judgment and dismissed the appeal, holding that the Single Judge had exceeded the permissible limits of writ jurisdiction.

Key Takeaway for CLAT Aspirant

- **Doctrine of Kompetenz-Kompetenz:** Section 16 of the Arbitration and Conciliation Act, 1996 embodies the principle that an arbitral tribunal is competent to rule on its own jurisdiction, including

any objection to the existence or validity of the arbitration agreement, thereby minimising premature judicial interference at the threshold of arbitration.

- **Doctrine of Separability:** An arbitration clause forming part of a contract is treated as an agreement independent of the other terms, so that a decision by the tribunal that the main contract is null and void does not by itself render the arbitration clause invalid.
- **Timing of a Jurisdictional Plea:** A plea challenging the tribunal's jurisdiction must be raised no later than the submission of the statement of defence, and a plea that the tribunal is exceeding the scope of its authority must be raised as soon as that matter arises, though the tribunal may admit a delayed plea if the delay is justified.
- **Remedy against a Section 16 Order:** Under Section 16(5) and 16(6) of the Arbitration and Conciliation Act, 1996, where a jurisdictional plea is rejected the tribunal continues the proceedings and makes an award, and the aggrieved party's remedy is to apply for setting aside that award under Section 34, rather than to seek interlocutory judicial intervention.
- **Setting Aside of an Arbitral Award:** Section 34 of the Arbitration and Conciliation Act, 1996 provides the limited and exclusive grounds on which an arbitral award may be set aside by a court, reflecting the narrow scope of judicial scrutiny permitted over arbitral decisions.
- **Minimal Judicial Intervention:** Section 5 of the Arbitration and Conciliation Act, 1996 lays down a policy of minimal judicial intervention, providing that no judicial authority shall intervene in matters governed by the Act except where so provided, which underpins the restraint that constitutional courts must exercise during pending arbitration.
- **Distinction between Jurisdictional Error and Error on Merits:** The jurisdiction to decide a question is distinct from the manner in which it is decided, so that a wrong conclusion reached by a tribunal acting within its authority is an error on the merits and not a jurisdictional error that would attract supervisory or writ interference.
- **Writ Jurisdiction of High Courts:** Article 226 of the Constitution of India confers a discretionary power on a High Court to issue writs for the enforcement of fundamental rights and for any other purpose, and this extraordinary jurisdiction is to be invoked sparingly and not to undertake a detailed adjudication on contested merits.
- **Power of Superintendence:** Article 227 of the Constitution of India vests a High Court with the power of superintendence over courts and tribunals within its territory, but this power is supervisory in nature and cannot be used to correct mere errors on the merits or to substitute the court's view for that of the tribunal.
- **Stamping of Instruments:** The Indian Stamp Act, 1899 prescribes the stamp duty payable on instruments according to their true nature and character, with a conveyance under Article 23 and an agreement under Article 5 attracting different treatment, and an insufficiently stamped instrument suffers from a curable defect rather than a fatal invalidity.
- **Arbitral Tribunal's Competence over Stamping:** The question whether an instrument containing an arbitration clause is duly stamped lies within the competence of the arbitral tribunal, and an objection of insufficient stamping does not oust the tribunal's jurisdiction or justify interruption of the arbitral process by a writ court.
- **Party Autonomy in Arbitration:** Arbitration rests on the autonomy of parties who have agreed to resolve their disputes through a chosen private forum, and the statutory scheme protects this autonomy by confining court intervention to defined stages and grounds so as to ensure the efficacy and finality of the arbitral process.



Practice Questions

1. An arbitral tribunal, acting well within the authority conferred on it, decides a question of contractual interpretation and reaches a conclusion that one party believes is plainly wrong. That party rushes to a writ court, contending that this allegedly incorrect conclusion is a jurisdictional error warranting supervisory interference. Is that party's contention correct?
 - (a) Yes, because any wrong conclusion by a tribunal is a jurisdictional error.
 - (b) Yes, because a writ court must correct every mistake made by a tribunal.
 - (c) No, because a wrong decision within authority is an error on the merits.
 - (d) No, because tribunals can never commit any kind of jurisdictional error.

2. A High Court is examining the nature and limits of its power of superintendence over a tribunal within its territory. Which of the following statements are false?
 - i. The power of superintendence under Article 227 is supervisory in nature.
 - ii. The power of superintendence may be used to correct mere errors on the merits of a decision.
 - iii. The High Court may substitute its own view for that of the tribunal under this power.
 - iv. The power of superintendence extends over courts and tribunals within the High Court's territory.
 - (a) Statement ii
 - (b) Statements ii and iii
 - (c) Statements i and iv
 - (d) Statements ii, iii, and iv

3. A party to an arbitration discovers that the instrument containing the arbitration clause is insufficiently stamped and at once moves a writ court, publicly declaring that this defect strips the arbitral tribunal of all jurisdiction and that the writ court must therefore halt the arbitration. How does this declaration align with the legal position on the competence of the tribunal over questions of stamping?
 - (a) The declaration is valid, as insufficient stamping ousts the tribunal's jurisdiction.
 - (b) The declaration is valid only where the instrument is a conveyance under Article 23.
 - (c) The declaration is partly valid, as a writ court may pause arbitration to verify stamping.
 - (d) The declaration is untenable, as the stamping question lies within the tribunal's competence.

4. During an arbitration the tribunal rejects a party's plea that it lacks jurisdiction and continues the proceedings to make an award. Under the statutory scheme governing a Section 16 order, what is the aggrieved party's remedy?
 - (a) To at once obtain an interlocutory order from a court halting the arbitration
 - (b) To apply for setting aside the resulting award under Section 34
 - (c) To file an immediate appeal against the rejection before the High Court
 - (d) To demand that the tribunal refer the question to a civil court

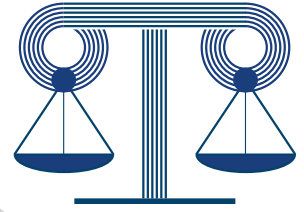
5. Which provision of the Arbitration and Conciliation Act, 1996 lays down a policy of minimal judicial intervention, providing that no judicial authority shall intervene except where so provided?

- (a) Section 5
- (b) Section 8
- (c) Section 11
- (d) Section 16



SUPREME COURT

Landmark Judgements



13

SC Permits Euthanasia of Rabid, Terminally Ill & Dangerous Dogs as per Law

Background

- The Supreme Court had earlier taken suo motu cognisance of the alarming rise in stray dog-related incidents across the country, particularly dog bite attacks on children and elderly persons.
- In its earlier directions, the Court had ordered the removal of stray dogs from the premises of educational institutions, bus stands, railway stations, sports complexes, hospitals, and similar public spaces.
- The Court had further directed that dogs picked up from public places must not be returned to the same spot after vaccination or sterilisation.
- The matter came up again before the Bench on account of deeply disturbing reports of rising dog bite cases, especially against children and older people.
- The Court considered whether further directions were necessary to ensure public safety, including on the question of euthanasia of dogs posing a continuing threat.
- The Court declined to modify its earlier directions and instead proceeded to issue additional directions to reinforce and expand the implementation framework.

Judgement of the Court

- The Court held that in areas where the stray dog population has assumed alarming proportions and incidents of dog bites or aggressive attacks pose a continuing threat to public safety, authorities may

Case Details

- Case Title:** In Re: 'City Hounded by Strays, Kids Pay Price'
- Citation:** SMW (C) No. 5 of 2025 (and connected cases)
- Bench:** Justice Vikram Nath, Justice Sandeep Mehta, and Justice N.V. Anjaria

Issue Before the Court

- Whether, in areas facing a severe stray dog menace and frequent dog attacks, authorities may lawfully resort to euthanasia of rabid, incurably ill, or demonstrably dangerous dogs to protect human life and public safety.
- Whether the Court's earlier direction prohibiting the return of stray dogs to the same spot after vaccination or sterilisation required any modification.
- Whether the existing infrastructure under the Animal Birth Control framework was adequate, and what time-bound measures were required to strengthen it.
- Whether officers implementing the Court's directions in good faith were entitled to protection from criminal proceedings.

- take legally permissible measures, including euthanasia, in cases involving rabid, incurably ill, or demonstrably dangerous or aggressive dogs.
- It made clear that such measures must be subject to assessment by qualified veterinary experts and carried out strictly in accordance with the Prevention of Cruelty to Animals Act, 1960, the Animal Birth Control Rules, 2023, and other applicable statutory protocols, with the objective of effectively protecting human life and public safety.
- The Court refused to modify its earlier direction that dogs picked up from public places must not be returned to the same spot after vaccination or sterilisation, holding that such directions must be implemented in letter and spirit without delay or dilution.
- It expressed concern over the inadequate infrastructure under the Animal Birth Control framework and directed the States and Union Territories to take decisive, coordinated, and time-bound steps to augment it, including the establishment of at least one fully functional Animal Birth Control centre in each district equipped with trained personnel, surgical facilities, and supporting logistics.
- The Court directed that a decision be taken on expanding the number of such centres having regard to the population density and territorial extent of each district, and on extending the directions to other high-footfall public spaces based on a careful assessment of ground realities and risk to public safety.
- It directed comprehensive capacity-building measures, the assured availability of anti-rabies vaccines and immunoglobulin in all government medical facilities, and an effective public health response mechanism for dog bite cases.
- It directed the National Highways Authority of India, in coordination with the States and Union Territories, to formulate a comprehensive time-bound mechanism for addressing the presence of stray and other animals on national highways and expressways.
- The Court held that officers implementing its directions in good faith shall be entitled to due protection, and that no First Information Report or criminal proceeding shall ordinarily be initiated against them for bona fide actions, except where a prima facie case of mala fide or gross abuse of authority is established.
- It directed the jurisdictional High Courts to register suo motu writ petitions for compliance with its directions as a continuing mandamus, with liberty to expand or tailor the directions to address local conditions without diluting their tenor and intent, and empowered the jurisdictional courts to take appropriate action, including contempt proceedings, against officers responsible for non-compliance or wilful disregard.

- Whether the compliance and monitoring of the Court's directions could be entrusted to the jurisdictional High Courts through a continuing mandamus.

Key Takeaway for CLAT Aspirant

- **Prevention of Cruelty to Animals Act, 1960:** This is the parent legislation governing the treatment and welfare of animals in India, which prohibits cruelty and regulates the limited circumstances in which animals may be subjected to procedures such as euthanasia, requiring that any such procedure be carried out humanely by a registered veterinary practitioner.

- **Animal Birth Control Rules, 2023:** Framed under the Prevention of Cruelty to Animals Act, 1960 and replacing the earlier rules of 2001, these rules make sterilisation and vaccination the primary method of stray dog population control, prohibit the relocation or killing of stray dogs except as permitted, and require every local body to maintain Animal Birth Control centres.
- **Permissibility of Euthanasia:** Under the statutory framework, euthanasia of a stray dog is permissible only as a last resort in the defined categories of incurably ill, terminally injured, rabid, or demonstrably dangerous animals, and only on certification by a qualified veterinary practitioner, so that the Court's order operates within the law rather than overriding it.
- **Suo Motu Cognisance:** The constitutional courts may take cognisance of a matter of public importance on their own motion, without a formal petition, where the protection of public interest or fundamental rights so requires, and a matter of grave public concern such as a threat to human safety can be initiated and monitored on this basis.
- **Continuing Mandamus:** A continuing mandamus is a device by which a court retains seisin of a matter and issues directions from time to time, supervising their implementation through periodic compliance reporting, and it is suited to enforcing systemic obligations that cannot be discharged by a single command.
- **Writ Jurisdiction and Monitoring by High Courts:** Article 226 of the Constitution of India empowers a High Court to issue writs and to monitor compliance with judicial directions, enabling the decentralisation of supervision to the jurisdictional High Courts so that directions can be tailored to local conditions without diluting their intent.
- **Right to Life and Public Safety:** Article 21 of the Constitution of India protects the right to life, which includes the right to live in a safe environment, and the State bears a corresponding duty to protect citizens, particularly vulnerable groups such as children and the elderly, from threats to life and bodily safety.
- **Protection for Acts Done in Good Faith:** The law affords protection to public officers for acts done in good faith in the discharge of official duties, so that bona fide compliance with judicial directions does not ordinarily expose an officer to criminal prosecution, the exception being cases of mala fide or gross abuse of authority.
- **Good Faith:** Good faith, defined in penal and general clauses legislation as an act done with due care and attention and honesty of purpose, is the standard that distinguishes a protected official act from one done mala fide, and it governs the immunity extended to implementing officers.
- **Contempt of Court:** The Contempt of Courts Act, 1971 read with Articles 129 and 215 of the Constitution of India empowers the courts to punish for civil contempt, which includes wilful disobedience of a judgment, direction, or order, thereby furnishing the enforcement mechanism against officers who disregard the Court's directions.
- **Doctrine of Proportionality:** The framework adopted reflects the principle of proportionality, under which sterilisation and vaccination remain the primary and least drastic measures, while euthanasia is confined to narrowly defined situations of genuine danger, balancing animal welfare against the imperative of public safety.
- **Federal Implementation of Directions:** Subjects such as public health, local government, and the prevention of cruelty to animals engage the legislative and executive competence of both the Union and the States, and the effective implementation of a nationwide framework therefore depends on coordinated action among the Union, the States, the Union Territories, and statutory authorities.



Practice Questions

1. A local body, wishing to bring down stray dog numbers quickly, decides to euthanise a particular stray dog that is healthy, friendly, and shows no sign of illness, injury, rabies, or danger to anyone. An animal welfare volunteer objects. The local body contends that it may euthanise the dog simply to reduce numbers. Is the local body's contention correct?

- (a) Yes, because a local body may euthanise stray dogs to reduce their numbers.
- (b) Yes, because any stray dog may be euthanised once a centre certifies it.
- (c) No, because euthanasia is confined to categories such as rabid or dangerous animals.
- (d) No, because euthanasia of a stray dog is forbidden under every circumstance.

2. A court is examining the content of the right to life as it bears on public safety and the State's duty. Which of the following statements are false?

- i. The right to life under Article 21 includes the right to live in a safe environment.
- ii. The State bears no duty to protect citizens from threats to their bodily safety.
- iii. The State must particularly protect vulnerable groups such as children and the elderly.
- iv. The protection of life under Article 21 excludes any concern for bodily safety.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A public officer publicly declares that he will wilfully disregard a binding judicial direction issued to him, asserting that disobeying such a direction carries no legal consequence and that no court can punish him for it. How does this declaration align with the law governing contempt of court?

- (a) The declaration is valid, as disobeying a judicial direction carries no consequence.
- (b) The declaration is valid only where the direction was issued without a petition.
- (c) The declaration is partly valid, as courts may warn but never punish disobedience.
- (d) The declaration is untenable, as wilful disobedience of a direction is civil contempt.

4. The Animal Birth Control Rules, 2023, framed under the parent welfare legislation and replacing the earlier rules of 2001, prescribe a particular method as the primary means of controlling the stray dog population. Which of the following was made that primary method?

- (a) Sterilisation and vaccination of stray dogs
- (b) Mass relocation of stray dogs to other areas
- (c) Routine killing of stray dogs by local bodies
- (d) Permanent confinement of every stray dog

5. Which of the following is the parent legislation governing the treatment and welfare of animals in India, prohibiting cruelty and regulating procedures such as euthanasia?



- (a) The Wildlife Protection Act, 1972
- (b) The Prevention of Cruelty to Animals Act, 1960
- (c) The Environment Protection Act, 1986
- (d) The Animal Birth Control Rules, 2023

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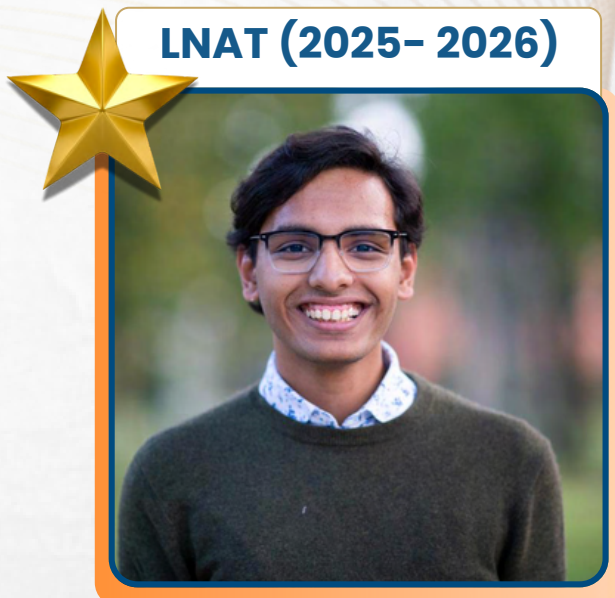
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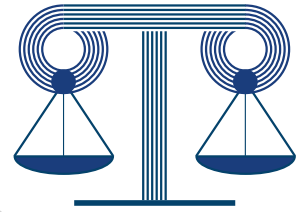
Karthik Ranganadhan

The only Indian Institute to place **five students** in a row in the undergrad law programme at Oxford University!



SUPREME COURT

Landmark Judgements



14

Adverse Inference Against Husband for Wife's Death in Matrimonial Home

Background

- The deceased, Rupali, married the appellant, Chetan Dashrath Gade, on 24 April 2012 and resided in her matrimonial home with her husband, her in-laws, and the appellant's younger brother.
- The prosecution alleged that Rupali had been subjected to harassment and ill-treatment over demands for gold and money, including a demand of Rs. 1 lakh for the purchase of a pick-up vehicle, which her father, Babasaheb Kumbharkar (PW1), paid.
- On 23 August 2015, the appellant informed his father that Rupali had attempted suicide by hanging, and the co-accused Akshay separately telephoned PW1 to say that she was no more.
- Rupali was first taken to a private clinic, where the doctor (PW6) examined her, declared her dead, and advised that the body be taken to the civil hospital, but the body was instead taken to another private hospital, where she was again declared brought dead.
- When PW1 saw the body, he noticed a fresh injury mark on her right cheek, a ligature mark on her neck, and missing ornaments, including an earring, a right-leg anklet, and toe rings, following which a First Information Report was lodged.
- The post-mortem disclosed three ligature marks, a bruise on the mandible, a fracture of the hyoid bone, and a fracture of the trachea, with the probable cause of death recorded as asphyxia due to strangulation.
- The Trial Court at Nashik acquitted all the accused of the charges under Sections 498A and 304B read with Section 34 of the Indian Penal Code, 1860 for want of proof of cruelty and dowry demand, but convicted the

Case Details

- **Case Title:** Chetan Dashrath Gade v. The State of Maharashtra
- **Citation:** Criminal Appeal No. 1063 of 2021 | 2026 INSC 522
- **Bench:** Justice Pankaj Mithal and Justice Prasanna B. Varale

Issue Before the Court

- Whether the Trial Court and the High Court were justified in convicting the appellant under Section 302 of the Indian Penal Code, 1860 on the basis of circumstantial evidence.
- Whether the death of the deceased was homicidal by strangulation or suicidal by hanging, in light of the medical evidence and the alleged suicide note.
- Whether, the death having occurred within the matrimonial home, the burden under Section 106 of the Indian Evidence Act, 1872 shifted to the appellant to explain the circumstances, and what inference followed from his failure to do so.
- Whether the established chain of circumstances was complete and consistent only with the guilt of the

- appellant under Sections 302 and 201 read with Section 34 on the basis of circumstantial evidence and sentenced him to life imprisonment.
- The High Court of Bombay acquitted the co-accused (accused no. 3) of murder while affirming the conviction and sentence of the appellant under Section 302, and convicted accused no. 2 under Section 201.
- The appellant approached the Supreme Court, contending that there was no eye-witness, no motive, and inconsistent medical opinions on the cause of death, and that a suicide note in the deceased's handwriting absolved everyone of responsibility.

appellant.

- Whether the Supreme Court ought to interfere with the concurrent findings of fact in the exercise of its jurisdiction under Article 136 of the Constitution of India.

Judgement of the Court

- The Court reiterated that under Article 136 of the Constitution of India it does not ordinarily re-appreciate evidence to test concurrent findings of fact, and interferes only in rare and exceptional cases of manifest illegality or grave miscarriage of justice arising from misreading or ignoring material evidence.
- It applied the five golden principles governing conviction on circumstantial evidence, requiring that the circumstances be fully established, be consistent only with the hypothesis of guilt, be conclusive in nature, exclude every other hypothesis, and form a chain so complete as to leave no reasonable ground consistent with innocence.
- The Court held that the death was unnatural and had occurred within the matrimonial home, and that the medical evidence, including the ligature marks, the fresh injury on the cheek, and the fracture of the hyoid bone and trachea, strongly pointed to strangulation rather than suicide.
- It relied on the circumstance of the missing earring, anklet, and toe rings, observing that in a case of hanging the chance of such articles going missing is very remote, making their absence a strong circumstance indicating strangulation.
- The Court noted that the body had been taken to a second private hospital despite the first doctor having already declared the deceased dead, for which the appellant offered no satisfactory explanation.
- It held that on the established facts the burden lay on the appellant under Section 106 of the Indian Evidence Act, 1872 to explain the circumstances of a death occurring within his special knowledge, and that his failure to offer any plausible explanation in his examination under Section 313 of the Code of Criminal Procedure, 1973 justified an adverse inference against him.
- The Court explained that where a case rests on circumstantial evidence, the failure of the accused to discharge the burden under Section 106 may furnish an additional link in the chain, though such failure becomes relevant only once the prosecution has itself established a complete chain of circumstances.
- It held that the so-called suicide note had been forcibly got written by the accused from the deceased prior to the strangulation, and that the appellant had caused destruction of evidence and projected the false defence of suicide.
- The Court reiterated that in cases of circumstantial evidence the absence of proof of motive is not fatal and does not break the chain of circumstances connecting the accused with the crime.
- It concluded that the medical evidence, the attending circumstances of the death within the matrimonial home, the appellant's subsequent conduct, the false defence through the alleged

suicide note, and his failure to discharge the burden under Section 106 cumulatively formed a chain so complete as to leave no reasonable ground for doubt.

- Finding no perversity, illegality, or miscarriage of justice, the Court dismissed the appeal and upheld the conviction and sentence under Sections 302 and 201, while granting the appellant liberty to seek premature release as per the prevalent State policy.

Key Takeaways for CLAT Aspirants

- **Burden of Proving Fact Especially within Knowledge:** Section 106 of the Indian Evidence Act, 1872 (Section 109 of the Bharatiya Sakshya Adhinyam, 2023) provides that when any fact is especially within the knowledge of a person, the burden of proving it lies on that person, operating as an exception to the general rule that the party who asserts must prove.
- **Application of Section 106 in Spousal Death Cases:** Where a death occurs within the matrimonial home in circumstances known only to the spouse present, the burden shifts to that spouse to explain those circumstances, and an unexplained or false explanation may itself constitute an incriminating circumstance.
- **Adverse Inference from Silence:** Where the prosecution establishes facts from which a reasonable inference of other facts within the accused's special knowledge can be drawn, the accused's failure to offer a proper explanation entitles the court to draw an adverse inference against him.
- **General Burden of Proof:** Sections 101 and 102 of the Indian Evidence Act, 1872 (Sections 104 and 105 of the Bharatiya Sakshya Adhinyam, 2023) place the primary burden of proving the guilt of the accused on the prosecution, and Section 106 supplements but does not displace this foundational burden.
- **Doctrine of Circumstantial Evidence:** A conviction may rest on circumstantial evidence where the proved circumstances are fully established, are consistent only with guilt, are conclusive in nature, exclude every other reasonable hypothesis, and form a chain so complete as to be inconsistent with the innocence of the accused, these being the panchsheel principles of circumstantial evidence.
- **Failure to Discharge Section 106 Burden as an Additional Link:** In a case resting on circumstantial evidence, the accused's failure to discharge the burden under Section 106 may furnish an additional link in the chain, but such failure is relevant only after the prosecution has independently established a complete chain, since a false defence cannot supply a missing link.
- **Examination of the Accused:** Section 313 of the Code of Criminal Procedure, 1973 (Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023) affords the accused an opportunity to explain the incriminating circumstances appearing against him, and a complete absence of any satisfactory explanation may strengthen the prosecution case and permit an adverse inference.
- **Relevance of Motive in Circumstantial Cases:** While motive assumes significance in cases of circumstantial evidence, the failure to prove motive is not fatal in law, since proof of motive is never indispensable for conviction, and its absence does not by itself break the chain of circumstances.
- **Murder:** Murder is defined under Section 300 of the Indian Penal Code, 1860 (Section 101 of the Bharatiya Nyaya Sanhita, 2023) and punishable under Section 302 (Section 103 of the Bharatiya Nyaya Sanhita, 2023), and homicidal death by strangulation evidenced by ligature marks and fractures of the hyoid bone and trachea may sustain a conviction for murder.
- **Causing Disappearance of Evidence:** Section 201 of the Indian Penal Code, 1860 (Section 238 of the Bharatiya Nyaya Sanhita, 2023) penalises causing the disappearance of evidence of an offence or

giving false information to screen an offender, and projecting a false case of suicide to conceal a homicide attracts this provision.

- **Dowry Death and Cruelty:** Section 304B of the Indian Penal Code, 1860 (Section 80 of the Bharatiya Nyaya Sanhita, 2023) deals with dowry death and Section 498A (Section 85 of the Bharatiya Nyaya Sanhita, 2023) with cruelty by a husband or his relatives, and acquittal under these specific provisions for want of proof of cruelty or dowry demand does not preclude a conviction for murder on independent circumstantial evidence.
- **Concurrent Findings and Article 136:** Article 136 of the Constitution of India confers a discretionary power of special leave to appeal, exercised sparingly and only in furtherance of justice, and the Supreme Court will not disturb concurrent findings of fact absent manifest illegality, perversity, or a grave miscarriage of justice.
- **Standard of Proof Beyond Reasonable Doubt:** The prosecution must prove the guilt of the accused beyond reasonable doubt, and in a circumstantial case this standard is satisfied only when the cumulative effect of the proved circumstances forms a complete chain that excludes every reasonable hypothesis of innocence.



Practice Questions

1. Naresh and his wife are alone in their matrimonial home one night. By morning, his wife is found dead in circumstances that only Naresh, the sole person present, could know about. He offers no explanation at all for how the death occurred. He later contends that the prosecution alone must prove every circumstance and that he need not explain anything. Is his contention correct?

- (a) Yes, because the prosecution alone must always prove every single circumstance.
- (b) Yes, because a spouse present at home need never explain a death there.
- (c) No, because the burden to explain circumstances within his knowledge shifts to him.
- (d) No, because the husband must always be convicted whenever his wife dies at home.

2. A court is considering the operation of the rule that the burden of proving a fact especially within a person's knowledge lies on that person. Which of the following statements are false?

- i. When a fact is especially within a person's knowledge, the burden of proving it lies on that person.
- ii. The rule operates as an exception to the principle that the party who asserts must prove.
- iii. The burden of proving a fact especially within a person's knowledge always rests on the prosecution.
- iv. The rule that the asserting party must prove admits of no exception whatsoever.

- (a) Statement iii
- (b) Statements iii and iv
- (c) Statements i and ii
- (d) Statements i, iii, and iv

3. A man who has in fact killed another stages the scene to look like a suicide and gives false information to the police to screen himself, publicly declaring that dressing up a homicide as a suicide is not an offence at all and cannot attract any criminal provision. How does this declaration align with the law governing the causing of disappearance of evidence?

- (a) The declaration is valid, as staging a suicide attracts no criminal provision.
- (b) The declaration is valid only where no false information is given to the police.
- (c) The declaration is partly valid, as concealment is an offence only after conviction.
- (d) The declaration is untenable, as projecting a false suicide to conceal a homicide is an offence.

4. An accused is acquitted of the specific offences of dowry death and cruelty for want of proof of any dowry demand or cruelty, but there exists independent circumstantial evidence pointing to murder. On these facts, what is the legal position regarding a conviction for murder?

- (a) An acquittal for dowry death automatically bars any conviction for murder.
- (b) A conviction for murder may rest on the independent circumstantial evidence.
- (c) Murder can be considered only if the dowry death charge first succeeds.
- (d) An acquittal for cruelty wipes out all other evidence against the accused.

5. Under which provision of the Indian Penal Code, 1860 is the offence of murder defined?

- (a) Section 299
- (b) Section 300

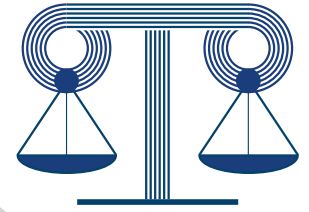


- (c) Section 302
- (d) Section 304



SUPREME COURT

Landmark Judgements



15

ECI May Examine Citizenship for Electoral Roll Inclusion, But Finding Not Final Determination

Background

- The Election Commission of India undertook a Special Intensive Revision of the electoral rolls in Bihar, during which it scrutinised the citizenship status of certain individuals to determine their eligibility for inclusion or continuation in the electoral roll.
- The exercise was challenged before the Supreme Court on the ground, among others, that the Election Commission lacked the power to examine citizenship, a question said to be reserved for adjudication by the competent authority under the Citizenship Act, 1955.
- The petitioners contended that a broad-based scrutiny of citizenship by the Commission was constitutionally impermissible, as such determinations fell exclusively within the domain of the Central Government under Section 9(2) of the Citizenship Act, 1955 and the Government of India (Allocation of Business) Rules, 1961.
- The Commission asserted that its authority to verify citizenship flowed from its constitutional mandate under Articles 325 and 326 of the Constitution of India, read with Section 16 of the Representation of the People Act, 1950, which disqualifies non-citizens from registration.
- The Supreme Court was called upon to determine the validity of the Special Intensive Revision, its proportionality, its conformity with the statutory framework, and the scope of the Commission's power to examine citizenship in the course of preparing and revising the electoral rolls.

Judgement of the Court

- The Court held that the Special Intensive Revision

Case Details

- Case Title:** Association for Democratic Reforms and Ors. v. Election Commission of India
- Citation:** 2026 INSC 564
- Bench** Chief Justice Surya Kant and Justice Joymalya Bagchi

Issue Before the Court

- Whether the Election Commission of India has the power to conduct the impugned Special Intensive Revision of electoral rolls.
- Whether the Special Intensive Revision is founded on a legitimate purpose, and if so, whether the measures adopted are proportionate to the object sought to be achieved.
- Whether the procedure adopted in conducting the Special Intensive Revision is contrary to or in violation of the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960.
- Whether, in the exercise of its constitutional mandate of preparing and maintaining electoral rolls, the Election Commission of India is empowered to scrutinise the citizenship status of persons seeking

neither conflicts with the Representation of the People Act, 1950 and the Registration of Electors Rules, 1960 nor detracts from the constitutional imperative of free and fair elections, and that it is an exercise traceable to Section 21(3) of the Representation of the People Act, 1950 read with Article 324 of the Constitution of India.

inclusion or continuation in the electoral roll.

- Whether any determination by the Commission on citizenship operates as a final and conclusive adjudication of that question.

- On proportionality, it held that the measures adopted bear a rational nexus to the legitimate and constitutionally grounded purpose of restoring the accuracy, completeness, and integrity of the electoral rolls, are not manifestly excessive, and are accompanied by sufficient procedural safeguards to prevent arbitrary exclusion.
- On the procedure, it held that the documentation regime prescribed by the Commission is a considered exercise of administrative discretion, based on intelligible criteria having a direct nexus with the objective of ensuring the integrity of the roll, and is therefore neither arbitrary nor violative of the statutory scheme.
- The Court observed that citizenship constitutes the juridical basis of an individual's relationship with the State and carries profound normative content directly implicating the guarantees of dignity and personal liberty under Article 21 of the Constitution of India.
- It drew a principled distinction between a conclusive adjudication of citizenship under the Citizenship Act, 1955 and the administrative satisfaction required for electoral enrolment, holding the former to be a determination of status and the latter a limited inquiry undertaken for the purposes of electoral representation.
- The Court held that since citizenship is a statutory condition precedent for registration under Section 16 of the Representation of the People Act, 1950, the Commission cannot discharge its constitutional obligation to maintain accurate rolls without satisfying itself of this threshold eligibility.
- It held that the Commission's power to examine citizenship flows from its constitutional responsibility to maintain accurate electoral rolls, but that this inquiry must be conducted with strict institutional restraint and due regard to the presumption operating in favour of an elector whose name already exists on the rolls.
- The Court characterised the Commission's assessment as inherently prima facie and contextual, holding that where the material furnished by an individual does not inspire confidence, the Commission may decline enrolment or initiate deletion strictly in accordance with law.
- It held that an adverse decision does not amount to a declaration that the individual is a non-citizen but merely reflects the Commission's inability to be satisfied of eligibility for electoral purposes, so that the consequence is confined to the loss of the right to franchise and does not divest the individual of broader citizenship claims or foreclose a determination under the Citizenship Act, 1955.
- The Court rejected the petitioners' reliance on Section 9(2) of the Citizenship Act, 1955 and the Allocation of Business Rules, clarifying that these provisions do not denude other constitutional authorities of the incidental power to examine citizenship insofar as it is relevant to the discharge of their own independent functions.
- It held that the inclusion of a name on the roll carries a rebuttable presumption of validity that does not bar a special revision, and that the deletions executed under the Special Intensive Revision did not violate Rule 21A of the Registration of Electors Rules, 1960 since the safeguards of

notice and hearing were preserved in substance.

- The Court emphasised that the entirety of the Commission's inquiry remains amenable to judicial review, ensuring procedural fairness, and directed that all cases of deletion on citizenship grounds be referred within four weeks to the competent authority under the Citizenship Act, 1955, which must adjudicate after notice and hearing, preferably before the next election, with restoration of the names of those found to be citizens.

Key Takeaways for CLAT Aspirants

- **Disqualifications for Registration in an Electoral Roll:** Section 16 of the Representation of the People Act, 1950 disqualifies a person from registration in an electoral roll if he is not a citizen of India, is of unsound mind as declared by a competent court, or is disqualified from voting under any law relating to corrupt practices, and it requires that no entry be removed without a reasonable opportunity of being heard.
- **Citizenship as a Condition Precedent for Enrolment:** Only a citizen of India enjoys the right to be registered as a voter, so citizenship operates as a threshold statutory condition for enrolment, and an electoral authority must satisfy itself of this eligibility before including a person in the roll.
- **Superintendence of Elections:** Article 324 of the Constitution of India vests in the Election Commission of India the superintendence, direction, and control of the preparation of electoral rolls and the conduct of elections, furnishing the constitutional source of its power to maintain accurate and authentic rolls.
- **Right to Be Registered as a Voter:** Article 325 of the Constitution of India prohibits exclusion from the electoral roll on grounds of religion, race, caste, or sex, and Article 326 establishes adult suffrage by providing that every citizen not otherwise disqualified is entitled to be registered as a voter.
- **Power of Revision of Electoral Rolls:** Section 21 of the Representation of the People Act, 1950 empowers the Election Commission to prepare and revise electoral rolls, including by way of a special revision for reasons to be recorded, which supplies the statutory basis for an intensive revision exercise.
- **Determination of Citizenship:** The Citizenship Act, 1955 governs the acquisition and termination of Indian citizenship, and the formal and conclusive adjudication of citizenship status, including under Section 9(2), lies within the exclusive domain of the competent authority of the Central Government.
- **Distinction between Adjudication and Administrative Satisfaction:** There is a principled distinction between a conclusive adjudication of citizenship as a matter of status and an administrative satisfaction as to eligibility for enrolment, the latter being a limited, prima facie, and contextual inquiry whose consequences are confined to the electoral sphere.
- **Doctrine of Incidental or Ancillary Powers:** A constitutional or statutory authority possesses, in addition to its express powers, such incidental powers as are necessary to discharge its primary functions, so that the Election Commission may examine citizenship incidentally to the extent relevant to maintaining the electoral roll without trenching upon the Central Government's domain.
- **Doctrine of Proportionality:** A measure restricting rights must pursue a legitimate aim, bear a rational nexus to that aim, be no more excessive than necessary, and be accompanied by adequate safeguards, and a revision exercise satisfying these requirements is constitutionally valid.
- **Principles of Natural Justice:** The rule of audi alteram partem requires that no elector be removed from the roll without notice and a reasonable opportunity of being heard, and this safeguard must be observed in substance during deletion under any revision exercise.

- **Presumption of Validity of Existing Entries:** An existing entry on the electoral roll carries a rebuttable presumption of validity in favour of the elector, which does not bar a special revision but obliges the authority to act with institutional restraint before disturbing a subsisting entry.
- **Right to Life and Personal Liberty:** Article 21 of the Constitution of India protects life and personal liberty and informs the treatment of citizenship questions, since citizenship carries normative content bearing upon an individual's dignity and relationship with the State.
- **Judicial Review:** The power of judicial review under Articles 32 and 226 of the Constitution of India ensures that administrative action, including an electoral authority's inquiry into eligibility, remains subject to scrutiny for legality, fairness, and conformity with the statutory scheme.



Practice Questions

1. Devendra is an elector whose name appears on the electoral roll. During a revision exercise, the authority deletes his name from the roll without giving him any notice or any opportunity to be heard. Devendra challenges the deletion, and the authority contends that it may remove an elector's name without notice or hearing. Is the authority's contention correct?

- (a) Yes, because an elector's name can be deleted without any notice or hearing.
- (b) Yes, because notice is required only when an elector is first enrolled.
- (c) No, because no elector may be removed without notice and an opportunity to be heard.
- (d) No, because an elector's name can never be deleted under any circumstance.

2. A court is considering the difference between a conclusive adjudication of citizenship and an administrative satisfaction as to eligibility for enrolment. Which of the following statements are false?

- i. An administrative satisfaction as to eligibility for enrolment is a limited and prima facie inquiry.
 - ii. An administrative satisfaction as to eligibility amounts to a conclusive adjudication of citizenship status.
 - iii. The consequences of the administrative satisfaction are confined to the electoral sphere.
 - iv. There is no distinction between a conclusive adjudication of citizenship and an administrative satisfaction.
- (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. An official of the Election Commission publicly declares that the Commission has no authority whatsoever to examine the citizenship of an elector even to the limited extent relevant to maintaining the electoral roll, asserting that it possesses only its expressly enumerated powers and nothing more. How does this declaration align with the doctrine of incidental or ancillary powers?

- (a) The declaration is valid, as the Commission has only its expressly enumerated powers.
- (b) The declaration is valid only where the elector is a citizen by birth.
- (c) The declaration is partly valid, as incidental powers arise solely during general elections.
- (d) The declaration is untenable, as the Commission may examine citizenship incidentally to maintain the roll.

4. In the context of the preparation of electoral rolls, the Constitution expressly prohibits exclusion from the electoral roll on certain grounds. Which of the following was specifically prohibited as a ground of exclusion?

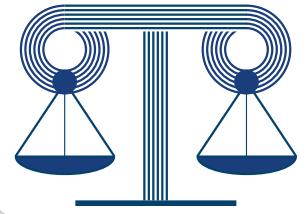
- (a) Exclusion on the ground of religion, race, caste, or sex
- (b) Exclusion on the ground of inadequate educational qualification
- (c) Exclusion on the ground of insufficient ownership of property
- (d) Exclusion on the ground of temporary absence from the constituency

5. Which provision of the Constitution of India vests in the Election Commission of India the superintendence, direction, and control of the preparation of electoral rolls and the conduct of elections?
- (a) Article 324
 - (b) Article 325
 - (c) Article 326
 - (d) Article 329



HIGH COURT

Landmark Judgements



16

Religious Practices that Disrupt Social Harmony are not Protected under Articles 25 and 26

Background

- The petitioner, Aseen, claimed ownership of a piece of land measuring 82.80 square metres in Village Ikona, District Sambhal, on the basis of a registered gift deed dated June 16, 2023, and alleged that the respondent authorities were restraining him from offering Namaz on the said land, thereby violating his fundamental rights under Articles 19, 25, 26, 27, and 28 of the Constitution.
- The State contended that the land in question was recorded as Abadi land under Category Shreni-6(2), meaning land meant for public use, and that the petitioner's gift deed did not disclose any Gata number, Khata number, or identifiable revenue particulars, resting only on vague boundary descriptions and therefore incapable of conferring legal title.
- As per the report of the Sub-Divisional Magistrate, Namaz had traditionally been offered at the said location only on the occasion of Eid and no restriction had been imposed on this established practice; however, the petitioner was attempting to introduce regular large-scale congregational prayers by inviting persons from within and outside the village, amounting to the introduction of a new and non-traditional religious practice.
- The State further submitted that a consistent administrative policy, reflected in several Government Orders, mandated that while religious practices are to be respected, no new or non-traditional activities shall be permitted and established practices must be adhered to in order to maintain public order, a principle applied uniformly across all religious communities including for Hindu festivals such as Holika Dahan.

Case Details

Case Title:	Aseen v. State of UP and 3 Others
Court	High Court of Judicature at Allahabad
Citation:	2026 LiveLaw (AB) 256
Bench	Justice Saral Srivastava and Justice Garima Prashad

Issue Before the Court

- Whether, and to what extent, the rights guaranteed under Articles 25 and 26 of the Constitution extend to the conduct of congregational religious activities, whether on public land or private premises.
- Whether the introduction or expansion of a religious practice not previously prevalent, particularly where it disturbs the existing social balance, is protected under Articles 25 and 26 of the Constitution.
- Whether the State is required to await an actual disruption of public order before taking preventive regulatory action against a religious activity likely to affect public life.

- The High Court, finding no enforceable legal right, dismissed the writ petition, holding that the petitioner was not protecting an existing practice but seeking to introduce regular congregational gatherings, and that this expansion beyond a limited private sphere fell outside the protected domain of Articles 25 and 26 and was subject to regulation.

Judgement of the Court

- The Court held that the right to practice religion under Articles 25 and 26 is expressly subject to public order, morality, and health, and is not an unlimited right. It cannot be exercised in a manner that affects others or disrupts the normal functioning of public life, and one person's freedom ends where it begins to affect someone else.
- The Court drew a clear distinction between public land and private property in the context of religious activity. On public land, no individual or group can claim a right to use it as an exclusive or recurring religious space, as such use affects movement, access, safety, and communal equilibrium and must therefore be regulated by the State. On private property, personal prayers, family worship, and limited devotional activities that remain genuinely private, occasional, and non-disruptive fall within the protected domain of Articles 25 and 26, but this protection does not extend to transforming private premises into a de facto public religious venue.
- The Court held that once a religious activity assumes a congregational character involving persons beyond the immediate household, it produces external consequences including repeated attendance, traffic concerns, noise, and the possibility of inter-community tension, at which stage it assumes a public or quasi-public dimension and becomes amenable to reasonable regulation, even if conducted on private premises.
- The Court further held that the introduction or expansion of a religious use or practice not previously prevalent, particularly where it disturbs the existing social balance, is not protected under Articles 25 and 26. The law does not require the authorities to wait for an actual disturbance, and the State is entitled to take preventive action where an activity is likely to affect public order. The test is not the religious nature of the activity but its public consequences.
- The Court observed that this approach is consistent with the constitutional principle of secularism, which requires equal treatment of all religions and equal application of law. The State is equally bound to regulate activities that affect public order regardless of the religion involved, and this balance is essential to the working of Articles 25 and 26 in a constitutional system.
- On the facts, the Court found that the land was recorded as public land, the gift deed lacked identifiable revenue particulars and could not establish legal title, and even assuming the land to be private, the petitioner was seeking to introduce regular congregational gatherings beyond the established Eid-only practice, which fell outside the protected domain and was subject to regulation. Finding no enforceable legal right, the writ petition was dismissed.

Key Takeaways for CLAT Aspirants

- **Article 25 of the Constitution of India - Freedom of Conscience and Right to Profess, Practise and Propagate Religion:** Article 25(1) guarantees to all persons, citizens and non-citizens alike, the freedom of conscience and the right freely to profess, practise, and propagate religion, subject to public order, morality, and health. Article 25(2) further permits the State to make laws regulating or restricting secular activities associated with religious practice and providing for social welfare and reform. The right under Article 25 covers both religious beliefs and religious practices, but it is

expressly not absolute and must yield to the constitutional limitations built into the provision itself.

- **Article 26 of the Constitution of India - Freedom to Manage Religious Affairs:** Article 26 guarantees every religious denomination or any section thereof the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property, and to administer such property in accordance with law, subject to public order, morality, and health. This provision protects collective religious freedom and is available to an organised religious body, which must satisfy three conditions: a common system of beliefs, a common organisation, and a distinctive name.
- **Constitutional Limitations on Religious Freedom - Public Order, Morality, and Health:** Both Articles 25 and 26 expressly make the exercise of religious freedom subject to public order, morality, and health. This means that where a religious activity, regardless of its spiritual character, results in or is likely to result in a disruption of public order, the State is constitutionally entitled to regulate or restrict it. The test for regulatory intervention is not the religious nature of the activity but its public consequences, and the constitutional protection afforded to religious practice does not immunise it from the application of general laws that protect civic order.
- **Distinction Between Existing Religious Practices and New or Expanded Practices:** A well-established principle in Indian constitutional law is that the protection under Articles 25 and 26 extends to existing, established, and historically recognised religious practices, and does not automatically extend to the introduction of new religious practices or the expansion of existing ones beyond their established scope. Long-regulated arrangements or permissions granted for limited or specific purposes may stand on their own footing, but no new or unilateral claim to a religious practice can be founded merely on religious identity or personal preference.
- **Doctrine of Essential Religious Practices:** The Supreme Court has, through a line of decisions beginning with *Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt* (1954), developed the doctrine of essential religious practices, which holds that only those practices that are fundamental to and constitutive of a religion are protected under Articles 25 and 26. Practices that are not essential or integral to the religion, or that are merely customary or incidental, do not enjoy the same level of constitutional protection and are amenable to State regulation, particularly where they impinge upon public order.
- **Preventive State Action and Anticipatory Regulation of Public Order:** The law does not require the State to await an actual disruption of public order before exercising its regulatory powers. Where a religious or other activity is likely to affect public order, the State is entitled to take anticipatory or preventive action. This principle reflects the broader police power of the State to maintain civic peace and social harmony, and is consistent with the scheme of reasonable restrictions permissible under the Constitution. The likelihood of disruption, assessed objectively, is sufficient to justify preventive regulation.
- **Public Land and the Absence of a Right to Exclusive Religious Use:** Public land is held in trust by the State for common use and benefit, and no individual or group possesses a right to appropriate it for exclusive or recurring religious gatherings. The State is constitutionally obligated to ensure equal access to public land and cannot permit its preferential or exclusive use for any religious purpose. The Supreme Court in *M. Ismail Faruqui v. Union of India* (1994) observed that while Namaz may be offered anywhere, no particular place can be claimed as a matter of right, reinforcing the principle that religious practice cannot create a proprietary or possessory right over public land.

- **Private Property and the Limits of Religious Protection:** While private premises may be used for personal religious activity, including prayer and family worship, the constitutional protection afforded to such activity is confined to use that is truly private, occasional, and non-disruptive. Once the use of private premises for religious purposes assumes a congregational character, draws repeated attendance from persons beyond the immediate household, and begins to produce external public consequences, it loses its purely private character and becomes amenable to regulation under applicable laws, including planning and local body regulations.
- **Constitutional Secularism and Equal Application of Law:** The Indian Constitution embodies a positive concept of secularism, which requires the State to treat all religions equally and to apply the law without discrimination on grounds of religion. The State is obligated to permit private worship of all faiths equally, and is equally obligated to regulate activities of all faiths that affect public order. A regulatory action taken consistently across religious communities, as reflected in the administrative policy governing both Namaz at new locations and Holika Dahan at non-traditional sites, is consistent with constitutional secularism and cannot be characterised as discriminatory.
- **Article 226 of the Constitution of India - Writ Jurisdiction of High Courts and the Requirement of an Enforceable Legal Right:** Article 226 confers upon every High Court the power to issue writs, including writs in the nature of mandamus, for the enforcement of fundamental rights and for any other purpose. However, a writ of mandamus can be issued only where the petitioner establishes a clear and enforceable legal right corresponding to a public or statutory duty on the part of the respondent. Where no enforceable legal right is demonstrated, whether due to defective title, absence of a recognised practice, or the public order implications of the claim, the High Court is not obligated to grant relief under Article 226.



Practice Questions

1. A community organisation begins holding large recurring religious gatherings on a public ground in the town, treating that ground as reserved for its exclusive use on those occasions. When others object that the ground is meant for common use, the organisation claims a right to appropriate the public land for its recurring religious gatherings. Is the organisation's claim correct?

- (a) Yes, because a community may appropriate public land for its religious gatherings.
- (b) Yes, because long use of a public ground creates an exclusive religious right.
- (c) No, because no group has a right to appropriate public land for exclusive religious use.
- (d) No, because religious gatherings are forbidden on public land in every circumstance.

2. A court is considering the nature and limits of the freedom guaranteed under Article 25 of the Constitution. Which of the following statements are false?

- i. Article 25(1) guarantees the freedom of conscience and the right to profess, practise, and propagate religion.
 - ii. The right under Article 25 is absolute and is not subject to any constitutional limitation.
 - iii. The right under Article 25 is subject to public order, morality, and health.
 - iv. The freedom under Article 25 is available only to citizens and not to non-citizens.
- (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. A State authority anticipates that a proposed activity at a particular site is likely to disrupt public order, and it moves to regulate the activity before any disturbance actually occurs. The organisers publicly declare that the State has no power to act until an actual breach of public order has taken place. How does this declaration align with the principle governing preventive regulation of public order?

- (a) The declaration is valid, as the State must always await an actual disruption.
- (b) The declaration is valid only where the activity is religious in character.
- (c) The declaration is partly valid, as preventive action needs the organisers' consent.
- (d) The declaration is untenable, as the State may take preventive action against likely disruption.

4. Under the doctrine of essential religious practices, only certain practices enjoy the protection of Articles 25 and 26. Which of the following best describes the practices that are so protected?

- (a) Practices that are merely customary or incidental to the religion
- (b) Practices that are fundamental to and constitutive of the religion
- (c) Practices newly introduced according to individual personal preference
- (d) Practices that any follower chooses to regard as important

5. Which provision of the Constitution of India guarantees every religious denomination the right to establish and maintain institutions for religious and charitable purposes and to manage its own affairs in matters of religion?

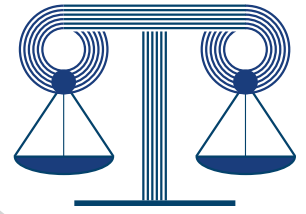


- (a) Article 25
- (b) Article 26
- (c) Article 29
- (d) Article 30



HIGH COURT

Landmark Judgements



17 Satire Not Seditious

Background

- P. Chockalingam, President of the North Tamil Nadu unit of the Vishwa Hindu Parishad, filed a writ petition before the High Court of Madras challenging a notice dated 8 JUNE 2026 issued by the Cyber Crime Wing of the Tamil Nadu Police.
- The notice directed X, formerly Twitter, to remove or block multiple URLs purportedly under Section 79(3) (b) of the Information Technology Act, 2000, read with Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- The notice clubbed together several URLs belonging to different users under a single common blocking direction and required compliance within three hours.
- The petitioner contended that the authorities had not separately examined the content, context, or constitutional status of each post, and had used broad expressions such as provocative political remarks and disturbing public tranquillity without disclosing how each post satisfied the threshold under Article 19(2) of the Constitution.
- The petitioner further contended that the affected users were neither informed of the allegations against them nor afforded any meaningful opportunity to respond before the blocking direction was issued, and that the three-hour deadline was disproportionate in the absence of any disclosed emergency.
- The notice was assailed as arbitrary and violative of Articles 14 and 19(1)(a) of the Constitution.
- The State defended the notice as having been issued in the interest of law and order and public tranquillity,

Case Details

- Case Title:** P. Chockalingam v. Additional Chief Secretary & Ors.
- Court:** High Court of Madras
- Citation:** WP. No. 19439 of 2026 and WMP. Nos. 20718 and 20719 of 2026
- Bench:** Justice L. Victoria Gowri and Justice N. Senthilkumar

Issue Before the Court

- Whether an omnibus blocking direction clubbing together multiple URLs of different users without post-wise reasons and without individualised application of mind was constitutionally sustainable.
- Whether sharp, satirical, dissenting, or politically inconvenient speech falls within the protection of Article 19(1)(a) of the Constitution.
- Whether Section 79(3)(b) of the Information Technology Act, 2000 is an independent source of power to block content, or merely a provision governing intermediary safe harbour.
- Whether the blocking direction satisfied the requirements of Article 19(2) of the Constitution and the

and as a preventive measure, but filed no counter-affidavit explaining post-wise reasons or the basis for requiring removal within three hours.

Judgement of the Court

- The Court held that the impugned notice was prima facie bereft of post-wise reasons and did not disclose individualised application of mind, as multiple URLs belonging to different users had been clubbed together under a common direction.
- It observed that the infirmity in a blanket direction lies not merely in its width but in its silence, and that when the State restricts speech it must speak through reasons, since a citizen's liberty cannot be curtailed by a cryptic command.
- The Court held that Article 19(1)(a) protects not only polite or agreeable speech but also criticism, dissent, satire, political disagreement, and robust public debate, and that a political opinion cannot be removed merely because it is sharp, inconvenient, satirical, dissenting, or unpalatable.
- It observed that the constitutional value of free speech is tested most severely when the speech in question is inconvenient to authority, and that the right to criticise the government and public policy is a constitutional guarantee and not a concession granted by the State.
- The Court reiterated the constitutional distinction between discussion, advocacy, and incitement, holding that discussion and advocacy, however unpopular, remain protected speech, and that State interference becomes permissible only when speech reaches the level of incitement.
- It warned of the chilling effect of vague and open-ended restrictions on online speech, which operate silently and compel citizens to self-censor because the consequences of speaking are uncertain, sudden, and opaque.
- The Court held that Section 79(3)(b) of the Information Technology Act, 2000 deals with intermediary liability and safe harbour protection and is not an independent reservoir of blocking power, and that where the State seeks to block public access to information the safeguards under Section 69A of the Information Technology Act, 2000 and the Blocking Rules acquire constitutional significance.
- It observed that Section 69A requires reasons to be recorded in writing, and that such reasons are essential to demonstrate application of mind and to permit judicial review, the statutory safeguards being the bridge between State power and constitutional liberty rather than decorative formalities.
- The Court found the three-hour compliance deadline to be prima facie disproportionate in the absence of any disclosed emergency, observing that where the State invokes urgency, the urgency must be apparent from the record or the reasons, failing which urgency becomes a cloak for bypassing procedural fairness.
- It held that if democratic speech is to be restricted, the restriction must pass through the narrow constitutional doorway of Article 19(2), carrying the burden of legality, necessity, proportionality, and reasons.
- The Court accordingly stayed the operation of the impugned notice and directed the authorities to communicate with X Corp for the restoration and unblocking of all URLs covered by the notice pending disposal of the writ petition.
- It directed the respondents to file a detailed counter-affidavit disclosing the statutory source of power, the individual reasons for blocking each URL, the basis for invoking Article 19(2), compliance

procedural safeguards prescribed under the statutory framework.

- Whether the three-hour compliance deadline, unsupported by any disclosed emergency or imminent threat, was disproportionate.
- Whether the affected users were entitled to an opportunity of hearing before issuance of the blocking direction.

with Section 69A, and the material justifying removal within three hours, while clarifying that the State retains liberty to act against specific content independently, subject to Article 19(2) and the procedure prescribed under the Information Technology Act, 2000.

Key Takeaways for CLAT Aspirants

- **Freedom of Speech and Expression:** Article 19(1)(a) of the Constitution of India guarantees to all citizens the right to freedom of speech and expression, which extends to expressing views through any medium and protects criticism, dissent, satire, and robust public debate, not merely agreeable or comfortable speech.
- **Reasonable Restrictions on Speech:** Article 19(2) of the Constitution of India permits the State to impose only reasonable restrictions on free speech, and only on the enumerated grounds such as the sovereignty and integrity of India, the security of the State, public order, decency or morality, contempt of court, defamation, or incitement to an offence.
- **Doctrine of Proportionality:** A restriction on a fundamental right must satisfy the test of proportionality, requiring that the measure pursue a legitimate aim, be necessary, and impose no greater restriction than the least intrusive means available, so that an unexplained or excessive restriction such as a three-hour blocking deadline fails this standard.
- **Distinction between Discussion, Advocacy, and Incitement:** A recognised principle of free speech law distinguishes discussion and advocacy, which remain constitutionally protected even when unpopular, from incitement, and the State may interfere only when speech crosses the boundary into incitement to violence or public disorder.
- **Doctrine of Chilling Effect:** Vague, overbroad, or open-ended restrictions on speech are constitutionally suspect because they deter citizens from exercising their legitimate right to free expression for fear of uncertain or arbitrary consequences, thereby producing self-censorship.
- **Intermediary Safe Harbour:** Section 79 of the Information Technology Act, 2000 confers conditional immunity on an intermediary for third-party content, available only where the intermediary merely provides access, does not initiate or modify the transmission, and observes due diligence, and this provision protects intermediaries rather than empowering the State to block content.
- **Limits of Section 79(3)(b):** Section 79(3)(b) of the Information Technology Act, 2000 governs the circumstances in which an intermediary loses safe harbour upon actual knowledge or a valid government notification, and it is not an independent source of power authorising the State to issue blocking directions.
- **Statutory Blocking Power and Its Safeguards:** Section 69A of the Information Technology Act, 2000 is the dedicated provision empowering the Government to block public access to information, and it carries mandatory safeguards including recording of reasons in writing, which are essential to demonstrate application of mind and to enable judicial review.
- **Duty to Pass Reasoned Orders:** An order affecting the rights of citizens must disclose the reasons on which it rests, since reasons demonstrate the application of mind by the authority, guard against arbitrariness, and form the basis on which the order can be subjected to judicial scrutiny.
- **Principles of Natural Justice:** The rule of audi alteram partem requires that a person whose rights are likely to be affected be given notice of the allegations and a meaningful opportunity to be heard before an adverse order is passed, and its denial renders executive action procedurally infirm.
- **Right to Equality and Non-Arbitrariness:** Article 14 of the Constitution of India guarantees equality before the law and forbids arbitrary State action, so that an executive direction issued without

individualised reasoning or a rational basis is vulnerable to challenge as arbitrary.

- **Writ Jurisdiction of High Courts:** Article 226 of the Constitution of India empowers a High Court to issue writs and grant interim relief, including a stay of executive action, for the enforcement of fundamental rights and for any other purpose, enabling judicial protection against unconstitutional restrictions on speech.
- **Status of Sedition Law:** Sedition was earlier punishable under Section 124A of the Indian Penal Code, 1860, and the Bharatiya Nyaya Sanhita, 2023 has not retained sedition in that form, instead introducing Section 152 dealing with acts endangering the sovereignty, unity, and integrity of India, reflecting the constitutional concern that political criticism must not be equated with disaffection against the State.



Practice Questions

1. Aditya posts a series of messages strongly criticising a government policy and urging people to oppose it through lawful protest, without calling for any violence or disorder. The authorities seek to act against him, contending that even this advocacy may be interfered with because it is unpopular and uncomfortable. Is the authorities' contention correct?
 - (a) Yes, because the State may interfere with any unpopular or uncomfortable advocacy.
 - (b) Yes, because criticism of government policy is always open to State interference.
 - (c) No, because the State may interfere only when speech crosses into incitement.
 - (d) No, because the State may never restrict any form of speech whatsoever.

2. A court is considering the scope of the restrictions that may be imposed on the freedom of speech and expression. Which of the following statements are false?
 - i. The State may restrict free speech on any ground it deems appropriate.
 - ii. The State may impose only reasonable restrictions on free speech.
 - iii. Restrictions on free speech may be imposed only on the enumerated grounds.
 - iv. Incitement to an offence is not an enumerated ground for restriction.
 - (a) Statements i and iv
 - (b) Statements i and ii
 - (c) Statements iii and iv
 - (d) Statements i, ii, and iv

3. An executive authority passes an order curtailing the rights of a citizen but records no reasons whatsoever in support of it, and the officer publicly declares that an order affecting a citizen's rights need not disclose any reasons at all. How does this declaration align with the law governing the passing of reasoned orders?
 - (a) The declaration is valid, as an order affecting rights need disclose no reasons.
 - (b) The declaration is valid only where the order is issued during an emergency.
 - (c) The declaration is partly valid, as reasons may be supplied later if challenged.
 - (d) The declaration is untenable, as an order affecting rights must disclose its reasons.

4. Under the framework governing intermediaries, the conditional immunity conferred on an intermediary for third-party content is available only on the satisfaction of certain conditions. Which of the following is one of those conditions?
 - (a) That the intermediary itself initiates and modifies the transmission
 - (b) That the intermediary merely provides access and observes due diligence
 - (c) That the intermediary obtains prior approval for all third-party content
 - (d) That the intermediary is empowered to block content on the State's behalf

5. Which provision of the Information Technology Act, 2000 is the dedicated provision empowering the Government to block public access to information, carrying mandatory safeguards such as the recording of reasons in writing?



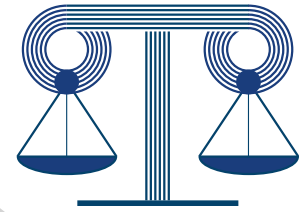
- (a) Section 66A
- (b) Section 69A
- (c) Section 79
- (d) Section 79(3)(b)





HIGH COURT

Landmark Judgements



18

No Protection for Live-In Relationship if Male is Below 21 Years

Background

- The petitioners were a Muslim woman aged approximately 20 years and a Scheduled Caste Hindu male aged approximately 19 years, who were in a live-in relationship; the father of the woman was allegedly threatening the couple, while the family of the male had no objection to the relationship, and the petitioners approached the High Court seeking protection of their life and liberty under Article 226 of the Constitution of India.
- The central legal question before the Court was whether protection could be granted to a live-in couple when the male partner was below 21 years of age and was statutorily a "child" for the purposes of marriage law under the Prohibition of Child Marriage Act, 2006.
- The petitioners had themselves stated in their pleadings that they were living together only because marriage was not yet permissible under law, thereby using the live-in relationship as an alternative to a marriage that was presently statutorily impermissible, which the Court noted was a significant concession bearing directly on the question of protection.
- The Court observed that a conjoint reading of the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and the Prohibition of Child Marriage Act, 2006 established a uniform legislative policy that a male who has not completed 21 years of age lacks the requisite legal capacity to enter into a marital relationship, and any such union falls within the

Case Details

- Case Title:** Shajiya Parveen and Another v. State of U.P. and 3 Others
- Court:** High Court of Judicature at Allahabad
- Citation:** 2026 LiveLaw (AB) 277
- Bench:** Justice Garima Prashad

Issue Before the Court

- Whether a live-in relationship in which the male partner is below 21 years of age can qualify as a relationship in the nature of marriage within the meaning of Section 2(f) of the Protection of Women from Domestic Violence Act, 2005, so as to entitle the parties to judicial protection under Article 226 of the Constitution.
- Whether the High Court, in exercise of its extraordinary writ jurisdiction under Article 226, can grant protection to a live-in relationship that operates in substance as a substitute for a marriage that is presently impermissible under the statutory framework governing capacity to marry.
- Whether parents, guardians, and

zone of statutory restriction.

- The Court dismissed the petition for protection of the live-in relationship while holding that both parties retained their individual right to protection of life and personal liberty under Article 21, and that parents and authorities could not be restrained from taking lawful steps under the Prohibition of Child Marriage Act, 2006 and other applicable laws.

statutory authorities can be restrained by judicial order from taking lawful steps under the Prohibition of Child Marriage Act, 2006 and other applicable laws in respect of such a relationship.

Judgement of the Court

- The Court held that the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and the Prohibition of Child Marriage Act, 2006 uniformly prescribe the minimum age of marriage as 21 years for males and 18 years for females, and that a male below 21 years is a "child" under the Prohibition of Child Marriage Act, 2006, lacking the legal capacity to enter into a marital relationship. This uniform legislative policy cannot be circumvented through a live-in arrangement.
- The Court held that the Prohibition of Child Marriage Act, 2006 is a complete code against child marriages and a modern welfare enactment recognising that premature unions involve lack of maturity, financial and emotional unreadiness, interruption of education, and serious long-term social consequences, and cannot be treated as an obsolete formality.
- Noting that the petitioners had themselves admitted that they were living together only because marriage was not yet permissible under law, the Court held that a court order protecting the continuance of such an arrangement would not remain a bare protection order but would begin to operate as an indirect judicial sanction for a presently impermissible marriage-like arrangement, which the Court could not permit.
- The Court held that the condition laid down in *D. Velusamy v. D. Patchaiammal* (2010) that both parties must be of legal age to marry is an absolute precondition for a live-in relationship to qualify as a relationship in the nature of marriage under Section 2(f) of the Protection of Women from Domestic Violence Act, 2005, and not merely a factor to be weighed alongside others. Since the male partner was below 21 years, this condition was not satisfied and the PWDVA framework could not be attracted.
- The Court further held that while parents and family members cannot resort to threats, violence, coercion, or illegal confinement, they cannot be restrained by judicial order from taking lawful steps such as approaching the police, informing the Child Marriage Prohibition Officer, or initiating proceedings before the competent Magistrate under the Prohibition of Child Marriage Act, 2006.
- The Court clarified that Muslim Personal Law, which in some cases permits marriage below the prescribed statutory ages, would not be applicable since the parties did not assert marriage, and both parties retained their individual right to protection of life and personal liberty under Article 21 of the Constitution irrespective of the outcome of the petition.

Key Takeaways for CLAT Aspirants

- **Prohibition of Child Marriage Act, 2006 - Statutory Bar on Marriage Below Prescribed Age:** The Prohibition of Child Marriage Act, 2006 defines a "child" as a male below 21 years of age and a female below 18 years of age, and prohibits child marriages as a matter of legislative policy. The Act is a complete welfare code enacted to prevent the serious social, educational, and developmental

consequences of premature unions. It operates uniformly across communities and cannot be circumvented by alternate domestic arrangements. Any relationship that would be statutorily impermissible as a marriage on account of age cannot claim indirect judicial protection as a marriage-equivalent arrangement.

- Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 - Relationship in the Nature of Marriage:** Section 2(f) of the Protection of Women from Domestic Violence Act, 2005 defines "domestic relationship" to include a relationship in the nature of marriage. The Supreme Court in *D. Velusamy v. D. Patchaiammal* (2010) laid down four conditions for a live-in relationship to qualify as such: the parties must hold themselves out as spouses, both must be of legal age to marry, both must be otherwise qualified to marry each other, and they must have cohabited for a significant period. All four conditions are cumulative and must be satisfied together; the legal age condition is an absolute precondition and not a discretionary factor.
- D. Velusamy v. D. Patchaiammal (2010) - Conditions for Live-In Relationship as Relationship in the Nature of Marriage:** The Supreme Court in *D. Velusamy v. D. Patchaiammal* (2010) authoritatively defined the conditions under which a live-in relationship may be treated as a relationship in the nature of marriage for the purposes of the Protection of Women from Domestic Violence Act, 2005. The judgment makes legal age to marry an express and non-negotiable precondition, reflecting the principle that a relationship in the nature of marriage must by definition resemble a valid marriage in its essential legal character, including the capacity of the parties to have entered into such a marriage.
- Article 21 of the Constitution of India - Right to Life and Personal Liberty:** Article 21 of the Constitution guarantees that no person shall be deprived of his life or personal liberty except according to procedure established by law. This protection extends to all individuals regardless of the nature of their relationship, and even where a live-in relationship cannot be accorded judicial protection as a marriage-equivalent arrangement, both parties retain their individual constitutional right to life and personal liberty. Article 21 thus operates as a floor of protection that cannot be withdrawn even where specific statutory or relational protections are unavailable.
- Minimum Age of Marriage - Uniform Legislative Policy Across Statutes:** The Hindu Marriage Act, 1955, the Special Marriage Act, 1954, and the Prohibition of Child Marriage Act, 2006 collectively prescribe a uniform minimum age of 21 years for males and 18 years for females for a valid marriage in India. This legislative uniformity reflects a deliberate policy choice that capacity to marry is linked to age-based maturity and is not merely a procedural formality. Courts must read these statutes conjunctively to ascertain legislative intent, and no judicial order can operate to confer effective recognition upon an arrangement that this collective statutory framework prohibits.
- Principle that Law Cannot Permit Indirectly What It Prohibits Directly:** A foundational principle of statutory interpretation and judicial restraint is that courts cannot grant indirect sanction to what the law expressly prohibits. This principle prevents parties from using alternate legal routes to circumvent statutory prohibitions. Where a marriage is presently impermissible on account of age, a court order protecting a live-in relationship that is avowedly a substitute for such a marriage would amount to granting indirect recognition to what the law prohibits, and is therefore impermissible.
- Article 226 of the Constitution of India - Limits of Extraordinary Writ Jurisdiction:** Article 226 confers upon every High Court the power to issue writs for the enforcement of fundamental rights and for any other purpose. However, this extraordinary jurisdiction has inherent limits and cannot be exercised to grant protection to arrangements that are contrary to statutory law or public policy. The

writ jurisdiction of the High Court is a discretionary jurisdiction, and relief under it may be declined where granting such relief would amount to judicial endorsement of a relationship that the legislature has placed within the zone of statutory restriction.

- **Child Marriage Prohibition Officer and Institutional Oversight under the Prohibition of Child Marriage Act, 2006:** The Prohibition of Child Marriage Act, 2006 establishes an institutional framework for the prevention of child marriages, including the appointment of Child Marriage Prohibition Officers who are empowered to prevent child marriages, collect evidence, file complaints, and create awareness. Parents, guardians, and members of the public are entitled to inform these officers of potential child marriages, and courts cannot restrain such lawful institutional engagement through judicial orders. This reflects the legislature's intention that prevention of child marriage is a community and institutional responsibility and not merely a private matter.
- **Muslim Personal Law and Its Interplay with Secular Statutory Law:** Muslim Personal Law, as traditionally understood, permits marriage upon attainment of puberty, which may in some cases be below the ages prescribed under secular Indian statutes. However, the Prohibition of Child Marriage Act, 2006 applies uniformly across communities, and its applicability is not excluded by personal law. Where parties do not assert a marriage under personal law, the personal law framework is inapplicable entirely, and the secular statutory framework governing capacity to marry governs the matter. The interplay between personal law and secular law in matters of marriage capacity is a significant area of Indian family law.
- **S. Khushboo v. Kanniammal (2010) - Live-In Relationships and Article 21:** The Supreme Court in *S. Khushboo v. Kanniammal (2010)* held that live-in relationships are not illegal and fall within the ambit of the right to life under Article 21 of the Constitution. However, this recognition is not unconditional and does not extend to all live-in relationships irrespective of their character. The protection available under Article 21 to individuals in live-in relationships must be distinguished from the specific statutory and judicial protection available to relationships in the nature of marriage under the Protection of Women from Domestic Violence Act, 2005, which is conditioned upon satisfaction of the D. Velusamy criteria including legal age to marry.



Practice Questions

1. Karthik and Ananya are in a live-in relationship and have held themselves out as spouses, cohabiting for a long period. However, Ananya is below the legal age to marry. Ananya seeks to have the relationship treated as one in the nature of marriage, contending that since they present as spouses and have cohabited long, the age requirement may be overlooked. Is her contention correct?

- (a) Yes, because holding out as spouses by itself makes it a relationship in marriage.
- (b) Yes, because long cohabitation alone establishes a relationship in the nature of marriage.
- (c) No, because legal age to marry is an absolute and non-negotiable precondition.
- (d) No, because a live-in relationship can never amount to a relationship in marriage.

2. A court is considering the reach of the protection of life and personal liberty in the context of parties to a live-in relationship. Which of the following statements are false?

- i. The protection of life and personal liberty extends to all individuals regardless of the nature of their relationship.
 - ii. The protection of life and personal liberty is withdrawn where a relationship is denied marriage-equivalent protection.
 - iii. Both parties retain their individual right to life and personal liberty even without relational protection.
 - iv. Article 21 protection is available only to parties whose relationship qualifies as a marriage.
- (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. A couple whose marriage is presently impermissible on account of age approaches a court, expressly seeking protection for a live-in relationship that they describe as a substitute for the marriage the law forbids. The court declares that it may grant such protection, asserting that a court order can sanction indirectly an arrangement that the statute directly prohibits. How does this declaration align with the principle that the law cannot permit indirectly what it prohibits directly?

- (a) The declaration is valid, as a court may indirectly sanction what the law forbids.
- (b) The declaration is valid only where the parties have cohabited for many years.
- (c) The declaration is partly valid, as indirect sanction is allowed for live-in couples.
- (d) The declaration is untenable, as a court cannot indirectly recognise what the law prohibits.

4. The Prohibition of Child Marriage Act, 2006 establishes an institutional framework for the prevention of child marriages through designated officers. Which of the following correctly reflects the position regarding such institutional engagement?

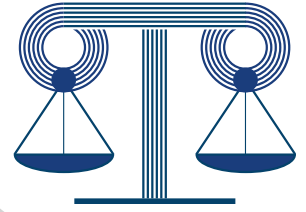
- (a) Courts may restrain these officers from acting through judicial orders.
- (b) Members of the public are barred from informing these officers of potential marriages.
- (c) These officers are empowered to prevent marriages and file complaints.
- (d) These officers may act only on a private complaint from the family alone.

5. Under the Prohibition of Child Marriage Act, 2006, how is a "child" defined for the purposes of the statutory bar on marriage below the prescribed age?
- (a) A male below 18 years and a female below 18 years
 - (b) A male below 21 years and a female below 18 years
 - (c) A male below 21 years and a female below 21 years
 - (d) A male below 18 years and a female below 21 years



HIGH COURT

Landmark Judgements



19 Accused Can Directly Approach High Court under Section 447 BNSS

Background

- The petitioner, Sabu K.S., was the accused in two separate cases: C.C. No. 3/2014 pending before Special CBI Court-I, Ernakulam, involving offences under the Prevention of Money Laundering Act, 2002, and S.C. No. 329/2017 pending before Special CBI Court-II, Ernakulam, involving offences under Sections 13(1)(e) read with 13(2) of the Prevention of Corruption Act, 1988, which constituted the predicate or scheduled offences.
- The petitioner filed a transfer petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 before the Kerala High Court, seeking transfer of C.C. No. 3/2014 from Special CBI Court-I to Special CBI Court-II so that both cases, which involved almost identical allegations, interconnected facts, and the same witnesses and documents, could be considered simultaneously by the same Judge.
- The CBI opposed the transfer on two grounds: first, that Section 44(1)(c) of the Prevention of Money Laundering Act, 2002 exclusively empowers the authorised authority to seek committal of a scheduled offence case to the PML Act court, thereby excluding the accused from filing a transfer petition; and second, that under the proviso to Section 447(2) of BNSS, the petitioner was required to first approach the Sessions Judge and obtain a rejection before approaching the High Court.
- The Court rejected both contentions, holding that Section 44(1)(c) of the PML Act is an enabling

Case Details

Case Title:	Sabu K.S. v. Central Bureau of Investigation and Anr.
Court	High Court of Kerala
Citation:	2026 LiveLaw (Ker) 269
Bench	Justice A. Badharudeen

Issue Before the Court

- Whether an accused person has the right to file a transfer petition under Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking transfer of a case involving scheduled offences to a PML Act court, or whether such a right is exclusively vested in the authorised authority under Section 44(1)(c) of the Prevention of Money Laundering Act, 2002.
- Whether the proviso to Section 447(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, which requires prior approach to the Sessions Judge before filing a transfer petition before the High Court, applies to Special Courts constituted under special statutes such as the Prevention of Money Laundering Act, 2002 and the Prevention of Corruption Act, 1988.
- Whether simultaneous trial of a

provision and does not exclude the right of an aggrieved person other than the authorised authority to invoke the transfer jurisdiction of the High Court under Section 447 of BNSS, and that Special Courts constituted under special statutes are not governed by the proviso to Section 447(2) BNSS.

scheduled offence case and a PML Act offence case by the same Special Court constitutes a joint trial, and whether such simultaneous consideration is legally permissible.

- The Court allowed the transfer petition, noting that both Special CBI Court-I and Special CBI Court-II, Ernakulam, were duly notified under both the Prevention of Corruption Act, 1988 and the Prevention of Money Laundering Act, 2002, and that permitting the same Judge to consider both cases simultaneously served the interest of justice without amounting to a joint trial.

Judgement of the Court

- The Court held that Section 44(1)(c) of the Prevention of Money Laundering Act, 2002 is an enabling provision that empowers the authorised authority to seek committal of a scheduled offence case to the PML Act court, but does not exclude the right of any other aggrieved person, including the accused, to invoke the transfer jurisdiction of the High Court under Section 447 of BNSS for valid reasons, provided the destination court is also duly notified under both the PC Act and the PML Act.
- The Court held that the proviso to Section 447(2) of BNSS, which is *pari materia* to the proviso to Section 407 of the Code of Criminal Procedure, 1973, and which bars a direct application to the High Court for transfer between two criminal courts in the same sessions division unless the Sessions Judge has first rejected such an application, cannot apply to Special Courts constituted under special statutes. Such courts exercise exclusive jurisdiction over specific statutory offences and are constituted by the Central or State Government, not within the ordinary sessions court hierarchy, and cannot therefore be roped into the ambit of the said proviso.
- The Court affirmed that joint trial of a case involving a scheduled offence and PML Act offences is legally impermissible, as a finding of guilt in the scheduled offence case is a prerequisite before trial for PML Act offences can proceed. However, simultaneous consideration of both cases by the same Judge does not amount to a joint trial and is a legally distinct arrangement that serves the interest of justice.
- The Court noted that CrPC and BNSS provisions apply to PML Act proceedings insofar as they are not inconsistent with the PML Act, in terms of Section 65 of the Prevention of Money Laundering Act, 2002, and that on this basis the transfer jurisdiction under Section 447 of BNSS was available and applicable to the facts of the case.
- Finding that both Special CBI Court-I and Special CBI Court-II, Ernakulam, possessed the requisite jurisdiction being duly notified under both the PC Act and the PML Act, and that the transfer was sought from one CBI court to another, the Court allowed the transfer petition in the interest of justice.

Key Takeaways for CLAT Aspirants

- **Section 447 of the Bharatiya Nagarik Suraksha Sanhita, 2023 - Power of High Court to Transfer Cases:** Section 447 of the BNSS vests in the High Court the power to order transfer of cases and appeals from subordinate criminal courts on grounds including the impossibility of a fair and

impartial trial, the arising of an unusual question of law, or the expedience of transfer in the interest of justice. The High Court may act on the report of a lower court, on the application of an interested party, or on its own initiative. This provision is pari materia to Section 407 of the Code of Criminal Procedure, 1973 and constitutes the primary statutory mechanism for exercise of the High Court's transfer jurisdiction in criminal matters.

- **Proviso to Section 447(2) of BNSS - Prior Approach to Sessions Judge and Its Inapplicability to Special Courts:** The proviso to Section 447(2) of BNSS provides that no application shall lie directly before the High Court for transfer of a case from one criminal court to another within the same sessions division, unless an application for such transfer has first been made to the Sessions Judge and has been rejected. This requirement is a procedural prerequisite designed for ordinary criminal courts within the sessions hierarchy. However, Special Courts constituted under special statutes, which exercise exclusive jurisdiction over specific statutory offences and derive their authority from Central or State Government notifications rather than from the sessions court structure, fall outside the scope of this proviso and do not attract the requirement of prior approach to the Sessions Judge.
- **Special Courts under the Prevention of Money Laundering Act, 2002 and the Prevention of Corruption Act, 1988:** Special Courts under the PML Act are constituted under Section 43 of the Prevention of Money Laundering Act, 2002 by the Central Government in consultation with the Chief Justice of the High Court. Special Courts under the Prevention of Corruption Act, 1988 are constituted under Section 3 by the State Government or the Central Government for a particular area. Both categories of Special Courts exercise exclusive jurisdiction over offences under their respective statutes and are not part of the ordinary sessions court hierarchy, conferring upon them a distinct legal status that governs the procedural rules applicable to proceedings before them.
- **Section 44 of the Prevention of Money Laundering Act, 2002 - Offences Triable by Special Court:** Section 44 of the Prevention of Money Laundering Act, 2002 governs the offences triable by the Special Court constituted under the Act. Section 44(1)(c) empowers the authorised authority to apply before the Special Court to take cognizance of a scheduled offence if such offence has been taken cognizance of by any other court, enabling committal to the PML Act court. This provision is an enabling clause conferring a specific power on the authorised authority and does not operate as an exhaustive or exclusive bar on other aggrieved persons from invoking the transfer jurisdiction of the High Court under the BNSS on valid grounds.
- **Section 65 of the Prevention of Money Laundering Act, 2002 - Applicability of CrPC and BNSS to PML Act Proceedings:** Section 65 of the Prevention of Money Laundering Act, 2002 provides that the provisions of the Code of Criminal Procedure, 1973, and by extension the Bharatiya Nagarik Suraksha Sanhita, 2023, shall apply to proceedings under the PML Act insofar as they are not inconsistent with the provisions of that Act. This principle of residual applicability of the general procedural code to special statute proceedings is an important feature of the Indian statutory framework and determines the extent to which the transfer and other procedural mechanisms of the BNSS are available in PML Act cases.
- **Predicate Offence and Scheduled Offence under the Prevention of Money Laundering Act, 2002:** The Prevention of Money Laundering Act, 2002 operates on the foundation of a predicate or scheduled offence, which is the underlying criminal offence that generates the proceeds of crime subsequently laundered. The Schedule to the PML Act lists the offences that qualify as scheduled offences, including offences under the Prevention of Corruption Act, 1988. A finding of guilt in the scheduled offence case is a substantive legal prerequisite before the trial for PML Act offences can

meaningfully proceed, reflecting the dependent and derivative character of the money laundering offence upon the underlying scheduled offence.

- **Distinction Between Joint Trial and Simultaneous Trial:** A joint trial is a single trial in which the accused is tried for two or more offences together in the same proceedings, governed by the procedural rules for joint trials under the BNSS. A simultaneous trial, by contrast, involves two separate and legally independent proceedings being conducted by the same Judge or court at the same time, without merging the two cases into a single set of proceedings. Joint trial of a scheduled offence and a PML Act offence is legally impermissible because the PML Act trial is dependent upon the outcome of the scheduled offence case. Simultaneous trial by the same court, however, does not offend this prohibition and is a distinct arrangement permissible in the interest of justice.
- **Transfer Jurisdiction and the Interest of Justice Standard:** The power of transfer under Section 447 of the BNSS is ultimately guided by the overarching standard of the interest of justice. Courts exercising transfer jurisdiction assess whether the proposed transfer would serve the ends of justice, including considerations of convenience to parties and witnesses, avoidance of multiplicity of proceedings, efficient use of judicial resources, and the protection of the rights of the accused. Where multiple related proceedings involving the same parties, witnesses, and documents are pending before different courts possessing concurrent jurisdiction, transfer to a single court may be warranted in the interest of justice even in the absence of a specific statutory mandate to that effect.
- **Standing of the Accused to File Transfer Petitions - Concept of an Aggrieved Person:** Procedural law generally recognises the right of an aggrieved person to seek judicial intervention for transfer of proceedings where valid grounds exist. The concept of an aggrieved person in this context is not confined to the complainant or the prosecuting authority but extends to any party whose legitimate interests are affected by the pendency of proceedings in a particular forum. An accused person is a necessary party to criminal proceedings and has a cognisable interest in the forum, judicial efficiency, and the fairness of the trial, entitling them to seek transfer on valid grounds before the competent court.
- **Principle of Harmonious Construction - Special Statute and General Procedural Code:** Where a special statute and a general procedural code operate in the same field, courts apply the principle of harmonious construction to give effect to both without rendering either redundant. The general rule is that the special statute prevails over the general law to the extent of any inconsistency, while the general procedural code continues to apply in areas not covered by or inconsistent with the special statute. The interplay between the Prevention of Money Laundering Act, 2002 and the Bharatiya Nagarik Suraksha Sanhita, 2023 exemplifies this principle, with the BNSS filling procedural gaps not addressed by the PML Act, subject to the condition of non-inconsistency.



Practice Questions

1. Ishaan is an accused in a case pending before a Special Court constituted under a special statute, which derives its authority from a Government notification and is not part of the sessions court hierarchy. He applies directly to the High Court for transfer of the case without first applying to the Sessions Judge. The prosecution contends that his petition is not maintainable because he did not first approach the Sessions Judge. Is the prosecution's contention correct?

- (a) Yes, because every transfer application must first be made to the Sessions Judge.
- (b) Yes, because the High Court cannot transfer a case from a Special Court at all.
- (c) No, because a Special Court falls outside the proviso requiring prior approach.
- (d) No, because the Sessions Judge has no power to transfer any case whatsoever.

2. A court is considering the difference between a joint trial and a simultaneous trial of a scheduled offence and a PML Act offence. Which of the following statements are false?

- i. A joint trial is a single trial in which the accused is tried for two or more offences together.
 - ii. Joint trial of a scheduled offence and a PML Act offence is legally permissible.
 - iii. A simultaneous trial involves two separate proceedings conducted by the same court at the same time.
 - iv. Simultaneous trial of the two cases by the same court offends the prohibition and is impermissible.
- (a) Statement ii
 - (b) Statements ii and iv
 - (c) Statements i and iii
 - (d) Statements ii, iii, and iv

3. A prosecuting authority publicly declares that an accused person has no standing whatsoever to file a petition for transfer of proceedings, asserting that only the complainant or the prosecuting authority can ever seek such a transfer. How does this declaration align with the legal position governing the standing of an aggrieved person?

- (a) The declaration is valid, as only the complainant or prosecution can seek transfer.
- (b) The declaration is valid only where the accused has already been convicted.
- (c) The declaration is partly valid, as the accused may seek transfer only on consent.
- (d) The declaration is untenable, as an accused has a cognisable interest entitling transfer.

4. Under the scheme of the Prevention of Money Laundering Act, 2002, which derives the money laundering offence from an underlying offence, what is the position regarding a finding of guilt in the scheduled offence case?

- (a) A finding of guilt in the scheduled offence is a prerequisite for the PML Act trial.
- (b) The PML Act trial may conclude regardless of the scheduled offence outcome.
- (c) The scheduled offence and the PML Act offence are wholly independent in result.
- (d) A finding of guilt in the PML Act offence is a prerequisite for the scheduled trial.

5. Under which section of the Prevention of Money Laundering Act, 2002 are Special Courts constituted by the Central Government in consultation with the Chief Justice of the High Court?

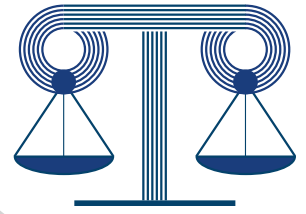


- (a) Section 3
- (b) Section 43
- (c) Section 44
- (d) Section 65



HIGH COURT

Landmark Judgements



20 Parents Can't Invoke Habeas Corpus Against Adult Daughters' Choice

Background

- The three petitioners were fathers whose adult daughters had joined the Monastery of Holy Ruah (MHR), a religious congregation under the Archdiocese of Thrissur; the daughters had joined the MHR when it was duly recognised by the Archdiocese, but subsequently the Archdiocese formally dissolved the MHR in 2023 following certain actions attributed to the respondent nuns, after which the congregation ceased to enjoy the rights, privileges, and duties accorded to congregations under the Archdiocese's authority.
- The petitioners contended that following the dissolution of the MHR, their daughters' continued association with the congregation was not voluntary but was the result of coercion and undue influence exercised by the respondent nuns, who had allegedly subjected the daughters to grueling rituals against their own and their family's best interests.
- The petitioners relied upon decisions of the Division and Full Benches of the Court to contend that parents retain the authority to aid and advise even their major children and that the constitutional liberties of adult children are not without limit, and accordingly filed habeas corpus petitions under Article 226 of the Constitution seeking the release of their daughters from alleged illegal detention.
- The Court noted that when police authorities made enquiries, the daughters signed statements affirming that they were continuing with the MHR voluntarily, and that there was no material on record to suggest that they were not acting on their own free will, being educated adults capable

Case Details

- Case Title:** Joju George and Ors. v. State of Kerala and Ors.
- Court:** High Court of Kerala
- Citation:** 2026 LiveLaw (Ker) 204 | W.P.(Crl.) No. 500 of 2026
- Bench:** Justice A.K. Jayasankaran Nambiar and Justice Jobin Sebastian

Issue Before the Court

- Whether parental disapproval of an adult daughter's voluntary choice to lead a life of celibacy in a religious congregation, particularly one no longer aligned with the Archdiocese of Thrissur, constitutes a valid ground for the issuance of a writ of habeas corpus under Article 226 of the Constitution.
- What is the scope and nature of the writ of habeas corpus in cases involving alleged detention of an adult person who claims to be acting on her own free will, and what material must be placed before the Court before the writ can be issued.

of making informed choices regarding their spiritual lives.

- Finding no material to establish that the petitioners' daughters were being held against their will or that the respondent nuns were in actual physical control over their persons, the Court declined to issue the writ and dismissed the habeas corpus petitions.

Judgement of the Court

- The Court reaffirmed that the writ of habeas corpus is an extraordinary remedy that should not be issued unless ordinary remedies have been exhausted and proven ineffective, and that while it is a discretionary remedy in the sense that the High Court may decline to exercise jurisdiction depending on the facts, once illegal detention is established, the writ becomes available to the detenu as of right and cannot be withheld at the Court's discretion.
- The Court held that individual autonomy, freedom of self-determination, and free will occupy a central place in the constitutional framework, and that any interference by the State in the private domain of an individual would have a chilling effect on the exercise of constitutional freedoms. The choice of a person with regard to her beliefs or the congregation she joins is a matter resting exclusively within her private domain.
- The Court held that before issuing a writ of habeas corpus, the court must look to the material produced before it and satisfy itself that there is some substance in the allegation that the respondent is in actual physical control over the body of the person for whose benefit the writ is sought, or that there are reasonable grounds to conclude that the respondent will be able to assert such control.
- On the facts, the Court found that the alleged detainees were educated adults who had signed statements before police authorities affirming that they were continuing with the MHR voluntarily, and that no material had been placed on record to suggest that they were not acting on their free will. The mere disgruntlement of a parent with the decision of his adult daughter to lead a life of celibacy could not be the basis for the issuance of a writ of habeas corpus.
- The Court further held that the petitioners' anxiety arising from their daughters having joined a congregation not spiritually aligned with the Archdiocese of Thrissur could not justify ignoring the agency inherent in the daughters' decision, and accordingly dismissed the habeas corpus petitions.

Key Takeaways for CLAT Aspirants

- **Writ of Habeas Corpus - Nature, Meaning, and Constitutional Basis:** Habeas corpus is a Latin term meaning "you may have the body." It is a writ issued by a court directing a person who is detaining another to produce the body of the detained person before the court so that the legality of the detention may be examined. The writ is available under Article 32 before the Supreme Court for enforcement of fundamental rights, and under Article 226 before every High Court for enforcement of both fundamental rights and other legal rights. The scope of the High Court's jurisdiction under Article 226 to issue habeas corpus is wider than that of the Supreme Court under Article 32, as it extends beyond cases of fundamental rights violations to other cases of illegal detention.
- **Extraordinary Nature of Habeas Corpus and the Exhaustion of Ordinary Remedies:** The writ of habeas corpus is an extraordinary remedy and should not ordinarily be issued unless the petitioner has exhausted other available remedies and demonstrated that those remedies have been ineffective. The writ is directed at securing the physical liberty of a person and is not a substitute for ordinary

legal remedies available against detention. Courts must exercise caution before issuing the writ and must be satisfied on the basis of material placed before them that the detention is actually illegal before the extraordinary jurisdiction is invoked.

- **Discretionary and Non-Discretionary Dimensions of Habeas Corpus:** The writ of habeas corpus has a dual character. It is discretionary in the sense that the High Court may, depending on the facts, decline to exercise jurisdiction to issue the writ. However, once the court is satisfied that the detention is illegal, the writ becomes available to the detenu as a matter of right and cannot be withheld at the court's discretion. This distinction between the discretion to inquire and the obligation to issue upon finding illegal detention is a fundamental aspect of habeas corpus jurisprudence.
- **Procedural Character of Habeas Corpus - Kanu Sanyal v. District Magistrate Darjeeling (1974):** The Supreme Court in Kanu Sanyal v. District Magistrate Darjeeling (1974) held that habeas corpus is a procedural writ and not a substantive writ. The focus of the court in habeas corpus proceedings is on examining the legality of the detention by scrutinising the facts and circumstances of the case, rather than merely directing the physical production of the body before court. This procedural character means that the court must conduct a substantive inquiry into the basis and legality of the alleged detention before granting or refusing the writ.
- **Burden of Proof in Habeas Corpus Proceedings:** In habeas corpus proceedings, the burden of establishing the legality of the detention lies on the detaining person or authority, who must satisfy the court that the detention is founded on lawful grounds. Where the detenu alleges malicious confinement outside the jurisdiction or authority of the detainer, the burden of establishing such facts shifts to the detenu. This allocation of the burden of proof reflects the foundational principle that liberty is the rule and detention is the exception, requiring legal justification.
- **Individual Autonomy and Freedom of Self-Determination under Article 21 of the Constitution:** Article 21 of the Constitution guarantees to every person the right to life and personal liberty, which the Supreme Court has expansively interpreted to include the right to make personal choices regarding one's lifestyle, beliefs, and associations without interference from the State or third parties. Individual autonomy and freedom of self-determination are core components of the right under Article 21, and any interference by the State in the private domain of an individual must be justified by law and must not have a chilling effect on the exercise of constitutional freedoms. An adult's choice to adopt a particular way of life, including a life of celibacy or religious devotion, falls squarely within this protected private domain.
- **Chilling Effect Doctrine and State Interference in the Private Domain:** The chilling effect doctrine refers to the deterrent impact that State interference or the threat of State action may have on the exercise of constitutional rights and freedoms. Where the State intervenes in matters falling within the private domain of individuals, such as personal beliefs, lifestyle choices, and associational decisions, the effect is to discourage individuals from freely exercising their constitutional freedoms, even where no direct coercion is applied. Courts must therefore be especially cautious before using constitutional remedies such as habeas corpus in ways that would indirectly interfere with the private domain of individuals acting on their own free will.
- **Agency and Free Will of an Adult Detenu in Habeas Corpus Proceedings:** A central consideration in habeas corpus proceedings involving alleged detention of an adult is whether the person for whose benefit the writ is sought is acting on her own free will or is being detained against her will. Where an adult person, particularly one who is educated and capable of making informed choices, affirms

through statements or conduct that she is remaining in a particular place or association voluntarily, the court cannot override that exercise of individual agency merely on the basis of the wishes or anxieties of a family member. The legal capacity of an adult to make autonomous decisions about her life is a foundational principle of personal liberty jurisprudence.

- **Who May Apply for Habeas Corpus - Sheela Barse v. State of Maharashtra (1983):** The writ of habeas corpus may be applied for by the detained person herself, by any person who is aware of the facts and circumstances of the detention and files an application in the interest of the detenu, or by any person on behalf of one who cannot file an application independently, as recognised by the Supreme Court in *Sheela Barse v. State of Maharashtra (1983)*. However, the right to apply for the writ on behalf of another does not extend to substituting the wishes of the applicant for the free will of the person whose detention is alleged, and the court must satisfy itself that the alleged detenu genuinely requires the court's intervention against her will.
- **Res Judicata and Successive Habeas Corpus Petitions:** Unlike ordinary civil proceedings, the doctrine of res judicata does not apply to habeas corpus petitions in cases of illegal confinement. A petitioner may file successive habeas corpus petitions on fresh grounds even after an earlier petition has been dismissed. This exception to the general rule of res judicata reflects the importance the law attaches to personal liberty and ensures that a person is not permanently barred from seeking relief against continuing illegal detention merely because an earlier petition was unsuccessful. The right to liberty is of such fundamental importance that procedural bars must yield to the need to prevent or remedy unlawful detention.



Practice Questions

1. Mahesh files a habeas corpus petition seeking the return of his adult, educated daughter Nidhi, who has voluntarily chosen to remain at a religious ashram and affirms before the court that she is staying there of her own free will. Mahesh contends that the court must order her return simply because he, as her father, wishes it. Is Mahesh's contention correct?

- (a) Yes, because a father may always compel his adult daughter's return.
- (b) Yes, because a family member's wishes override an adult's own choice.
- (c) No, because the court cannot override an adult's voluntary exercise of agency.
- (d) No, because an adult can never be produced before a court at all.

2. A High Court is examining the dual character of the writ of habeas corpus. Which of the following statements are false?

- i. The writ is discretionary in the sense that the court may decline to exercise jurisdiction to issue it.
- ii. Once the detention is found illegal, the writ may still be withheld at the court's discretion.
- iii. Upon a finding of illegal detention, the writ becomes available to the detenu as a matter of right.
- iv. The writ remains purely discretionary even after the court has found the detention illegal.

- (a) Statement ii
- (b) Statements ii and iv
- (c) Statements i and iii
- (d) Statements ii, iii, and iv

3. A detenu's earlier habeas corpus petition is dismissed, and a State official publicly declares that the dismissal permanently bars the detenu from ever filing any further petition, asserting that a fresh petition can never be entertained once an earlier one has failed. How does this declaration align with the legal position on successive habeas corpus petitions?

- (a) The declaration is valid, as a dismissed petition permanently bars any further petition.
- (b) The declaration is valid only where the first petition was decided on its merits.
- (c) The declaration is partly valid, as a fresh petition requires the detainer's consent.
- (d) The declaration is untenable, as successive petitions on fresh grounds are permitted.

4. In habeas corpus proceedings, a question arises as to who must satisfy the court regarding the lawfulness of the detention. What is the position regarding the burden of establishing the legality of the detention?

- (a) The burden lies on the detaining authority to show the detention is lawful.
- (b) The burden lies on the detenu to prove the detention is unlawful.
- (c) The burden lies on the court to investigate the legality on its own.
- (d) The burden lies on the family member who filed the petition.

5. The writ of habeas corpus takes its name from a Latin expression. Which of the following is the meaning of that expression?

- (a) "Let the decision stand"



- (b) "You may have the body"
- (c) "We command you to act"
- (d) "By what authority held"

VOICES VICTORIES



AIR 4, AILET 2026

SIDDHANT ROHIT

“I joined Nishant Prakash Law Classes in Class 11, and from that day, every stage of my preparation was guided by Nishant sir. I didn’t just learn how to study—I learned how to stay disciplined, how to believe, and how to keep pushing even when it got overwhelming. I followed exactly what sir told us, gave 150+ mocks, trusted the process, and that belief took me to AIR 4 in AILET. I genuinely don’t think I could have reached here without Nishant sir and NPLC.”



(AIR 4, CLAT 2026

ARSHNOOR SINGH

I started my CLAT journey without any law background in my family, and everything I know about this exam, I learned under the guidance of Nishant Sir at NPLC. What made the biggest difference for me was the personal attention—Sir knew every student, our strengths, our weaknesses, and our exact mistakes after each mock.

After every test, he would look at my OMR and guide me on how to change my strategy instead of following a one-size-fits-all approach. When the CLAT paper surprised everyone, Sir’s constant advice of staying calm and confident helped me push through without panicking. That mindset, combined with consistent practice and guidance, is what helped me secure AIR 4 in CLAT 2026.



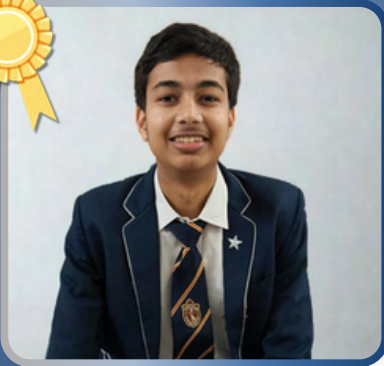
AIR 2, CLAT 2025

DAIWIK AGARWALA

I don’t think I’ve ever given so many tests in my life as I did at NPLC in just one year. They made me take so many mocks that I became almost mechanical before the actual exam. The course structure here is such that hard work is non-negotiable. And last, but not least, Nishant Sir would connect with your parents and keep them informed about your every day scores, which added a bit of pressure and made all of us work harder. There were times when my scores didn’t meet my expectations, and I felt low, but Sir was always there to motivate me.

“NPLC doesn’t shout excellence; it proves it every result season.”

VOICES VICTORIES



AIR 2, AILET 2025

CHAITANYA GHOSH

This place is not your regular coaching institute that you see around. They don't just make you work hard—they make you smart. NPLC has been my best choice for both CLAT and AILET preparation. These exams cover general topics that seemed easy to me initially, but it wasn't until I started attending classes at NPLC that I realized the major challenges I would have faced if I solely depended on self-study. The competitive environment and Sir's dedicated guidance have been key in helping me clear every law entrance exam I took. I cleared every law entrance exam I wrote.



AIR 4, CLAT 2025

ADITYA GAUTAM ANKHAD

It's all about AILET and CLAT here. Students eat, drink, and sleep law entrance preparation! I used to go to another institute in XIth, but somehow, I was just an enrollment number there. Initially, when I joined, the competition and pressure from Sir felt overwhelming, but thanks to him, everything became much easier. Here, no one calls you by batch number or enrollment ID. All of us studying together were very good friends, but we competed intensely. Since they have a limited intake, we received a lot of personalized attention. I recall most of my batchmates at NPLC making it to the top NLUs. This place is even better than you can imagine!



AIR 6, AILET 2025

DHRUV KAMATH

I had never experienced such intense competition in any classroom before I did my first class at NPLC. It was a bit horrifying initially however it got better with time. If you can't work hard, I do not feel this is the place for you. Nishant sir is simply amazing. I never liked him till I was at the center as there was too much pressure from his side unlike my school, However, I can tell you, that I could make it to NLU Delhi, and only because of him. I recall almost everyone with me in the class who got through either of the top 5 NLUs.

"At NPLC, branding isn't on T-shirts — it's in the AIRs."

VOICES VICTORIES



AIR 10, AILET 2025

VIDISHA SINGH

Nishant Sir's classes are the complete package. While there's a great deal of hard work expected, he creates an environment where you can ease your way into cracking the exam. Unlike the rigid and monotonous teaching methods of many other coaching institutions, his classes are a perfect blend of learning and fun. His approach is practical, reliable, and tailored to real exam scenarios, which is reflected in his incredible track record of sending most of his students to the top 5 NLUs. Even after completing his classes, you'll find yourself wanting to go back for more (I still do).



**AIR 24 AILET 2025
& OXFORD**

SAMYUKTHA KOVILAKATH

People often ask me how I managed to prepare for Indian law entrances and the Oxford Law entrance at the same time. My answer is simple: NPLC gave me the discipline, perspective, and clarity to handle both. Nishant Sir's classroom isn't just a place where laws are taught - it's where ambition is refined and sharpened. What stood out to me most was how the training here doesn't chase trends - it builds fundamentals. I never felt like I was preparing for just one exam - I was preparing to think like a lawyer.

This journey hasn't just taken me to AILET AIR 24—it's also taken me across continents. And for that, I credit the environment, the mentorship, and the unwavering standards at NPLC.

"Mentorship isn't a model here — it's a method."



Answers & Explanations

1. Arbitrator's Jurisdiction Ruling Not Separately Challengeable Under Sections 34/37

1. Correct Answer: (d) No, because the arbitration clause is independent and survives the contract's invalidity.

Reference Line: "Consequently, even if the underlying contract is declared null and void, the arbitration clause survives as a distinct and enforceable agreement."

Explanation: (a) Incorrect. Under the separability doctrine the arbitration clause is treated as an agreement independent of the other terms, so the voidness of the contract does not extinguish the clause.

(b) Incorrect. Setting aside the main contract does not displace the arbitration clause, which continues as a distinct and enforceable agreement.

(c) Incorrect. The clause's survival flows from its separable character and does not depend on a court pronouncing on its continuance; the dispute remains arbitrable.

(d) Correct. The arbitration clause is an independent agreement that survives even when the main contract is declared null and void, so the tribunal retains jurisdiction.

2. Correct Answer: (c) Statements i and iii

Reference Line: "Section 16(2) of the Act mandates that a plea challenging the tribunal's jurisdiction must be raised no later than the submission of the statement of defence, and Section 16(3) requires that a plea alleging that the tribunal is exceeding the scope of its authority must be raised as soon as the matter alleged to be beyond its authority arises during proceedings."

Explanation: (a) Incorrect. Statement iii is false, but statement i is also false, so naming only iii leaves the answer incomplete.

(b) Incorrect. Statement i is rightly treated as false, yet statement iv is true because the tribunal may condone a justified delay, so iv should not appear.

(c) Correct. Statement i is false since a jurisdictional plea must be raised no later than the statement of defence, not at any time before the award, and statement iii is false since a belated plea may be treated as waived rather than being automatically valid.

(d) Incorrect. Statements i and iii are false, but statement iv is true, so including iv makes this option wrong.

3. Correct Answer: (a) The declaration is untenable, as the rejection order is not an award challengeable under Section 34.

Reference Line: "An order rejecting a jurisdictional plea under Section 16 does not constitute an "award" within the statutory meaning and is therefore not amenable to challenge under Section 34 at the mid-proceedings stage."

Explanation: (a) Correct. An order rejecting a jurisdictional plea under Section 16 is not an "award" within the statutory meaning and is not amenable to challenge under Section 34 mid-proceedings, so the party must await the final award.

(b) Incorrect. Section 34 is confined to a final arbitral award on specified grounds and does not open

every adverse interim ruling to challenge.

(c) Incorrect. The subject matter of the plea is immaterial; the rejection remains an interim order and not an award, so Section 34 cannot be invoked against it.

(d) Incorrect. What is challengeable under Section 34 is the final award, not the rejection order, and the order does not become an award merely because the hearings have concluded.

4. Correct Answer: (b) Where the tribunal accepts the jurisdictional plea and terminates the arbitral proceedings.

Reference Line: "A crucial distinction exists within the appellate scheme: an appeal under Section 37 against a Section 16 order is available only where the tribunal accepts the jurisdictional plea and terminates the proceedings, not where the tribunal rejects the plea and continues with the arbitration."

Explanation: (a) Incorrect. Where the tribunal rejects the plea and continues the arbitration, no appeal lies under Section 37, and this is the very situation the asymmetric scheme excludes.

(b) Correct. An appeal under Section 37 against a Section 16 order is available only where the tribunal accepts the jurisdictional plea and terminates the proceedings.

(c) Incorrect. Reserving the jurisdictional question for the final award produces no appealable Section 16 order, so Section 37 is not attracted at that stage.

(d) Incorrect. A stay pending a court direction is not among the enumerated orders, and only acceptance of the plea with termination of the proceedings triggers a Section 37 appeal.

5. Correct Answer: (c) Section 16

Reference Line: "The Kompetenz-Kompetenz doctrine, codified under Section 16 of the Arbitration and Conciliation Act, 1996, vests an arbitral tribunal with the competence to rule on its own jurisdiction, including objections relating to the existence or validity of the arbitration agreement."

Explanation: (a) Incorrect. Section 8 empowers a judicial authority to refer parties to arbitration where a valid arbitration agreement exists; it does not vest the tribunal with competence over its own jurisdiction.

(b) Incorrect. Section 11 governs the appointment of arbitrators and has nothing to do with the tribunal's power to rule on jurisdictional objections.

(c) Correct. Section 16 codifies the Kompetenz-Kompetenz doctrine and vests the arbitral tribunal with competence to rule on its own jurisdiction, including objections to the validity of the arbitration agreement.

(d) Incorrect. Section 34 provides recourse to challenge a final arbitral award and is not the provision that confers competence to decide jurisdiction.

2. Principles for Exercise of Article 227 Jurisdiction

1. Correct Answer: (c) No, because mere dissatisfaction with the quantum is not a permitted ground of challenge.

Reference Line: "Such determination by the executing court is entitled to deference and can be

challenged only on grounds of jurisdictional error or patent perversity, not on the basis of a mere difference of opinion regarding the quantum determined."

Explanation: (a) Incorrect. The executing court's assessment is entitled to deference and is not always open to revision; it can be disturbed only on grounds of jurisdictional error or patent perversity.

(b) Incorrect. A mere difference of opinion about what figure would be fairer is expressly not a ground for challenging the quantum determined in execution.

(c) Correct. Dissatisfaction with the quantum is only a difference of opinion, and such determination can be challenged only on grounds of jurisdictional error or patent perversity.

(d) Incorrect. Under Order XXI the executing court is competent to determine all questions arising in execution, including the assessment of compensation, so the premise that only the original court may fix it is wrong.

2. Correct Answer: (a) Statements iii and iv

Reference Line: "A High Court exercising supervisory jurisdiction cannot act as a court of first appeal to reappreciate or reweigh the evidence or facts upon which the determination under challenge is based."

Explanation: (a) Correct. Statement iii is false because a High Court under supervisory jurisdiction cannot act as a court of first appeal to reweigh evidence, and statement iv is false because that jurisdiction is confined to correcting jurisdictional errors, not substituting findings on the merits.

(b) Incorrect. Statement iii is rightly false, but statement i is true since an appellate court may indeed re-appreciate evidence and substitute its findings, so i should not be listed.

(c) Incorrect. Statement iv is rightly false, but statement ii is true because supervisory jurisdiction is strictly confined to correcting jurisdictional errors, so ii should not appear.

(d) Incorrect. Statements iii and iv are false, but statement i is true, so including i makes this option wrong.

3. Correct Answer: (d) The declaration is constitutionally impermissible, as it amounts to acting as an appellate authority.

Reference Line: "Any order of the High Court that effectively re-determines a factual question already decided by the court below amounts to acting as an appellate authority and is constitutionally impermissible under Article 227."

Explanation: (a) Incorrect. The non-substitution principle prohibits the High Court from replacing the subordinate court's decision with its own view on the merits, so the declaration cannot be valid.

(b) Incorrect. Re-determination remains impermissible regardless of whether the finding concerns law or fact, since the bar arises from acting as an appellate authority under Article 227.

(c) Incorrect. Consent of the parties cannot enlarge the supervisory power, and re-determining a concluded factual question stays constitutionally impermissible.

(d) Correct. An order that effectively re-determines a factual question already decided below amounts to acting as an appellate authority and is constitutionally impermissible under Article 227.

4. Correct Answer: (b) An unwarranted assumption of jurisdiction not vested in the subordinate court

Reference Line: "The Supreme Court laid down that the power of superintendence under Article 227 can be exercised only in three circumstances: first, where there has been an unwarranted assumption of jurisdiction not vested in the subordinate court or tribunal; second, where there has been a gross abuse

of jurisdiction; and third, where there has been an unjustifiable refusal to exercise jurisdiction that is duly vested."

Explanation: (a) Incorrect. A finding that is merely erroneous on the facts falls outside the three exhaustive grounds and does not justify supervisory interference.

(b) Correct. An unwarranted assumption of jurisdiction not vested in the subordinate court is expressly the first of the three grounds for exercise of Article 227 jurisdiction.

(c) Incorrect. The High Court merely not preferring the subordinate court's view is not among the recognized grounds and is impermissible as a basis for intervention.

(d) Incorrect. That a decision could have been better reasoned is not one of the three grounds, since no intervention is permissible outside the recognized conditions.

5. Correct Answer: (d) Article 227

Reference Line: "Article 227, enshrined under Part VI of the Constitution, vests in every High Court the power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction."

Explanation: (a) Incorrect. Article 32 provides the right to constitutional remedies before the Supreme Court for enforcement of fundamental rights and does not confer superintendence over courts and tribunals.

(b) Incorrect. Article 136 deals with the Supreme Court's discretionary special leave to appeal and has no bearing on a High Court's power of superintendence.

(c) Incorrect. Article 226 empowers High Courts to issue writs for enforcement of rights and other purposes, which is distinct from the supervisory power of superintendence.

(d) Correct. Article 227 vests in every High Court the power of superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction.

3. Survival of Right to Sue Passes to Legal Representatives of Deceased Litigant

1. Correct Answer: (c) No, because a defamation claim abates upon the death of the claimant.

Reference Line: "Personal injury claims such as those for pain, suffering, defamation, or assault abate upon the death of the claimant and cannot be pursued by or against legal representatives."

Explanation: (a) Incorrect. Not every pending claim passes to legal representatives, since personal injury claims such as defamation abate on the death of the claimant and cannot be pursued by them.

(b) Incorrect. A defamation claim is purely personal and is not treated as a claim relating to financial loss or the estate, so it does not survive as part of the estate.

(c) Correct. A defamation claim is a personal injury claim that abates upon the death of the claimant and cannot be pursued by legal representatives.

(d) Incorrect. Legal representatives may continue claims relating to financial loss, property, or the estate, so the bar is specific to personal injury claims and is not absolute.

2. Correct Answer: (b) Statements ii and iii

Reference Line: "The exceptions are narrowly drawn and cover causes of action for defamation, assault, other personal injuries not causing death, and cases where the relief sought would become infructuous or nugatory upon death."

Explanation: (a) Incorrect. Statement ii is false, but statement iii is also false because defamation is one of the narrowly drawn exceptions, so naming only ii is incomplete.

(b) Correct. Statement ii is false because the section makes survivability the rule and extinction the exception, and statement iii is false because defamation is an exception that does not survive to the legal representatives.

(c) Incorrect. Statement i is true since the general rule is that all rights survive, and statement iv is true since the exceptions are narrowly drawn, so neither is false.

(d) Incorrect. Statements ii and iii are false, but statement iv is true because the exceptions are narrowly drawn, so including iv makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as Order XXII cannot enlarge survivable claims.

Reference Line: "However, Order XXII is purely procedural in character and cannot enlarge the class of survivable claims beyond what substantive law under Section 306 of the Indian Succession Act, 1925 permits."

Explanation: (a) Incorrect. Order XXII is purely procedural and cannot enlarge the class of survivable claims beyond what the substantive law permits, so it cannot validate the declaration.

(b) Incorrect. Consent of the substituted party cannot expand survivability, since procedure cannot override the substantive framework that determines which claims survive.

(c) Incorrect. Procedure does not prevail over substance, and the procedural rule cannot be used to circumvent the substantive framework even where it appears to fill a gap.

(d) Correct. Order XXII is procedural and cannot enlarge the class of survivable claims beyond what substantive law permits, so the declaration is untenable.

4. Correct Answer: (c) Survival must be assessed as on the date of death of the party.

Reference Line: "The Supreme Court held that the question of whether the right to sue survives must be assessed as on the date of death of the party, and not at any subsequent stage of the proceedings."

Explanation: (a) Incorrect. The relevant reference point is not the date of institution, since the character of the cause of action is fixed at the moment of death and not when the suit was filed.

(b) Incorrect. Survival is not judged at the final judgment, because assessing it at a later stage would allow the nature of the claim to be altered by subsequent events.

(c) Correct. The Court held that survival of the right to sue must be assessed as on the date of death of the party and not at any subsequent stage of the proceedings.

(d) Incorrect. The date of substitution is a later procedural step, whereas survivability crystallises at the date of death, so it cannot be the reference point.

5. Correct Answer: (c) The Fatal Accidents Act, 1855

Reference Line: "The Fatal Accidents Act, 1855 confers a statutory right of action on the legal representatives of a person whose death is caused by the wrongful act, neglect, or default of another."

Explanation: (a) Incorrect. The Indian Succession Act, 1925 governs the general survival of demands and rights of action, but it does not create the specific right arising from a death caused by another's wrongful act.

(b) Incorrect. The Code of Civil Procedure, 1908 deals with the procedural substitution of parties and does not confer any substantive right of action on legal representatives.

(c) Correct. The Fatal Accidents Act, 1855 confers a statutory right of action on the legal representatives of a person whose death is caused by the wrongful act, neglect, or default of another.

(d) Incorrect. The Consumer Protection Act, 2019 governs consumer complaints and deficiency in service, not the right of action arising from a death caused by another's wrongful act.

4. Accused May Exhibit Chargesheet Documents Without Formal Signature Proof

1. Correct Answer: (c) No, because undisputed genuineness lets the document be read without proof of signature.

Reference Line: "Where genuineness is not disputed, the document may be read in evidence without proof of the signature of the person to whom it purports to be signed."

Explanation: (a) Incorrect. The provision dispenses with formal proof where genuineness is undisputed, so it is not true that every document requires proof of signature before being read.

(b) Incorrect. Once genuineness is admitted, the document may be read without proof of the signature, so admission of genuineness does precisely dispense with that proof.

(c) Correct. Where genuineness is not disputed, the document may be read in evidence without proof of the signature of the person to whom it purports to be signed.

(d) Incorrect. The dispensing with proof follows from the absence of dispute over genuineness, not from any unilateral decision of the prosecution.

2. Correct Answer: (a) Statement iii

Reference Line: "Where a party does not dispute the genuineness of a document, no formal proof of signature is required and the document becomes receivable in evidence by operation of law."

Explanation: (a) Correct. Statement iii alone is false, because a document whose genuineness is undisputed becomes receivable by operation of law and needs no separate formal proof.

(b) Incorrect. Statement iii is rightly false, but statement i is true since undisputed genuineness dispenses with formal proof of signature, so i should not be included.

(c) Incorrect. Statement iii is rightly false, but statement iv is true because the mechanism is designed to prevent delays from formalistic proof, so iv should not appear.

(d) Incorrect. Only statement iii is false, while statements i and iv are both true, so grouping them with iii makes this option wrong.

3. Correct Answer: (d) The declaration is erroneous, as a ratio is confined to its provision and factual matrix.

Reference Line: "The ratio decidendi of a judgment is binding only in the context of the legal provision and factual matrix in which it was rendered."

Explanation: (a) Incorrect. A ratio does not apply uniformly across all provisions, since it is binding only in the context of the legal provision and factual matrix in which it was rendered.

(b) Incorrect. Mere presence of two provisions in the same statute does not authorise transplanting a ratio, as applicability turns on the provision and facts in issue, not the parent enactment.

(c) Incorrect. A rough resemblance of facts is insufficient, because mechanical application without examining whether the ratio fits the facts and provision in issue is a legal error.

(d) Correct. The ratio decidendi is binding only in the context of the provision and factual matrix in which it was rendered, so applying it across provisions without that exercise is erroneous.

4. Correct Answer: (b) It is eligible to be exhibited by the accused without formal proof of signatures.

Reference Line: "Such documents are eligible to be exhibited by the accused under Section 294 CrPC without formal proof of signatures, subject to the prosecution's right to dispute their genuineness at the appropriate stage of proceedings."

Explanation: (a) Incorrect. A chargesheet document is already on record before the court, so it need not be independently re-filed by the accused before being exhibited.

(b) Correct. A document forming part of the chargesheet is eligible to be exhibited by the accused without formal proof of signatures, subject to the prosecution's right to dispute its genuineness.

(c) Incorrect. The provision dispenses with formal proof of signatures for such documents, so it is wrong that the prosecution must first prove every signature.

(d) Incorrect. Such documents are expressly eligible to be exhibited by the accused, so the claim that they can never be exhibited is incorrect.

5. Correct Answer: (c) Section 296

Reference Line: "Section 296 CrPC provides that evidence of any person whose testimony is of a formal character may be given by affidavit instead of oral examination, and may be read in evidence in any inquiry, trial, or other proceeding, subject to all just exceptions."

Explanation: (a) Incorrect. Section 173 concerns the report of the investigating agency on completion of investigation, not the giving of formal evidence by affidavit.

(b) Incorrect. Section 294 deals with the admission and denial of documents and dispenses with formal proof of signatures, operating in a domain distinct from formal oral testimony.

(c) Correct. Section 296 provides that evidence of a person whose testimony is of a formal character may be given by affidavit instead of oral examination, subject to all just exceptions.

(d) Incorrect. Section 313 relates to the power to examine the accused, and has nothing to do with leading formal evidence by affidavit.

5. Child's Right to Mother-Tongue Education Protected under Article 19(1)(a)

1. Correct Answer: (c) No, because the curriculum must, as far as practicable, be in the mother tongue.

Reference Line: "Section 29(2)(f) of the Right of Children to Free and Compulsory Education Act, 2009 requires that the curriculum and evaluation procedure for elementary education shall, as far as practicable, be in the child's mother tongue."

Explanation: (a) Incorrect. The Act requires the curriculum and evaluation to be in the mother tongue as far as practicable, so the medium is not left solely to the State's choice.

(b) Incorrect. The provision treats mother tongue curriculum as a requirement subject to practicability, not as something wholly optional.

(c) Correct. The curriculum and evaluation procedure shall, as far as practicable, be in the child's mother tongue, so the State's denial of any obligation is wrong.

(d) Incorrect. The obligation is qualified by "as far as practicable" and does not amount to a rigid compulsion that every subject be taught in the mother tongue.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "While Article 19(1)(a) guarantees freedom of speech and expression, Article 19(2) permits the State to impose reasonable restrictions on this right in the interests of the sovereignty and integrity

of India, the security of the State, friendly relations with foreign States, public order, decency or morality, contempt of court, defamation, or incitement to an offence."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because friendly relations with foreign States is a recognised ground, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the right is not absolute, and statement iv is false since friendly relations with foreign States is expressly a permissible ground of restriction.

(c) Incorrect. Statement i is true because public order is a ground, and statement iii is true because defamation is a ground, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since defamation is a permissible ground, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as linguistic inclusivity in education is a constitutional obligation.

Reference Line: "The Court read this provision conjunctively with Articles 19(1)(a) and 21A to locate a comprehensive constitutional mandate for mother tongue-based instruction, reinforcing that linguistic inclusivity in education is not a policy preference but a constitutional obligation."

Explanation: (a) Incorrect. The Court held that linguistic inclusivity in education is not a policy preference but a constitutional obligation, so the declaration cannot be valid.

(b) Incorrect. The size of the linguistic minority does not convert the obligation into a discretionary choice, as Article 350A directs every State to endeavour to provide such facilities.

(c) Incorrect. Article 350A concerns facilities for instruction in the mother tongue at the primary stage, so the duty does not arise solely at the secondary stage.

(d) Correct. Linguistic inclusivity in education is a constitutional obligation and not a mere policy preference, so the refusal is untenable.

4. Correct Answer: (b) The right to receive education in one's own mother tongue

Reference Line: "The Supreme Court held that this guarantee necessarily encompasses the right to receive information in a form that is both meaningful and comprehensible, and that the right to receive education in one's mother tongue finds its normative basis in this provision."

Explanation: (a) Incorrect. The guarantee was read to protect the individual's right to understand and process information, not to confer on the State a power to prescribe a single national medium.

(b) Correct. The Court held that the right to receive education in one's mother tongue finds its normative basis in Article 19(1)(a).

(c) Incorrect. The Court located the right to receive comprehensible information and mother tongue education within the provision, not a general right to free legal aid in educational disputes.

(d) Incorrect. Article 19(1)(a) was read to support meaningful and comprehensible education, not a right to compulsory higher education for every citizen.

5. Correct Answer: (c) Article 21A

Reference Line: "Article 21A, inserted by the Constitution (Eighty-sixth Amendment) Act, 2002, guarantees the right to free and compulsory education to all children between the ages of six and fourteen years."

Explanation: (a) Incorrect. Article 21 guarantees the right to life and personal liberty and is not the

specific provision conferring free and compulsory education on children of that age.

(b) Incorrect. Article 45 is a Directive Principle now concerning early childhood care and education for children below six years, not the fundamental right under discussion.

(c) Correct. Article 21A, inserted by the Eighty-sixth Amendment, guarantees the right to free and compulsory education to all children between the ages of six and fourteen years.

(d) Incorrect. Article 350A directs the provision of facilities for instruction in the mother tongue at the primary stage and does not itself guarantee free and compulsory education.

6. 2005 Amendment Does Not Limit Daughters' Pre-Existing Inheritance Rights

1. Correct Answer: (c) No, because her Section 8 right accrues independently at the father's intestate death.

Reference Line: "A daughter's right under Section 8 accrues at the moment of the father's intestate death and is entirely independent of the coparcenary rights conferred by the 2005 amendment, meaning the amendment neither creates nor extinguishes this right."

Explanation: (a) Incorrect. A daughter's right under Section 8 is independent of the 2005 coparcenary amendment, so it is wrong to say her only claim arises from that amendment.

(b) Incorrect. Class I heirs expressly include daughters, who take the property simultaneously with other Class I heirs, so the premise that they are excluded is false.

(c) Correct. A daughter's right under Section 8 accrues at the moment of the father's intestate death and is entirely independent of the coparcenary rights conferred by the 2005 amendment.

(d) Incorrect. Class I heirs, including daughters and sons, take simultaneously, so it is wrong that daughters always take to the exclusion of sons.

2. Correct Answer: (b) Statements ii and iii

Reference Line: "This is a saving clause of limited scope, confined in operation to the new coparcenary rights conferred by Section 6(1), and does not extinguish the independent succession rights of Class I heirs under Section 8."

Explanation: (a) Incorrect. Statement iii is false, but statement ii is also false because the clause provides a defence on merits and is not a jurisdictional bar, so naming only iii is incomplete.

(b) Correct. Statement ii is false since the saving clause is a defence on merits and not a jurisdictional bar, and statement iii is false since it does not extinguish the independent Section 8 rights of Class I heirs.

(c) Incorrect. Statement i is true because the clause is confined to the new coparcenary rights, and statement iv is true because partition means one by registered deed or court decree, so neither is false.

(d) Incorrect. Statements ii and iii are false, but statement iv is true since partition is so defined, so including iv makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as rejection requires a bar clear on the face of the plaint.

Reference Line: "This provision applies only where the bar is clear and apparent on the face of the plaint itself, and cannot be invoked where disputed questions of fact remain to be determined at trial."

Explanation: (a) Incorrect. Order VII Rule 11(d) applies only where the bar is clear and apparent on the face of the plaint, so a merely pleaded defence does not automatically operate as a bar of law.

- (b) Incorrect. The status of the defendant as a Class I heir is irrelevant, since rejection turns on whether a bar is apparent on the face of the plaint, not on who raises it.
- (c) Incorrect. The court must take the plaint at face value and cannot conduct a mini-trial, so it may not resolve disputed factual questions summarily under this provision.
- (d) Correct. Rejection under Order VII Rule 11(d) requires a bar clear and apparent on the face of the plaint and cannot be invoked where disputed questions of fact remain for trial, so the declaration is untenable.

4. Correct Answer: (a) The status of a coparcener by birth, in the same manner as a son

Reference Line: "The Hindu Succession (Amendment) Act, 2005 substituted Section 6 of the Hindu Succession Act, 1956 to confer upon a daughter of a coparcener in a Mitakshara joint Hindu family the status of a coparcener by birth, in the same manner as a son, with the same rights and liabilities in coparcenary property."

Explanation: (a) Correct. The amendment conferred upon a daughter the status of a coparcener by birth, in the same manner as a son, with the same rights and liabilities in coparcenary property.

(b) Incorrect. The amendment made the daughter a coparcener by birth, not a Class II heir taking only after Class I heirs.

(c) Incorrect. The status is conferred by birth in the same manner as a son and does not depend upon the death of the father.

(d) Incorrect. The daughter acquires the same rights and liabilities in coparcenary property, which includes coparcenary rights and not a mere entitlement to maintenance without partition.

5. Correct Answer: (c) Section 11

Reference Line: "The doctrine of res judicata, codified under Section 11 of the Code of Civil Procedure, 1908, bars the relitigation of issues that have been finally decided between the same parties or parties claiming under them."

Explanation: (a) Incorrect. Section 9 deals with the jurisdiction of civil courts to try suits of a civil nature and does not codify the doctrine of res judicata.

(b) Incorrect. Section 10 concerns the stay of a subsequently instituted suit where the matter is already pending, which is the rule of res sub judice, not res judicata.

(c) Correct. The doctrine of res judicata is codified under Section 11 of the Code of Civil Procedure, 1908 and bars relitigation of issues finally decided between the same parties or those claiming under them.

(d) Incorrect. Order VII Rule 11 deals with the rejection of plaints and not with the bar on relitigating finally decided issues.

7. Threat to Upload Woman's Bathing Video Constitutes Criminal Intimidation Under Section 506 IPC

1. Correct Answer: (c) Yes, because he threatened injury to property to compel an act not legally bound.

Reference Line: "Criminal intimidation under Section 503 of the Indian Penal Code, 1860 (Section 351 of the Bharatiya Nyaya Sanhita, 2023) consists of threatening another person with injury to their person, reputation, or property, or to the person or reputation of anyone in whom they are interested, with intent to cause alarm or to compel them to do an act they are not legally bound to do, or to omit an act they are legally entitled to do."

Explanation: (a) Incorrect. A threat of injury to property is expressly within criminal intimidation, so it is

wrong that a threat to property cannot amount to the offence.

(b) Incorrect. The offence covers threats to person, reputation, or property, and is not confined to threats of bodily harm alone.

(c) Correct. Vikram threatened injury to Suresh's property with intent to compel him to do an act he was not legally bound to do, which squarely constitutes criminal intimidation.

(d) Incorrect. The offence requires a threat of injury made with the specified intent, so a mere disagreement between neighbours does not by itself amount to intimidation.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "Section 106 of the Indian Evidence Act, 1872 (Section 109 of the Bharatiya Sakshya Adhiniyam, 2023) places the burden of proving a fact especially within a person's knowledge on that person, and this especial knowledge extends to the private interpersonal realm of an intimate relationship, not merely to physical or enclosed spaces."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the burden shifts to the person with especial knowledge and does not always rest on the prosecution, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the especial knowledge is not limited to physical or enclosed spaces, and statement iv is false since the burden lies on the person with especial knowledge rather than always on the prosecution.

(c) Incorrect. Statement i is true because the burden lies on the person with especial knowledge, and statement iii is true because that knowledge extends to an intimate relationship, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the especial knowledge extends to the private interpersonal realm, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as a court may presume facts from the ordinary course of conduct.

Reference Line: "Section 114 of the Indian Evidence Act, 1872 (Section 119 of the Bharatiya Sakshya Adhiniyam, 2023) permits a court to presume the existence of facts having regard to the common course of natural events and ordinary human conduct, allowing inferences consistent with normal behaviour in established relationships."

Explanation: (a) Incorrect. The court is permitted to presume the existence of facts having regard to natural events and human conduct, so it is wrong that courts are barred from presuming any fact.

(b) Incorrect. The power to presume facts is not confined to documentary evidence, since it rests on the common course of natural events and ordinary human conduct generally.

(c) Incorrect. The provision itself allows the court to draw inferences from ordinary conduct, so presumptions are not limited to those expressly created by other statutes.

(d) Correct. A court may presume the existence of facts having regard to the common course of natural events and ordinary human conduct, so the refusal to draw any such inference is untenable.

4. Correct Answer: (b) It is penalised as voyeurism, being the covert recording the provision guards against.

Reference Line: "Section 354C of the Indian Penal Code, 1860 (Section 77 of the Bharatiya Nyaya Sanhita, 2023) penalises watching or capturing the image of a woman engaging in a private act in circumstances

where she would expect privacy, and protects against the very kind of covert recording involved where a woman is filmed while bathing."

Explanation: (a) Incorrect. The offence turns on capturing the image of a woman in a private act where she expects privacy, so the act being inside a private dwelling does not take it outside the provision.

(b) Correct. The provision penalises capturing the image of a woman engaging in a private act where she expects privacy and guards against the very kind of covert recording involved in filming a woman while bathing.

(c) Incorrect. The offence lies in watching or capturing the image in such circumstances, and is not made dependent on the recording being subsequently shared.

(d) Incorrect. Liability arises from the covert recording in circumstances of expected privacy and does not require that the woman had expressly forbidden it.

5. Correct Answer: (a) The witness must be confronted with the specific contradiction relied upon.

Reference Line: "Section 145 of the Indian Evidence Act, 1872 (Section 148 of the Bharatiya Sakshya Adhiniyam, 2023) read with Section 162 of the Code of Criminal Procedure, 1973 (Section 181 of the Bharatiya Nagarik Suraksha Sanhita, 2023) governs how a prior police statement under Section 161 of the Code of Criminal Procedure, 1973 (Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023) may be used to contradict a witness, requiring the witness to be confronted with the specific contradiction."

Explanation: (a) Correct. The governing provisions require the witness to be confronted with the specific contradiction before the prior police statement can be used to contradict the witness.

(b) Incorrect. What is required is confronting the witness with the specific contradiction, not reading out the entire prior statement in full to the court.

(c) Incorrect. The use of the prior statement to contradict is a matter governed by the procedure of confrontation, not a decision left to the investigating officer.

(d) Incorrect. The contradiction cannot be used freely, since the witness must first be confronted with the specific contradiction relied upon.

8. Injury Severity Alone Insufficient for Attempt to Murder Conviction

1. Correct Answer: (c) Yes, because he caused a fracture intending grievous hurt without intent to kill.

Reference Line: "Section 325 of the Indian Penal Code, 1860 (Section 117(2) of the Bharatiya Nyaya Sanhita, 2023) punishes the voluntary causing of grievous hurt, and it operates as the appropriate lesser offence where the assailant intended or knew his act would cause grievous hurt but lacked the intention to cause death."

Explanation: (a) Incorrect. A fracture of a bone is designated grievous hurt, so a single blow that fractures the bone can amount to grievous hurt.

(b) Incorrect. Where the intention is to cause grievous hurt and not death, the offence is voluntarily causing grievous hurt, not attempt to murder, so a fracture need not be charged as attempt to murder.

(c) Correct. Rohit caused a fracture intending grievous hurt but lacked the intention to cause death, which is precisely the situation in which voluntarily causing grievous hurt operates as the appropriate offence.

(d) Incorrect. The offence depends on grievous hurt being caused with the requisite intent or knowledge, so it is wrong that every assault with a stick is grievous hurt in law.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "The expression such intention in Section 307 draws its meaning from Section 300 of the Indian Penal Code, 1860 (Section 101 of the Bharatiya Nyaya Sanhita, 2023), so the relevant intention is the intention to cause death, or to cause injury the offender knows is likely to cause death, or to cause injury sufficient in the ordinary course of nature to cause death."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the required intention is expressly drawn from the definition of murder, so naming only ii is incomplete.

(b) Correct. Statement ii is false since an intention to cause any trivial hurt does not satisfy the requirement, and statement iv is false since the intention draws its very meaning from the definition of murder.

(c) Incorrect. Statement i is true because the intention to cause death is included, and statement iii is true because injury sufficient in the ordinary course of nature to cause death suffices, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since such injury suffices, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as joint liability requires a common intention of all.

Reference Line: "Section 34 of the Indian Penal Code, 1860 (Section 3 sub-section 5 of the Bharatiya Nyaya Sanhita, 2023) fastens joint liability where a criminal act is done by several persons in furtherance of the common intention of all, making each participant liable as if the act were done by him alone."

Explanation: (a) Incorrect. Joint liability is fastened only where the act is done in furtherance of the common intention of all, so mere presence together does not always fasten such liability.

(b) Incorrect. The relationship between the persons is immaterial, since what is required is that the act be done in furtherance of a common intention, not that the participants be related.

(c) Incorrect. Common intention is the operative requirement and cannot be assumed from numbers alone, since liability rests on furtherance of a shared intention.

(d) Correct. Joint liability under this provision arises only where the criminal act is done in furtherance of the common intention of all, so the claim that mere presence suffices is untenable.

4. Correct Answer: (b) An overt act done towards the commission of the offence

Reference Line: "Section 307 of the Indian Penal Code, 1860 (Section 109 of the Bharatiya Nyaya Sanhita, 2023) penalises any act done with such intention or knowledge and in such circumstances that, if it caused death, the offender would be guilty of murder, and it requires both the intention or knowledge to cause death and an overt act towards its commission."

Explanation: (a) Incorrect. The offence requires an overt act towards the commission of the offence, not a confession by the accused admitting the intention.

(b) Correct. Besides the intention or knowledge to cause death, the offence requires an overt act done towards its commission.

(c) Incorrect. The provision penalises the act done with the requisite intention or knowledge even if death does not result, so the actual death of the victim is not a required element.

(d) Incorrect. What is required is an overt act towards commission of the offence, not a prior threat communicated to the intended victim.

5. Correct Answer: (b) Section 320

Reference Line: "Section 320 of the Indian Penal Code, 1860 (Section 116 of the Bharatiya Nyaya Sanhita, 2023) exhaustively designates certain kinds of hurt as grievous, including fracture or dislocation of a bone or tooth and any hurt that endangers life or causes the sufferer prolonged severe bodily pain or incapacity."

Explanation: (a) Incorrect. Section 319 defines hurt in general terms and does not designate the specific categories that constitute grievous hurt.

(b) Correct. Section 320 exhaustively designates certain kinds of hurt as grievous, including the fracture or dislocation of a bone or tooth.

(c) Incorrect. Section 321 deals with voluntarily causing hurt and not with the enumeration of the kinds of hurt that are grievous.

(d) Incorrect. Section 325 prescribes the punishment for voluntarily causing grievous hurt, but it is not the provision that designates the categories of grievous hurt.

9. Principles On Promissory Estoppel

1. Correct Answer: (c) No, because the doctrine applies with full force against the State.

Reference Line: "The doctrine applies with full force against the State, its departments, statutory corporations, and other instrumentalities falling within the meaning of State under Article 12 of the Constitution of India, which cannot arbitrarily go back on a solemn representation acted upon by another."

Explanation: (a) Incorrect. The doctrine applies with full force against the State, so the claim of complete immunity from promissory estoppel is wrong.

(b) Incorrect. The doctrine binds the State and its instrumentalities just as it binds private promisors, so it is not confined to private parties.

(c) Correct. Promissory estoppel applies with full force against the State, which cannot arbitrarily go back on a solemn representation acted upon by another.

(d) Incorrect. The State is precluded from arbitrarily resiling from a solemn representation acted upon, but this is not the same as being bound by every representation it has ever made.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "In India, estoppel is codified as a rule of evidence under Section 115 of the Indian Evidence Act, 1872 (Section 121 of the Bharatiya Sakshya Adhinyam, 2023), and is essentially defensive, whereas promissory estoppel is a rule of equity that, under Indian law, can also furnish an independent cause of action."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because promissory estoppel is a rule of equity and not identical to codified estoppel, so naming only ii is incomplete.

(b) Correct. Statement ii is false since codified estoppel is essentially defensive and not offensive, and statement iv is false since promissory estoppel is a rule of equity rather than a rule of evidence identical to codified estoppel.

(c) Incorrect. Statement i is true since estoppel is codified as a rule of evidence under Section 115, and statement iii is true since promissory estoppel can furnish an independent cause of action, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since promissory estoppel can found

an independent cause of action, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as estoppel cannot create an entitlement contrary to policy.

Reference Line: "Promissory estoppel cannot be invoked to compel a benefit that was never intended under the governing scheme, nor to create an entitlement contrary to the true scope and intent of a policy, and it cannot operate to defeat or enlarge statutory provisions."

Explanation: (a) Incorrect. Promissory estoppel cannot be invoked to compel a benefit never intended under the scheme, so it cannot override any policy or statute as claimed.

(b) Incorrect. The size of the expenditure cannot enable the doctrine to confer a benefit the scheme never intended, since estoppel cannot create an entitlement contrary to the policy.

(c) Incorrect. The doctrine cannot operate to enlarge statutory provisions at all, so the claim that it may enlarge a statute even marginally is wrong.

(d) Correct. Promissory estoppel cannot create an entitlement contrary to the true scope and intent of a policy, nor defeat or enlarge statutory provisions, so the declaration is untenable.

4. Correct Answer: (b) Altering position in reliance on the promise is sufficient without proving detriment.

Reference Line: "It is not necessary for the promisee to prove actual detriment, and it is sufficient that the promisee has altered its position in reliance on the promise, such as by making substantial investment, incurring liabilities, or establishing industrial infrastructure on the faith of the representation."

Explanation: (a) Incorrect. It is not necessary for the promisee to prove actual detriment, so the claim that detriment must be proved in every case is wrong.

(b) Correct. It is sufficient that the promisee has altered its position in reliance on the promise, such as by establishing industrial infrastructure, without proving actual detriment.

(c) Incorrect. What matters is the alteration of position in reliance on the promise, not whether the infrastructure has already become profitable.

(d) Incorrect. Altering position in reliance suffices and proof of detriment is not required, so insisting on both detriment and a written contract is incorrect.

5. Correct Answer: (a) A clear unequivocal promise acted upon becomes binding on the promisor

Reference Line: "It is a principle evolved by equity to prevent injustice, under which a clear, unequivocal, and unambiguous promise intended to create or affect a legal relationship, made knowing it would be acted upon and in fact acted upon, becomes binding on the promisor, who cannot then resile from it."

Explanation: (a) Correct. The doctrine renders a clear, unequivocal, and unambiguous promise, made knowing it would be acted upon and in fact acted upon, binding on the promisor who cannot then resile from it.

(b) Incorrect. The doctrine requires a clear and unequivocal promise intended to be acted upon, so a vague assurance not intended to be acted upon does not bind the promisor.

(c) Incorrect. The doctrine can render a promise binding even without consideration, so it is wrong that the promise binds only when supported by consideration and a written deed.

(d) Incorrect. Once a promise has been acted upon the promisor cannot resile from it, so it cannot be

freely withdrawn after being acted upon.

10. Appellate Court Reversing Acquittal Must Itself Hear Convict on Sentence

1. Correct Answer: (c) No, because a false marriage promise with no intent vitiates the consent.

Reference Line: "Rape is defined under Section 375 of the Indian Penal Code, 1860 (Section 63 of the Bharatiya Nyaya Sanhita, 2023) and punishable under Section 376 (Section 64 of the Bharatiya Nyaya Sanhita, 2023), and consent obtained on a false promise of marriage held out with no intention to fulfil it is vitiated by misconception of fact and is not valid consent."

Explanation: (a) Incorrect. Consent obtained on a false promise of marriage with no intention to fulfil it is vitiated by misconception of fact, so it is wrong that any consent defeats the charge.

(b) Incorrect. A false promise of marriage held out to obtain consent is directly connected with the validity of that consent, so the claim that it is unconnected is wrong.

(c) Correct. Consent obtained on a false promise of marriage held out with no intention to fulfil it is vitiated by misconception of fact and is not valid consent.

(d) Incorrect. What vitiates consent is a promise made with no intention to fulfil it, so it is not every breach of a marriage promise that by itself amounts to rape.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "Under Section 386(a), once an appellate court reverses an acquittal and records a conviction, the judicial function of imposing an appropriate sentence vests in that court alone, and it cannot abdicate this function by relegating the matter to the trial court merely for sentencing."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the appellate court is not required to send the matter to the trial court, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the appellate court cannot abdicate the sentencing function by relegating it to the trial court, and statement iv is false since it is not bound to send the matter to the trial court for sentencing.

(c) Incorrect. Statement i is true because the sentencing function vests in the appellate court alone, and statement iii is true because that court is competent to impose the sentence, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the appellate court is competent to impose the sentence, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as the court may reverse the acquittal and pass sentence.

Reference Line: "Section 386 of the Code of Criminal Procedure, 1973 (Section 427 of the Bharatiya Nagarik Suraksha Sanhita, 2023) enumerates the powers of an appellate court, and in an appeal from acquittal it may reverse the acquittal and direct further inquiry, order retrial or committal, or find the accused guilty and pass sentence on him according to law."

Explanation: (a) Incorrect. In an appeal from acquittal the appellate court may reverse the acquittal and pass sentence, so its powers are not confined to dismissing the appeal.

(b) Incorrect. The enumerated powers do not depend on whether the offence was minor, so the gravity of the offence does not limit the court to dismissal.

(c) Incorrect. The court may not only order a retrial but also find the accused guilty and pass sentence, so

the claim that it cannot record a conviction is wrong.

(d) Correct. In an appeal from acquittal the court may reverse the acquittal, order a retrial, or find the accused guilty and pass sentence according to law, so the declaration is untenable.

4. Correct Answer: (b) Hear the accused on the question of sentence before passing it

Reference Line: "Section 235 of the Code of Criminal Procedure, 1973 (Section 258 of the Bharatiya Nagarik Suraksha Sanhita, 2023) requires the Sessions Judge to deliver judgment after hearing arguments, and where the accused is convicted, to hear him on the question of sentence before passing sentence according to law, unless the court proceeds under the probation provision."

Explanation: (a) Incorrect. The provision requires the judge to hear the accused on the question of sentence, not to refer that question to a higher court for its opinion.

(b) Correct. Where the accused is convicted, the judge must hear him on the question of sentence before passing sentence according to law.

(c) Incorrect. The requirement is to hear the accused on sentence before passing it, not to impose the maximum prescribed sentence at once.

(d) Incorrect. The accused must be heard on the question of sentence, so pronouncing sentence without any further hearing would be contrary to the provision.

5. Correct Answer: (a) Section 312

Reference Line: "Section 312 of the Indian Penal Code, 1860 (Section 88 of the Bharatiya Nyaya Sanhita, 2023) penalises voluntarily causing a woman with child to miscarry where it is not done in good faith to save her life, and it extends to one who induces or causes the woman to consume substances to terminate her pregnancy."

Explanation: (a) Correct. Section 312 penalises voluntarily causing a woman with child to miscarry where it is not done in good faith to save her life.

(b) Incorrect. Section 313 deals with causing miscarriage without the woman's consent, which is a distinct and aggravated offence, and is not the provision described here.

(c) Incorrect. Section 314 concerns death caused by an act done with intent to cause miscarriage, not the basic offence of voluntarily causing miscarriage.

(d) Incorrect. Section 316 deals with causing the death of a quick unborn child by an act amounting to culpable homicide, which is different from voluntarily causing miscarriage under the provision in question.

11. Right to Trauma Care is Part of Right to Life

1. Correct Answer: (c) Yes, because a Good Samaritan acting in good faith is shielded from such liability.

Reference Line: "Section 134A of the Motor Vehicles Act, 1988 protects a Good Samaritan, who voluntarily and in good faith aids an accident victim, from civil and criminal liability and from compulsion to disclose personal details, thereby removing the fear of legal entanglement that deters bystanders from assisting."

Explanation: (a) Incorrect. A Good Samaritan is protected from compulsion to disclose personal details and from legal entanglement, so it is wrong that such a person must always be made a witness.

(b) Incorrect. The protection extends to a Good Samaritan who voluntarily and in good faith aids a victim and is not confined to trained medical staff.

(c) Correct. A Good Samaritan who voluntarily and in good faith aids an accident victim is shielded from civil and criminal liability and from compulsion to disclose personal details.

(d) Incorrect. The provision shields a Good Samaritan who actually aids a victim in good faith, and does not declare that any person merely near an accident is free of all duties.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "The protection of life and personal liberty under Article 21 is available to every person, citizen and foreigner alike, and the obligation it imposes operates against the State as defined in the Constitution."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because a foreigner present in India can claim the protection, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the protection is available to citizen and foreigner alike, and statement iv is false since a foreigner present in India can indeed claim the protection of Article 21.

(c) Incorrect. Statement i is true because the protection is available to every person, and statement iii is true because the obligation operates against the State, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the obligation operates against the State, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as mandamus commands performance of a public duty.

Reference Line: "Mandamus is a command issued by a constitutional court directing a public authority to perform a public or statutory duty that it has failed to discharge, and it is the appropriate remedy to compel the State to implement schemes and obligations it is legally bound to fulfil."

Explanation: (a) Incorrect. Mandamus is precisely a command directing a public authority to perform a public duty it has failed to discharge, so it is wrong that no court can ever command such an authority.

(b) Incorrect. Mandamus lies to compel the performance of a public or statutory duty and is not limited only to duties that are administrative in nature.

(c) Incorrect. The remedy is a command and not mere advice, so the claim that a court may only advise but never command is wrong.

(d) Correct. Mandamus is a command directing a public authority to perform a public or statutory duty it has failed to discharge, so the declaration that such performance is beyond judicial compulsion is untenable.

4. Correct Answer: (b) The right to timely emergency medical aid after an accident

Reference Line: "The right to health and timely medical aid is read as an inseparable component of the right to life under Article 21, so that access to emergency trauma care during the critical period after an accident becomes a constitutionally protected entitlement enforceable against the State."

Explanation: (a) Incorrect. What is read into the right to life in this context is timely emergency medical aid, not a right to free higher education for every accident victim.

(b) Correct. The right to health and timely medical aid is read as an inseparable component of the right to life, making access to emergency trauma care a constitutionally protected entitlement.

(c) Incorrect. The component read into Article 21 here is access to timely emergency care, not a right to monetary compensation irrespective of fault.

(d) Incorrect. The entitlement is to timely emergency trauma care enforceable against the State, not a right to choose any hospital anywhere in the world.

5. Correct Answer: (c) Golden hour

Reference Line: "The expression golden hour, defined under Section 2(12A) of the Motor Vehicles Act, 1988, refers to the period of one hour following a traumatic injury during which prompt medical care has the highest likelihood of preventing death, and it underlies the constitutional emphasis on swiftness in emergency response."

Explanation: (a) Incorrect. The defined expression under the Act is the golden hour, not the trauma window, which is not the statutory term.

(b) Incorrect. The Act defines the period as the golden hour and not the critical interval, so this is not the correct expression.

(c) Correct. The expression golden hour, defined under Section 2(12A) of the Motor Vehicles Act, 1988, refers to the period of one hour following a traumatic injury during which prompt medical care has the highest likelihood of preventing death.

(d) Incorrect. The statutory expression is the golden hour, not the emergency span, which is not used in the Act.

12. Arbitrator's Section 16 Decision Not Challengeable Under Writ Jurisdiction

1. Correct Answer: (c) No, because a wrong decision within authority is an error on the merits.

Reference Line: "The jurisdiction to decide a question is distinct from the manner in which it is decided, so that a wrong conclusion reached by a tribunal acting within its authority is an error on the merits and not a jurisdictional error that would attract supervisory or writ interference."

Explanation: (a) Incorrect. A wrong conclusion reached within the tribunal's authority is an error on the merits, not a jurisdictional error, so it is wrong that any wrong conclusion is jurisdictional.

(b) Incorrect. The distinction between jurisdiction and the manner of its exercise means a writ court does not correct every mistake on the merits, so this is wrong.

(c) Correct. A wrong conclusion reached by a tribunal acting within its authority is an error on the merits and not a jurisdictional error attracting supervisory or writ interference.

(d) Incorrect. The principle distinguishes errors on the merits from jurisdictional errors but does not say tribunals can never commit a jurisdictional error, so this overstates the position.

2. Correct Answer: (b) Statements ii and iii

Reference Line: "Article 227 of the Constitution of India vests a High Court with the power of superintendence over courts and tribunals within its territory, but this power is supervisory in nature and cannot be used to correct mere errors on the merits or to substitute the court's view for that of the tribunal."

Explanation: (a) Incorrect. Statement ii is false, but statement iii is also false because the High Court cannot substitute its view for that of the tribunal, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the power cannot be used to correct mere errors on the merits, and statement iii is false since the High Court cannot substitute its own view for that of the tribunal.

(c) Incorrect. Statement i is true because the power is supervisory in nature, and statement iv is true because it extends over courts and tribunals within the territory, so neither is false.

(d) Incorrect. Statements ii and iii are false, but statement iv is true since the power extends over courts and tribunals within the High Court's territory, so including iv makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as the stamping question lies within the tribunal's competence.

Reference Line: "The question whether an instrument containing an arbitration clause is duly stamped lies within the competence of the arbitral tribunal, and an objection of insufficient stamping does not oust the tribunal's jurisdiction or justify interruption of the arbitral process by a writ court."

Explanation: (a) Incorrect. An objection of insufficient stamping does not oust the tribunal's jurisdiction, so the declaration that it strips the tribunal of jurisdiction is wrong.

(b) Incorrect. Whether the instrument is a conveyance or otherwise is immaterial, since the stamping question lies within the tribunal's competence regardless of the category of the instrument.

(c) Incorrect. An objection of insufficient stamping does not justify interruption of the arbitral process by a writ court, so a writ court does not pause the arbitration to verify stamping.

(d) Correct. The question whether the instrument is duly stamped lies within the competence of the arbitral tribunal and does not oust its jurisdiction or justify interruption by a writ court, so the declaration is untenable.

4. Correct Answer: (b) To apply for setting aside the resulting award under Section 34

Reference Line: "Under Section 16(5) and 16(6) of the Arbitration and Conciliation Act, 1996, where a jurisdictional plea is rejected the tribunal continues the proceedings and makes an award, and the aggrieved party's remedy is to apply for setting aside that award under Section 34, rather than to seek interlocutory judicial intervention."

Explanation: (a) Incorrect. The scheme directs the party to challenge the eventual award rather than to seek interlocutory judicial intervention, so obtaining an order halting the arbitration is not the remedy.

(b) Correct. Where the jurisdictional plea is rejected, the tribunal continues and makes an award, and the aggrieved party's remedy is to apply for setting aside that award under Section 34.

(c) Incorrect. The remedy lies in challenging the award under Section 34, not in an immediate appeal against the rejection before the High Court.

(d) Incorrect. The tribunal continues the proceedings and makes an award, and the party's remedy is under Section 34, not a demand that the question be referred to a civil court.

5. Correct Answer: (a) Section 5

Reference Line: "Section 5 of the Arbitration and Conciliation Act, 1996 lays down a policy of minimal judicial intervention, providing that no judicial authority shall intervene in matters governed by the Act except where so provided, which underpins the restraint that constitutional courts must exercise during pending arbitration."

Explanation: (a) Correct. Section 5 lays down the policy of minimal judicial intervention, providing that no judicial authority shall intervene in matters governed by the Act except where so provided.

(b) Incorrect. Section 8 concerns the reference of parties to arbitration where an arbitration agreement exists, not the general policy of minimal judicial intervention.

(c) Incorrect. Section 11 deals with the appointment of arbitrators and does not lay down the policy restricting judicial intervention.

(d) Incorrect. Section 16 embodies the tribunal's competence to rule on its own jurisdiction, which is distinct from the Section 5 policy of minimal judicial intervention.

13. SC Permits Euthanasia of Rabid, Terminally Ill & Dangerous Dogs as per Law

1. Correct Answer: (c) No, because euthanasia is confined to categories such as rabid or dangerous animals.

Reference Line: "Under the statutory framework, euthanasia of a stray dog is permissible only as a last resort in the defined categories of incurably ill, terminally injured, rabid, or demonstrably dangerous animals, and only on certification by a qualified veterinary practitioner, so that the Court's order operates within the law rather than overriding it."

Explanation: (a) Incorrect. Euthanasia is permissible only as a last resort in the defined categories, so it cannot be used merely to reduce the numbers of stray dogs.

(b) Incorrect. A certificate alone does not authorise euthanising any stray dog, since the animal must fall within the categories of incurably ill, terminally injured, rabid, or demonstrably dangerous.

(c) Correct. Euthanasia of a stray dog is permissible only in the defined categories such as incurably ill, terminally injured, rabid, or demonstrably dangerous animals, and only on certification by a qualified veterinary practitioner.

(d) Incorrect. Euthanasia is not forbidden in every circumstance, as it is permitted as a last resort in the narrowly defined categories on proper certification.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "Article 21 of the Constitution of India protects the right to life, which includes the right to live in a safe environment, and the State bears a corresponding duty to protect citizens, particularly vulnerable groups such as children and the elderly, from threats to life and bodily safety."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the right to life includes concern for bodily safety, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the State bears a duty to protect citizens from threats to bodily safety, and statement iv is false since the right to life includes the right to live in a safe environment.

(c) Incorrect. Statement i is true because the right to life includes a safe environment, and statement iii is true because the State must particularly protect vulnerable groups, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the State must protect vulnerable groups, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as wilful disobedience of a direction is civil contempt.

Reference Line: "The Contempt of Courts Act, 1971 read with Articles 129 and 215 of the Constitution of India empowers the courts to punish for civil contempt, which includes wilful disobedience of a judgment, direction, or order, thereby furnishing the enforcement mechanism against officers who disregard the Court's directions."

Explanation: (a) Incorrect. Wilful disobedience of a judicial direction constitutes civil contempt punishable by the courts, so it is wrong that such disobedience carries no consequence.

(b) Incorrect. The power to punish for contempt does not depend on whether the direction arose from a petition, since wilful disobedience of any direction is punishable.

(c) Incorrect. The courts are empowered to punish for civil contempt and not merely to warn, so the claim that disobedience can never be punished is wrong.

(d) Correct. Civil contempt includes wilful disobedience of a judgment, direction, or order, and the courts are empowered to punish it, so the declaration is untenable.

4. Correct Answer: (a) Sterilisation and vaccination of stray dogs

Reference Line: "Framed under the Prevention of Cruelty to Animals Act, 1960 and replacing the earlier rules of 2001, these rules make sterilisation and vaccination the primary method of stray dog population control, prohibit the relocation or killing of stray dogs except as permitted, and require every local body to maintain Animal Birth Control centres."

Explanation: (a) Correct. The Rules make sterilisation and vaccination the primary method of stray dog population control.

(b) Incorrect. The Rules prohibit the relocation of stray dogs except as permitted, so mass relocation is not the primary method of control.

(c) Incorrect. The Rules prohibit the killing of stray dogs except as permitted, so routine killing is not the prescribed method of population control.

(d) Incorrect. The primary method prescribed is sterilisation and vaccination, not the permanent confinement of every stray dog.

5. Correct Answer: (b) The Prevention of Cruelty to Animals Act, 1960

Reference Line: "This is the parent legislation governing the treatment and welfare of animals in India, which prohibits cruelty and regulates the limited circumstances in which animals may be subjected to procedures such as euthanasia, requiring that any such procedure be carried out humanely by a registered veterinary practitioner."

Explanation: (a) Incorrect. The Wildlife Protection Act, 1972 deals with the protection of wild animals and plants and is not the parent legislation governing the general welfare of animals.

(b) Correct. The Prevention of Cruelty to Animals Act, 1960 is the parent legislation governing the treatment and welfare of animals in India and prohibits cruelty.

(c) Incorrect. The Environment Protection Act, 1986 is a general environmental statute and is not the parent legislation governing the welfare of animals.

(d) Incorrect. The Animal Birth Control Rules, 2023 are subordinate rules framed under the parent Act and are not the parent legislation itself.

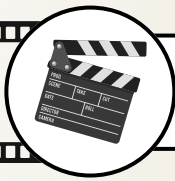
14. Adverse Inference Against Husband for Wife's Death in Matrimonial Home

1. Correct Answer: (c) No, because the burden to explain circumstances within his knowledge shifts to him.

Reference Line: "Where a death occurs within the matrimonial home in circumstances known only to the spouse present, the burden shifts to that spouse to explain those circumstances, and an unexplained or false explanation may itself constitute an incriminating circumstance."

Explanation: (a) Incorrect. Where the circumstances are known only to the spouse present, the burden shifts to that spouse, so it is wrong that the prosecution alone must prove every circumstance.

(b) Incorrect. A spouse present when a death occurs in the matrimonial home is required to explain the circumstances known only to him, so the claim that he need never explain is wrong.



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Super 30 of law entrance bags 5 out of top 10 in AILET and CLAT

ABHI SINGHA ■ NEW DELHI

When your students bag three out of top 10 slots in elite law entrance test - All India Legal Entrance Test or AILET - it speaks volumes about your passion, diligence and grit. Nishant Prakash, the unsung corporate lawyer turned teacher, will simply grin on being congratulated, showing extraordinary humility. The AILET results on Thursday saw a burst of messages and phone calls. Just days ago, Prakash had another round of celebrations with a strike rate of over 90% by his students in the

Common Law Admission Test (CLAT), for admissions to over 20 law universities across India. Out of 60 students that he provided training to, 54 ended up with a seat either in CLAT or AILET. Two of his students featured in top 10 in CLAT as well. Manoj Prakash, the unsung corporate lawyer turned teacher, will simply grin on being congratulated, showing extraordinary humility. The AILET results on Thursday saw a burst of messages and phone calls. Just days ago, Prakash had another round of celebrations with a strike rate of over 90% by his students in the

Delhi with specialising in Intellectual Property Rights, Insurance and Trade Law, says Prakash. However, despite a thriving law career, a decade ago, the passion of teaching took him to rather an unconventional path - of teaching. "Hailing from Bihar, such dramatic shift to my career was frowned upon for it meant checks and wading into uncertain territories. With a mild change of passion should take place. In 2014, he set up Nishant

Prakash Law Classes and in just 10 years, he has established a reputation covered by law aspirants nationwide, transcending the industry to become a leader in education reform, with significant impact on legal education, success of his students, and his out the "boppers" with extraordinary passion. In AILET, Chaitanya Ghosh ranked all no 6, Vidisha Singh at no 10 in CLAT. Aditya Gautam Arshad ranked no 4, Dwik Agarwal no 76. His noteworthy achievements extend beyond coaching as Nishant

Appointed him to advise on the pivotal initiative of "Transforming Legal Education in India," positioning him as a key contributor to national legal education reform. Further solidifying his role in education reform, he is part of a high-level National Education Policy 2020 committee implementing the in the state of Assam reflecting his broader impact on the national education framework. Also, recognised as the "Super Nishant's commitment to education underscores his effectiveness in guiding students to secure admissions in top law schools."



NEW DELHI | SATURDAY | DECEMBER 10, 2020

An Interview With India's leading Educationist; How Important Is To Join Coaching Institute To Crack An Aptitude Based Exam Like CLAT

THE HINDU CLAT candidates aggrieved over 'errors'; consortium denies laxity

Krishnasudhan Ramesh NEW DELHI

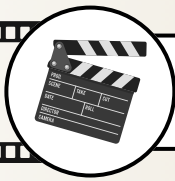
A petition challenging the correctness of the provisional answer key of the postgraduate Common Law Admission Test (CLAT) filed on December 1 for admission to 21 national law universities has been dismissed by the Supreme Court on December 9. The court on the ground of maintainability, orally remarking that litigation in exams tended to delay the Chief Justice of India Sanjay Khan gave the petitioners liberty to approach the National High Court. The petition, filed by Anam Khan and Ayush Agarwal, alleged that the provisional answer key released on December 2 contained significant errors, including incorrect answers to 12 questions. Persons associated with the Consortium of National Law Universities (CNLU), which conducts the test, said the final answer key case came up on December 9. The consortium announced the release of the final answer key and results to December 7 from December 10. "The provision



The petition alleged that the provisional answer key had significant errors, including incorrect answers.

of the logical reasoning section were absolutely wrong which were later rectified by the consortium in the final answer key. Three more answers in the provisional answer keys were changed later upon the students' grievances raised by the consortium. I strongly believe that the consortium withdrawing these questions laid up wasting time trying these questions and could not complete the paper," he said. S. Shanmukumar, Director of the Gujarat National Law University and vice-president, CNLU Government, said "extreme care is always taken to avoid mistakes". "In law, the questions and the answer options in the paper are interpreted differently by different people," he said.





MEDIA COVERAGE

BUREAUCRATS INDIA
Date: December 18, 2025

With a 90% strike rate, Delhi-based Nishant Prakash's students secure top ranks in CLAT and AILET



New Delhi: With both CLAT and AILET Rank 4 going to his students, corporate professional-turned mentor Nishant Prakash on Thursday announced that 70 of his 78 students had qualified in India's two toughest law entrance examinations, with nine securing positions in the top 100.

The declaration of CLAT 2026 and AILET 2026 results has set off the next phase of admissions to India's premier law universities, once again underscoring the intense national competition among aspirants.

Against this backdrop, students trained at Nishant Prakash Law Classes (NPLC) posted a strong, widely distributed set of national 4 ranks across both examinations, reinforcing the institute's consistent presence at the top. Of the 78 candidates from NPLC, 70 qualified in CLAT or AILET.

Hindustan Times 100
Date: December 31, 2025

CLAT and AILET 2026: How two AIR 4 rankers prepared, handled pressure and adapted when the paper changed



SIDDHANT (AILET AIR 4)
ARSHNOOR SINGH (CLAT AIR 4)

Arshnoor Singh, who secured All India Rank 4 in CLAT 2026 and AIR 202 in AILET, and Siddhant Rohit, who secured ...

Arshnoor Singh and Siddhant Rohit successfully navigated CLAT and AILET by prioritising adaptability and mock testing in preparation.

For law aspirants, entrance exams such as CLAT and AILET are as much a test of temperament as of preparation. That lesson comes through clearly in the journey of Arshnoor Singh, who secured All India Rank 4 in CLAT 2026 and AIR 202 in AILET, and Siddhant Rohit, who secured All India Rank 4 in AILET 2026 and AIR 4 in CLAT 2026.

Both students began preparing for these exams at Nishant Prakash Law Classes. At ultimate level, the institute imposed a strict discipline on its students.

Byline: July 16, 2025 | Education, Career Advice, Inspiration, Top Story

India's Top Revolutionary Educationist: Talks About His Journey From Working In Premier Law Firm To Become The Most Sought After Educationist In Country Imparting Legal Education




दिल्ली को काजून सिखानी वास्तव बिहारी



Nishant Prakash Law Classes

CLAT Consortium has recently changed the pattern for CLAT. How do you see this?

Nishant Prakash students secure top ranks in CLAT, AILET

PIONEER NEWS SERVICE
New Delhi



With both CLAT and AILET Rank 4 going to his students, corporate-professional-turned-mentor Nishant Prakash on Thursday announced that 70 of his 78 students had qualified in India's two toughest law entrance examinations, with nine securing positions in the top 100.

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Arshnoor
Siddhant Rohit AILET (AIR 4)

(c) Correct. Where the death occurs in the matrimonial home in circumstances known only to the spouse present, the burden shifts to that spouse to explain those circumstances.

(d) Incorrect. The principle shifts the burden of explanation to the spouse but does not require that the husband always be convicted whenever his wife dies at home.

2. Correct Answer: (b) Statements iii and iv

Reference Line: "Section 106 of the Indian Evidence Act, 1872 (Section 109 of the Bharatiya Sakshya Adhiniyam, 2023) provides that when any fact is especially within the knowledge of a person, the burden of proving it lies on that person, operating as an exception to the general rule that the party who asserts must prove."

Explanation: (a) Incorrect. Statement iii is false, but statement iv is also false because the rule that the asserting party must prove does admit of this exception, so naming only iii is incomplete.

(b) Correct. Statement iii is false since the burden lies on the person with especial knowledge rather than always on the prosecution, and statement iv is false since the general rule admits of the very exception created by this provision.

(c) Incorrect. Statement i is true because the burden lies on the person with especial knowledge, and statement ii is true because the rule is an exception to the principle that the asserter must prove, so neither is false.

(d) Incorrect. Statements iii and iv are false, but statement i is true since the burden lies on the person with especial knowledge, so including i makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as projecting a false suicide to conceal a homicide is an offence.

Reference Line: "Section 201 of the Indian Penal Code, 1860 (Section 238 of the Bharatiya Nyaya Sanhita, 2023) penalises causing the disappearance of evidence of an offence or giving false information to screen an offender, and projecting a false case of suicide to conceal a homicide attracts this provision."

Explanation: (a) Incorrect. Projecting a false case of suicide to conceal a homicide attracts the provision penalising causing disappearance of evidence, so it is wrong that staging a suicide attracts no provision.

(b) Incorrect. The provision penalises both causing the disappearance of evidence and giving false information to screen an offender, so it applies even apart from the giving of false information.

(c) Incorrect. The offence of causing disappearance of evidence does not depend on a prior conviction, so the claim that concealment is an offence only after conviction is wrong.

(d) Correct. Causing the disappearance of evidence or giving false information to screen an offender is an offence, and projecting a false case of suicide to conceal a homicide attracts this provision, so the declaration is untenable.

4. Correct Answer: (b) A conviction for murder may rest on the independent circumstantial evidence.

Reference Line: "Section 304B of the Indian Penal Code, 1860 (Section 80 of the Bharatiya Nyaya Sanhita, 2023) deals with dowry death and Section 498A (Section 85 of the Bharatiya Nyaya Sanhita, 2023) with cruelty by a husband or his relatives, and acquittal under these specific provisions for want of proof of cruelty or dowry demand does not preclude a conviction for murder on independent circumstantial evidence."

Explanation: (a) Incorrect. Acquittal under the specific dowry death provision does not preclude a

conviction for murder, so it is wrong that it automatically bars a murder conviction.

(b) Correct. Acquittal for dowry death or cruelty for want of proof does not preclude a conviction for murder resting on independent circumstantial evidence.

(c) Incorrect. A murder conviction may rest on independent circumstantial evidence and does not depend on the dowry death charge first succeeding.

(d) Incorrect. An acquittal for cruelty for want of proof does not wipe out independent evidence, which may still sustain a conviction for murder.

5. Correct Answer: (b) Section 300

Reference Line: "Murder is defined under Section 300 of the Indian Penal Code, 1860 (Section 101 of the Bharatiya Nyaya Sanhita, 2023) and punishable under Section 302 (Section 103 of the Bharatiya Nyaya Sanhita, 2023), and homicidal death by strangulation evidenced by ligature marks and fractures of the hyoid bone and trachea may sustain a conviction for murder."

Explanation: (a) Incorrect. Section 299 defines culpable homicide, which is the broader category, and not the offence of murder.

(b) Correct. Murder is defined under Section 300 of the Indian Penal Code, 1860.

(c) Incorrect. Section 302 prescribes the punishment for murder, but it is not the provision that defines the offence.

(d) Incorrect. Section 304 deals with the punishment for culpable homicide not amounting to murder and does not define murder.

15. ECI May Examine Citizenship for Electoral Roll Inclusion, But Finding Not Final Determination

1. Correct Answer: (c) No, because no elector may be removed without notice and an opportunity to be heard.

Reference Line: "The rule of audi alteram partem requires that no elector be removed from the roll without notice and a reasonable opportunity of being heard, and this safeguard must be observed in substance during deletion under any revision exercise."

Explanation: (a) Incorrect. The rule of audi alteram partem requires notice and a reasonable opportunity of being heard before removal, so an elector's name cannot be deleted without notice or hearing.

(b) Incorrect. The safeguard of notice and hearing must be observed at the stage of deletion under a revision exercise, not merely at the stage of first enrolment.

(c) Correct. No elector may be removed from the roll without notice and a reasonable opportunity of being heard, and this safeguard must be observed in substance during deletion.

(d) Incorrect. The principle requires notice and a hearing before deletion but does not say an elector's name can never be deleted in any circumstance.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "There is a principled distinction between a conclusive adjudication of citizenship as a matter of status and an administrative satisfaction as to eligibility for enrolment, the latter being a limited, prima facie, and contextual inquiry whose consequences are confined to the electoral sphere."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because there is a principled distinction between the two, so naming only ii is incomplete.

(b) Correct. Statement ii is false since an administrative satisfaction is a limited prima facie inquiry and not a conclusive adjudication, and statement iv is false since there is a principled distinction between the two.

(c) Incorrect. Statement i is true because the administrative satisfaction is a limited and prima facie inquiry, and statement iii is true because its consequences are confined to the electoral sphere, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the consequences are confined to the electoral sphere, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as the Commission may examine citizenship incidentally to maintain the roll.

Reference Line: "A constitutional or statutory authority possesses, in addition to its express powers, such incidental powers as are necessary to discharge its primary functions, so that the Election Commission may examine citizenship incidentally to the extent relevant to maintaining the electoral roll without trenching upon the Central Government's domain."

Explanation: (a) Incorrect. An authority possesses, besides its express powers, such incidental powers as are necessary to discharge its functions, so the claim that the Commission has only its enumerated powers is wrong.

(b) Incorrect. The incidental power to examine citizenship does not depend on whether the elector is a citizen by birth, since it arises from the need to maintain the electoral roll.

(c) Incorrect. The incidental power flows from the Commission's primary function of maintaining the roll and is not confined solely to the period of general elections.

(d) Correct. The Commission possesses incidental powers necessary to discharge its functions and may examine citizenship incidentally to the extent relevant to maintaining the electoral roll, so the declaration is untenable.

4. Correct Answer: (a) Exclusion on the ground of religion, race, caste, or sex

Reference Line: "Article 325 of the Constitution of India prohibits exclusion from the electoral roll on grounds of religion, race, caste, or sex, and Article 326 establishes adult suffrage by providing that every citizen not otherwise disqualified is entitled to be registered as a voter."

Explanation: (a) Correct. The Constitution prohibits exclusion from the electoral roll on grounds of religion, race, caste, or sex.

(b) Incorrect. Inadequate educational qualification is not among the grounds of exclusion prohibited, which are religion, race, caste, or sex.

(c) Incorrect. Insufficient ownership of property is not one of the prohibited grounds of exclusion specified in the provision.

(d) Incorrect. Temporary absence from the constituency is not listed as a prohibited ground, the prohibited grounds being religion, race, caste, or sex.

5. Correct Answer: (a) Article 324

Reference Line: "Article 324 of the Constitution of India vests in the Election Commission of India the superintendence, direction, and control of the preparation of electoral rolls and the conduct of elections, furnishing the constitutional source of its power to maintain accurate and authentic rolls."

Explanation: (a) Correct. Article 324 vests in the Election Commission of India the superintendence, direction, and control of the preparation of electoral rolls and the conduct of elections.

(b) Incorrect. Article 325 prohibits exclusion from the electoral roll on grounds of religion, race, caste, or

sex and does not vest the power of superintendence.

(c) Incorrect. Article 326 establishes adult suffrage and is not the provision vesting superintendence over the preparation of rolls and conduct of elections.

(d) Incorrect. Article 329 bars certain judicial interference in electoral matters and does not confer the power of superintendence on the Commission.

16. Religious Practices that Disrupt Social Harmony are not Protected under Articles 25 and 26

1. Correct Answer: (c) No, because no group has a right to appropriate public land for exclusive religious use.

Reference Line: "Public land is held in trust by the State for common use and benefit, and no individual or group possesses a right to appropriate it for exclusive or recurring religious gatherings."

Explanation: (a) Incorrect. Public land is held in trust for common use and no group possesses a right to appropriate it for religious gatherings, so the claim of appropriation fails.

(b) Incorrect. Religious practice cannot create a proprietary or possessory right over public land, so long use of a public ground does not generate an exclusive religious right.

(c) Correct. Public land is held in trust by the State for common use, and no individual or group possesses a right to appropriate it for exclusive or recurring religious gatherings.

(d) Incorrect. The principle denies any right of exclusive appropriation of public land, but it does not declare that religious gatherings are forbidden on public land in every circumstance.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "Article 25(1) guarantees to all persons, citizens and non-citizens alike, the freedom of conscience and the right freely to profess, practise, and propagate religion, subject to public order, morality, and health."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the freedom is available to citizens and non-citizens alike, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the right is expressly not absolute and is subject to constitutional limitations, and statement iv is false since the freedom is available to all persons, citizens and non-citizens alike.

(c) Incorrect. Statement i is true since Article 25(1) guarantees freedom of conscience and the right to profess, practise, and propagate religion, and statement iii is true since the right is subject to public order, morality, and health, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the right is subject to public order, morality, and health, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as the State may take preventive action against likely disruption.

Reference Line: "Where a religious or other activity is likely to affect public order, the State is entitled to take anticipatory or preventive action."

Explanation: (a) Incorrect. The law does not require the State to await an actual disruption of public order, so the claim that it must always wait for an actual disruption is wrong.

- (b) Incorrect. The entitlement to take preventive action applies where a religious or other activity is likely to affect public order, and is not confined to activities that are religious in character.
- (c) Incorrect. Preventive action rests on the objectively assessed likelihood of disruption and does not depend on the consent of the organisers.
- (d) Correct. Where an activity is likely to affect public order, the State is entitled to take anticipatory or preventive action, so the declaration that it must await an actual breach is untenable.

4. Correct Answer: (b) Practices that are fundamental to and constitutive of the religion

Reference Line: "The Supreme Court has, through a line of decisions beginning with Commissioner, Hindu Religious Endowments, Madras v. Sri Lakshmindra Thirtha Swamiar of Shirur Mutt (1954), developed the doctrine of essential religious practices, which holds that only those practices that are fundamental to and constitutive of a religion are protected under Articles 25 and 26."

Explanation: (a) Incorrect. Practices that are merely customary or incidental do not enjoy the same constitutional protection and are amenable to State regulation, so they are not the protected practices.

(b) Correct. The doctrine holds that only those practices that are fundamental to and constitutive of a religion are protected under Articles 25 and 26.

(c) Incorrect. The protection is confined to practices essential to the religion, so newly introduced practices founded on individual personal preference are not protected.

(d) Incorrect. Protection turns on whether a practice is fundamental to and constitutive of the religion, not on whether a follower chooses to regard it as important.

5. Correct Answer: (b) Article 26

Reference Line: "Article 26 guarantees every religious denomination or any section thereof the right to establish and maintain institutions for religious and charitable purposes, to manage its own affairs in matters of religion, to own and acquire movable and immovable property, and to administer such property in accordance with law, subject to public order, morality, and health."

Explanation: (a) Incorrect. Article 25 guarantees the individual freedom of conscience and the right to profess, practise, and propagate religion, not the denominational right to establish and manage religious institutions.

(b) Correct. Article 26 guarantees every religious denomination the right to establish and maintain institutions for religious and charitable purposes and to manage its own affairs in matters of religion.

(c) Incorrect. Article 29 protects the right of any section of citizens to conserve its distinct language, script, or culture, and does not deal with the management of religious affairs by a denomination.

(d) Incorrect. Article 30 confers on religious and linguistic minorities the right to establish and administer educational institutions, which is distinct from the denominational right under Article 26.

17. Satire Not Seditious

1. Correct Answer: (c) No, because the State may interfere only when speech crosses into incitement.

Reference Line: "A recognised principle of free speech law distinguishes discussion and advocacy, which remain constitutionally protected even when unpopular, from incitement, and the State may interfere only when speech crosses the boundary into incitement to violence or public disorder."

Explanation: (a) Incorrect. Discussion and advocacy remain protected even when unpopular, so the State

may not interfere with advocacy merely because it is unpopular or uncomfortable.

(b) Incorrect. The State may interfere only when speech crosses into incitement, so criticism of government policy is not always open to interference.

(c) Correct. Discussion and advocacy remain constitutionally protected even when unpopular, and the State may interfere only when speech crosses the boundary into incitement to violence or public disorder.

(d) Incorrect. The principle permits interference once speech becomes incitement to violence or public disorder, so it is wrong that the State may never restrict any speech.

2. Correct Answer: (a) Statements i and iv

Reference Line: "Article 19(2) of the Constitution of India permits the State to impose only reasonable restrictions on free speech, and only on the enumerated grounds such as the sovereignty and integrity of India, the security of the State, public order, decency or morality, contempt of court, defamation, or incitement to an offence."

Explanation: (a) Correct. Statement i is false since restrictions may be imposed only on the enumerated grounds and not on any ground, and statement iv is false since incitement to an offence is itself one of the enumerated grounds.

(b) Incorrect. Statement i is rightly false, but statement ii is true because the State may impose only reasonable restrictions, so ii should not appear.

(c) Incorrect. Statement iv is rightly false, but statement iii is true because restrictions may be imposed only on the enumerated grounds, so iii should not appear.

(d) Incorrect. Statements i and iv are false, but statement ii is true since only reasonable restrictions are permitted, so including ii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as an order affecting rights must disclose its reasons.

Reference Line: "An order affecting the rights of citizens must disclose the reasons on which it rests, since reasons demonstrate the application of mind by the authority, guard against arbitrariness, and form the basis on which the order can be subjected to judicial scrutiny."

Explanation: (a) Incorrect. An order affecting the rights of citizens must disclose the reasons on which it rests, so it is wrong that such an order need disclose no reasons.

(b) Incorrect. The requirement to record reasons does not fall away during an emergency, since reasons guard against arbitrariness and enable judicial scrutiny in every case affecting rights.

(c) Incorrect. The order itself must disclose the reasons on which it rests, so the deficiency cannot be cured by supplying reasons later only if the order is challenged.

(d) Correct. An order affecting the rights of citizens must disclose the reasons on which it rests, since reasons demonstrate application of mind and enable judicial scrutiny, so the declaration is untenable.

4. Correct Answer: (b) That the intermediary merely provides access and observes due diligence

Reference Line: "Section 79 of the Information Technology Act, 2000 confers conditional immunity on an intermediary for third-party content, available only where the intermediary merely provides access, does not initiate or modify the transmission, and observes due diligence, and this provision protects intermediaries rather than empowering the State to block content."

Explanation: (a) Incorrect. Immunity is available only where the intermediary does not initiate or modify the transmission, so initiating and modifying the transmission is the opposite of the required condition.
 (b) Correct. The immunity is available only where the intermediary merely provides access, does not initiate or modify the transmission, and observes due diligence.
 (c) Incorrect. The condition is that the intermediary merely provides access and observes due diligence, not that it obtain prior approval for all third-party content.
 (d) Incorrect. The provision protects intermediaries rather than empowering the State to block content, so being empowered to block content is not a condition of the immunity.

5. Correct Answer: (b) Section 69A

Reference Line: "Section 69A of the Information Technology Act, 2000 is the dedicated provision empowering the Government to block public access to information, and it carries mandatory safeguards including recording of reasons in writing, which are essential to demonstrate application of mind and to enable judicial review."

Explanation: (a) Incorrect. Section 66A dealt with the sending of offensive messages and is not the dedicated provision empowering the Government to block public access to information.
 (b) Correct. Section 69A is the dedicated provision empowering the Government to block public access to information and carries mandatory safeguards including the recording of reasons in writing.
 (c) Incorrect. Section 79 confers conditional immunity on intermediaries for third-party content and protects intermediaries rather than empowering the State to block content.
 (d) Incorrect. Section 79(3)(b) governs when an intermediary loses safe harbour and is not an independent source of power authorising the State to issue blocking directions.

18. No Protection for Live-In Relationship if Male is Below 21 Years

1. Correct Answer: (c) No, because legal age to marry is an absolute and non-negotiable precondition.

Reference Line: "All four conditions are cumulative and must be satisfied together; the legal age condition is an absolute precondition and not a discretionary factor."

Explanation: (a) Incorrect. The four conditions are cumulative and the legal age condition is an absolute precondition, so holding out as spouses does not by itself make it a relationship in the nature of marriage.

(b) Incorrect. All four conditions must be satisfied together, so long cohabitation alone cannot establish such a relationship where the legal age condition is unmet.

(c) Correct. The conditions are cumulative and the legal age to marry is an absolute precondition and not a discretionary factor, so the age requirement cannot be overlooked.

(d) Incorrect. A live-in relationship may amount to a relationship in the nature of marriage where all four conditions are satisfied, so the bar is specific to the unmet age condition and not absolute.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "This protection extends to all individuals regardless of the nature of their relationship, and even where a live-in relationship cannot be accorded judicial protection as a marriage-equivalent arrangement, both parties retain their individual constitutional right to life and personal liberty."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because Article 21 protection is not confined to parties whose relationship qualifies as a marriage, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the protection is not withdrawn even where marriage-equivalent protection is unavailable, and statement iv is false since Article 21 protection extends to all individuals regardless of the nature of their relationship.

(c) Incorrect. Statement i is true because the protection extends to all individuals regardless of relationship, and statement iii is true because both parties retain the right even without relational protection, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since both parties retain their individual right, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as a court cannot indirectly recognise what the law prohibits.

Reference Line: "Where a marriage is presently impermissible on account of age, a court order protecting a live-in relationship that is avowedly a substitute for such a marriage would amount to granting indirect recognition to what the law prohibits, and is therefore impermissible."

Explanation: (a) Incorrect. Courts cannot grant indirect sanction to what the law expressly prohibits, so it is wrong that a court may indirectly sanction what the law forbids.

(b) Incorrect. The length of cohabitation cannot enable a court to recognise indirectly what the statute prohibits, since the principle bars such indirect recognition regardless.

(c) Incorrect. The principle prevents parties from using alternate routes to circumvent a prohibition, so indirect sanction is not permitted merely because the couple are in a live-in relationship.

(d) Correct. A court order protecting a live-in relationship that is avowedly a substitute for an age-impermissible marriage would amount to indirect recognition of what the law prohibits and is therefore impermissible.

4. Correct Answer: (c) These officers are empowered to prevent marriages and file complaints.

Reference Line: "The Prohibition of Child Marriage Act, 2006 establishes an institutional framework for the prevention of child marriages, including the appointment of Child Marriage Prohibition Officers who are empowered to prevent child marriages, collect evidence, file complaints, and create awareness."

Explanation: (a) Incorrect. Courts cannot restrain such lawful institutional engagement through judicial orders, so it is wrong that courts may restrain these officers from acting.

(b) Incorrect. Parents, guardians, and members of the public are entitled to inform these officers of potential child marriages, so the public is not barred from doing so.

(c) Correct. The designated officers are empowered to prevent child marriages, collect evidence, file complaints, and create awareness.

(d) Incorrect. Prevention of child marriage is treated as a community and institutional responsibility, so these officers are not confined to acting only on a private complaint from the family.

5. Correct Answer: (b) A male below 21 years and a female below 18 years

Reference Line: "The Prohibition of Child Marriage Act, 2006 defines a "child" as a male below 21 years of age and a female below 18 years of age, and prohibits child marriages as a matter of legislative policy."

Explanation: (a) Incorrect. The Act sets the threshold for a male at below 21 years, not below 18 years, so this definition is incorrect.

(b) Correct. The Act defines a "child" as a male below 21 years of age and a female below 18 years of age.

(c) Incorrect. The threshold for a female under the Act is below 18 years, not below 21 years, so this definition is incorrect.

(d) Incorrect. The Act fixes the male threshold at below 21 years and the female threshold at below 18 years, so reversing these ages is incorrect.

19. Accused Can Directly Approach High Court under Section 447 BNS

1. Correct Answer: (c) No, because a Special Court falls outside the proviso requiring prior approach.

Reference Line: "However, Special Courts constituted under special statutes, which exercise exclusive jurisdiction over specific statutory offences and derive their authority from Central or State Government notifications rather than from the sessions court structure, fall outside the scope of this proviso and do not attract the requirement of prior approach to the Sessions Judge."

Explanation: (a) Incorrect. Special Courts fall outside the scope of the proviso and do not attract the requirement of prior approach to the Sessions Judge, so it is wrong that every transfer application must first be made to the Sessions Judge.

(b) Incorrect. The High Court possesses the power to order transfer of cases, so it is wrong that it cannot transfer a case from a Special Court at all.

(c) Correct. A Special Court constituted under a special statute falls outside the scope of the proviso and does not attract the requirement of prior approach to the Sessions Judge.

(d) Incorrect. The proviso itself contemplates transfer applications to the Sessions Judge for ordinary courts, so it is wrong that the Sessions Judge has no power to transfer any case whatsoever.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "Joint trial of a scheduled offence and a PML Act offence is legally impermissible because the PML Act trial is dependent upon the outcome of the scheduled offence case. Simultaneous trial by the same court, however, does not offend this prohibition and is a distinct arrangement permissible in the interest of justice."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because simultaneous trial by the same court does not offend the prohibition, so naming only ii is incomplete.

(b) Correct. Statement ii is false since joint trial of a scheduled offence and a PML Act offence is legally impermissible, and statement iv is false since simultaneous trial by the same court does not offend the prohibition and is permissible.

(c) Incorrect. Statement i is true because a joint trial is a single trial for two or more offences together, and statement iii is true because a simultaneous trial involves two separate proceedings before the same court, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since a simultaneous trial involves two separate proceedings conducted by the same court, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as an accused has a cognisable interest entitling transfer.

Reference Line: "An accused person is a necessary party to criminal proceedings and has a cognisable interest in the forum, judicial efficiency, and the fairness of the trial, entitling them to seek transfer on valid grounds before the competent court."

Explanation: (a) Incorrect. The concept of an aggrieved person is not confined to the complainant or prosecuting authority, so it is wrong that only they can seek transfer.

(b) Incorrect. The accused's entitlement to seek transfer arises from a cognisable interest in the proceedings and does not depend on a prior conviction.

(c) Incorrect. The accused may seek transfer on valid grounds, and the entitlement does not depend on anyone's consent.

(d) Correct. An accused is a necessary party with a cognisable interest in the forum, judicial efficiency, and fairness of the trial, entitling them to seek transfer on valid grounds.

4. Correct Answer: (a) A finding of guilt in the scheduled offence is a prerequisite for the PML Act trial.

Reference Line: "A finding of guilt in the scheduled offence case is a substantive legal prerequisite before the trial for PML Act offences can meaningfully proceed, reflecting the dependent and derivative character of the money laundering offence upon the underlying scheduled offence."

Explanation: (a) Correct. A finding of guilt in the scheduled offence case is a substantive legal prerequisite before the trial for PML Act offences can meaningfully proceed.

(b) Incorrect. The money laundering offence is dependent and derivative, so the PML Act trial cannot conclude regardless of the outcome of the scheduled offence.

(c) Incorrect. The PML Act offence depends upon the underlying scheduled offence, so the two are not wholly independent in result.

(d) Incorrect. It is the finding of guilt in the scheduled offence that is the prerequisite, not a finding of guilt in the PML Act offence for the scheduled trial.

5. Correct Answer: (b) Section 43

Reference Line: "Special Courts under the PML Act are constituted under Section 43 of the Prevention of Money Laundering Act, 2002 by the Central Government in consultation with the Chief Justice of the High Court."

Explanation: (a) Incorrect. Section 3 is the provision under which Special Courts are constituted under the Prevention of Corruption Act, 1988, not under the PML Act.

(b) Correct. Special Courts under the PML Act are constituted under Section 43 by the Central Government in consultation with the Chief Justice of the High Court.

(c) Incorrect. Section 44 governs the offences triable by the Special Court and does not deal with the constitution of Special Courts.

(d) Incorrect. Section 65 concerns the applicability of the general procedural code to PML Act proceedings and not the constitution of Special Courts.

20. Parents Can't Invoke Habeas Corpus Against Adult Daughters' Choice

1. Correct Answer: (c) No, because the court cannot override an adult's voluntary exercise of agency.

Reference Line: "Where an adult person, particularly one who is educated and capable of making informed choices, affirms through statements or conduct that she is remaining in a particular place or association voluntarily, the court cannot override that exercise of individual agency merely on the basis of the wishes or anxieties of a family member."

Explanation: (a) Incorrect. The court cannot override an adult's voluntary exercise of agency, so a father cannot always compel his adult daughter's return.

- (b) Incorrect. The court cannot displace an adult's own choice on the basis of the wishes or anxieties of a family member, so a family member's wishes do not override that choice.
- (c) Correct. Where an educated adult affirms that she is remaining somewhere voluntarily, the court cannot override that exercise of individual agency merely on the wishes of a family member.
- (d) Incorrect. The principle protects an adult's voluntary choice but does not say an adult can never be produced before a court, so this overstates the position.

2. Correct Answer: (b) Statements ii and iv

Reference Line: "However, once the court is satisfied that the detention is illegal, the writ becomes available to the detenu as a matter of right and cannot be withheld at the court's discretion."

Explanation: (a) Incorrect. Statement ii is false, but statement iv is also false because the writ does not remain purely discretionary once the detention is found illegal, so naming only ii is incomplete.

(b) Correct. Statement ii is false since the writ cannot be withheld at the court's discretion once the detention is found illegal, and statement iv is false since it ceases to be purely discretionary upon such a finding.

(c) Incorrect. Statement i is true because the court may decline to exercise jurisdiction to issue the writ, and statement iii is true because the writ becomes available as a matter of right upon a finding of illegal detention, so neither is false.

(d) Incorrect. Statements ii and iv are false, but statement iii is true since the writ becomes available as a matter of right, so including iii makes this option wrong.

3. Correct Answer: (d) The declaration is untenable, as successive petitions on fresh grounds are permitted.

Reference Line: "A petitioner may file successive habeas corpus petitions on fresh grounds even after an earlier petition has been dismissed."

Explanation: (a) Incorrect. A petitioner may file successive habeas corpus petitions on fresh grounds even after an earlier dismissal, so a dismissed petition does not permanently bar a further petition.

(b) Incorrect. The doctrine of res judicata does not apply to habeas corpus petitions in cases of illegal confinement, so a fresh petition is not barred merely because the first was decided on its merits.

(c) Incorrect. A fresh petition may be filed on fresh grounds and does not depend on the consent of the detainer.

(d) Correct. A petitioner may file successive habeas corpus petitions on fresh grounds even after an earlier petition has been dismissed, so the declaration is untenable.

4. Correct Answer: (a) The burden lies on the detaining authority to show the detention is lawful.

Reference Line: "In habeas corpus proceedings, the burden of establishing the legality of the detention lies on the detaining person or authority, who must satisfy the court that the detention is founded on lawful grounds."

Explanation: (a) Correct. The burden of establishing the legality of the detention lies on the detaining person or authority, who must satisfy the court that the detention is founded on lawful grounds.

(b) Incorrect. The burden of showing lawful grounds rests on the detaining authority, not on the detenu to prove the detention unlawful, reflecting that liberty is the rule and detention the exception.

(c) Incorrect. It is the detaining authority that must justify the detention, so the burden does not lie on

the court to investigate the legality on its own.

(d) Incorrect. The burden of establishing lawful grounds lies on the detaining authority, not on the family member who filed the petition.

5. Correct Answer: (b) "You may have the body"

Reference Line: "Habeas corpus is a Latin term meaning "you may have the body.""

Explanation: (a) Incorrect. "Let the decision stand" reflects the principle of precedent and is not the meaning of habeas corpus.

(b) Correct. Habeas corpus is a Latin term meaning "you may have the body."

(c) Incorrect. A command to perform a duty corresponds to a different writ and is not the meaning of habeas corpus.

(d) Incorrect. A demand to show by what authority something is held corresponds to a different writ and is not the meaning of habeas corpus.



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