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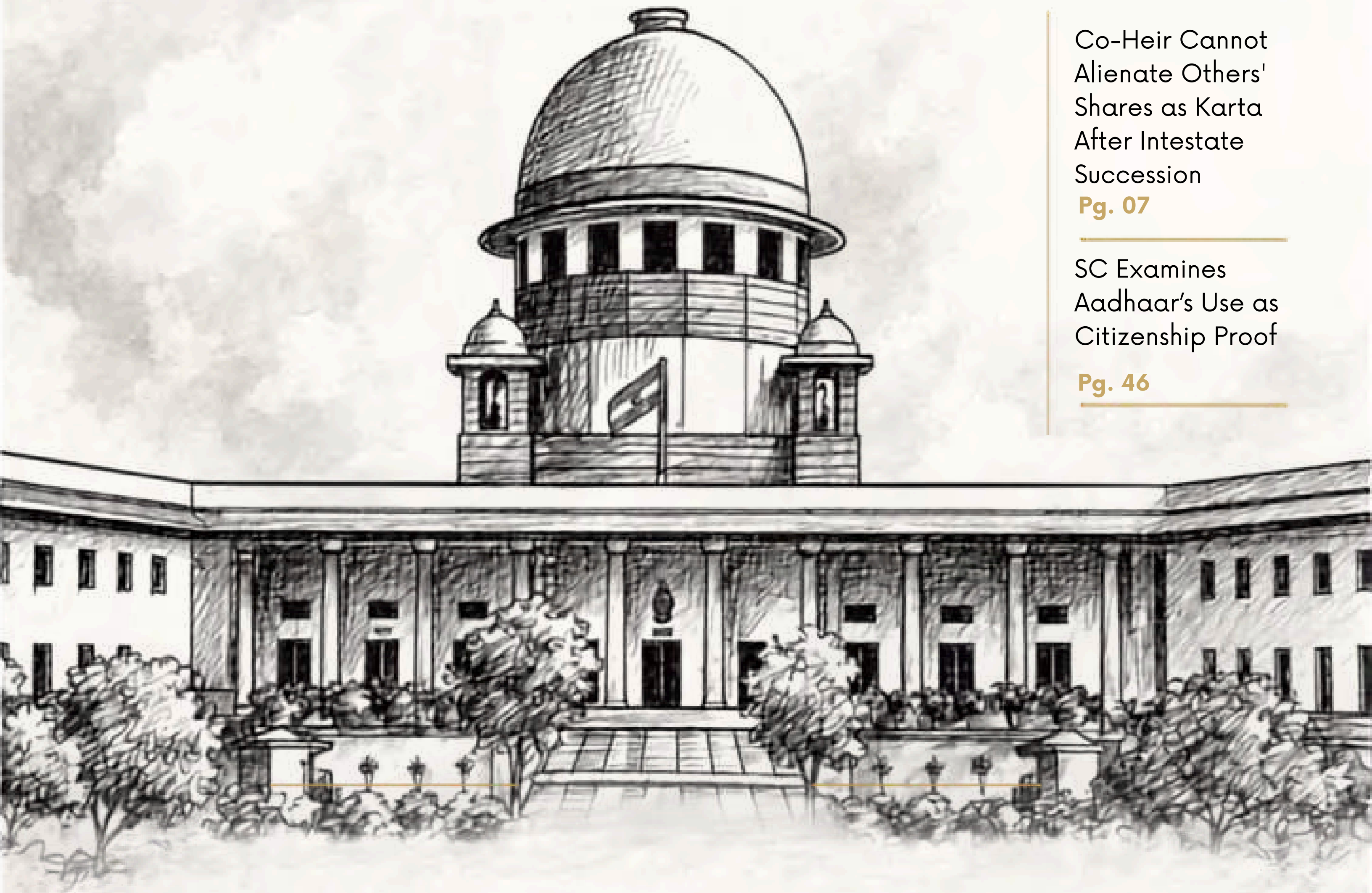


COVER STORY

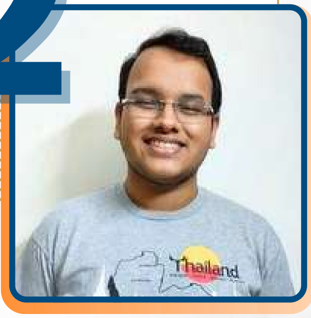
Married Daughter Cannot Be Excluded from Compassionate Appointment

Your Monthly Guide to Legal Reasoning and Legal Current Affairs

NPLC's TOP 10 GLORY 2025&26

A salute to our five toppers who turned pressure into purpose — their journey fuels the ambition of every student aiming for the top.

AIR 2 — CLAT 2025



Daiwik Agarwala

AIR 2 — AILET 2025

Chaitanya Ghosh

AIR 4 — CLAT 2026

Arshnoor Singh

AIR 4 — CLAT 2025

Aditya Gautam Ankhad

AIR 4 — AILET 2026

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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

Yutika Kumar

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Nishant Prakash, founder and chief mentor at NPLC, is a nationally recognized legal educator and policy advisor. An alumnus of one of India's premier National Law Schools, Nishant left a thriving corporate law career to dedicate himself fully to teaching and mentoring the next generation of legal leaders. For over 13 years, he has built an unparalleled reputation as a transformational teacher, guiding students with precision, compassion, and personal accountability.

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.

A firm believer in long-term academic mentorship, Nishant combines academic rigour with real-world legal insights to prepare students for top law schools and successful careers. His work consistently bridges the gap between textbook learning and practical application, equipping students with a clear understanding of how law operates in the real world.

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For parents looking for a mentor who truly takes ownership, and for students seeking more than just lectures—Nishant Prakash is the mentor who stays with you, every step of the way.

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NISHANT PRAKASH
LAW CLASSES

"Gurukul for CLAT & AILET"

SUPREME COURT Landmark Judgements

1 Married Daughter Cannot Be Excluded from Compassionate Appointment

Background

- On 27 October 2012, a fair price shop situated at village panchayat Aariyawan, Tehsil Tiloi, District Amethi, was allotted to Smt. Badrun Nisha, who was the mother of the appellant, Kulsum Nisha.
- In exercise of powers under Section 3 of the Essential Commodities Act, 1955, the State of Uttar Pradesh notified the Uttar Pradesh Essential Commodities (Regulation of Sale and Distribution Control) Order, 2016, and thereafter issued Government Order No. 6 of 2019 governing the identification, reservation, and appointment of fair price shops in rural areas.
- Sub-Paragraph 10 of Paragraph IV of the Government Order defined the expression "family" in a manner that excluded a "married daughter."
- On 4 March 2024, the mother of the appellant passed away, leaving the appellant as the sole earning member of the household responsible for her four sisters, one of whom is visually impaired.
- The appellant, even after her marriage, continued to reside with her mother and sisters in the same village.
- After the death of the dealer, the Sub-Divisional Magistrate ordered attachment of the shop, and on 19 March 2024 the appellant applied for allotment of the shop in her capacity as a dependent.
- The Sub-Divisional Magistrate, by order dated 16 July 2024, rejected the application solely on the ground that the appellant is a married daughter and therefore not covered within the definition of "family," and the Deputy Commissioner affirmed this

Case Details

Case Title: Kulsum Nisha v. State of U.P. & Ors.Kulsum Nisha v. State of U.P.

Citation: Civil Appeal No. 7667 of 2025 | 2026 LiveLaw (SC) 588

Bench: Justice Pamidighantam Sri Narasimha and Justice Alok Aradhe

Issue Before the Court

- Whether the blanket exclusion of a married daughter from the definition of "family" for the purpose of allotment of a fair price shop under the dependent or compassionate quota is constitutionally sustainable.
- Whether such exclusion satisfies the test of reasonable classification under Article 14 or is manifestly arbitrary for want of an intelligible differentia bearing a rational nexus to the object of the scheme.
- Whether excluding a married daughter while retaining a married son within the definition of "family" amounts to discrimination based on a gender stereotype in violation of Articles 14 and 15(1) of the Constitution.
- Whether the words "unmarried,

order in appeal.

- The appellant challenged both orders before the High Court of Judicature at Allahabad, Lucknow Bench, by way of a writ petition.
- The High Court held itself bound by earlier Division Bench decisions upholding the exclusion and dismissed the writ petition, but granted a certificate under Article 134-A of the Constitution on the ground that the matter involved a substantial question of law of general importance, thereby giving rise to the present appeal.

legally separated and widowed daughters" in Clause 2(p) of the 2016 Order ought to be struck down or, alternatively, read down through purposive construction so as to include a married daughter.

Judgement of the Court

- The Court recognised that Article 14 guarantees equality before the law and equal protection of the laws, Article 15(1) prohibits discrimination on the ground of sex, and Article 21 protects the right to live with dignity, and observed that these guarantees must be read in light of the constitutional commitment to social and economic justice embodied in Articles 39(a) and 39(c) of the Directive Principles of State Policy.
- The Court noted that the object of allotment under the dependent quota is to provide immediate financial relief to the family of a deceased dealer and to ensure continuity in the functioning of the public distribution system, and that the relevant considerations are dependency, financial need, residence, and the ability of the applicant to discharge the obligations attached to the dealership.
- The Bench held that a valid classification under Article 14 must rest upon an intelligible differentia having a rational relation to the object of the statute, and further observed that State action which is arbitrary, irrational, or founded on impermissible stereotypes is independently vulnerable under Article 14.
- The Court held that marital status bears no rational nexus to dependency, financial need, or the capacity to run the shop, and that the assumption that a daughter ceases to be a member of, or dependent upon, her parental family upon marriage is constitutionally impermissible, since marriage neither extinguishes the bond with the natal family nor establishes an absence of dependency.
- The Bench emphasised that dependency is a question of fact to be determined in each individual case and cannot be conclusively presumed from marital status alone, noting that many married daughters continue to support their parents while some sons within the definition may not be dependent at all.
- The Court found that the scheme does not exclude a married son, whereas a daughter is excluded solely on account of her marriage, and held that this distinction rests upon a gender-based stereotype that perpetuates historical notions of gender inequality which the Constitution seeks to eradicate.
- The Bench rejected the State's argument based on local residence, holding that residence is an independent eligibility condition under Paragraph IV(5) of the Government Order to be assessed on the facts of each case, and that a blanket exclusion of all married daughters cannot rest on the speculative assumption that every married daughter resides elsewhere.
- The Court concluded that the exclusion fails the test of reasonable classification, is manifestly arbitrary, and violates Articles 14 and 15(1), and then applied the doctrine of purposive construction

to hold that the enumeration of "unmarried, legally separated and widowed daughters" is illustrative rather than exhaustive and contains no express language of exclusion.

- Applying purposive interpretation, the Bench read the expression "daughter" in Clause 2(p) of the 2016 Order to include a married daughter, provided she establishes factual dependency on the deceased dealer, furnishes a dependency certificate together with No Objection Certificates from other adult family members, is a local resident, and satisfies all other eligibility conditions, thereby saving the provision from constitutional infirmity.
- The Court set aside the orders of the Sub-Divisional Magistrate, the Deputy Commissioner, and the High Court, directed the competent authority to issue the necessary allotment order in favour of the appellant within four weeks, and allowed the appeal with no order as to costs.

Key Takeaway for CLAT Aspirant

Essential Commodities Act, 1955 and Delegated Legislation
Section 3 of the Act empowers the Central Government, and by delegation the State Government, to issue control orders regulating the supply and equitable distribution of essential commodities through the public distribution system. The 2016 Order and the Government Order of 2019 are instances of subordinate legislation framed under this parent statute, and their validity is always tested against both the parent Act and the Constitution.

Article 14: Reasonable Classification and the Twin Test
Article 14 forbids class legislation but permits reasonable classification. A valid classification must satisfy two conditions: it must be founded on an intelligible differentia distinguishing those grouped together from those left out, and that differentia must bear a rational nexus to the object sought to be achieved by the statute.

Doctrine of Manifest Arbitrariness
The equality guarantee has evolved beyond the classification test, so that any State action which is arbitrary, irrational, capricious, or based on impermissible considerations is liable to be struck down under Article 14. An exclusion resting solely on marital status, without any rational object, is manifestly arbitrary.

Article 15(1): Prohibition of Discrimination on the Ground of Sex
Article 15(1) prohibits the State from discriminating against any citizen on grounds only of religion, race, caste, sex, or place of birth. A rule that burdens daughters but not sons discriminates on the ground of sex and is constitutionally invalid.

Article 21: Right to Live with Dignity
Article 21 protects the right to live with dignity, which extends to access to an adequate means of livelihood. Welfare measures such as the dependent quota must be administered in a manner consistent with this constitutional guarantee.

Article 19(1)(g): Freedom of Trade and Profession
Article 19(1)(g) guarantees to every citizen the right to practise any profession or to carry on any occupation, trade, or business. An arbitrary exclusion from eligibility to run a fair price shop implicates this freedom in

addition to the equality guarantees.

Directive Principles: Articles 39(a) and 39(c)
Article 39(a) directs the State to secure to men and women equally the right to an adequate means of livelihood, while Article 39(c) directs that the operation of the economic system should not result in the concentration of wealth to the common detriment. Fundamental Rights are to be read harmoniously with these Directive Principles to advance social and economic justice.

Doctrine of Purposive Construction
Where the language of a provision is reasonably capable of more than one meaning, the Court is obliged to adopt the construction that promotes the purpose of the enactment and avoids a result that is arbitrary or unjust. The design and object of the provision, and not its literal wording alone, guide its meaning.

Reading Down a Statutory Provision
Reading down is an interpretative technique by which a court adjusts the scope of a provision to preserve its constitutional validity rather than striking it down. Here the expression "daughter" was read to include a married daughter, thereby saving the provision from invalidity.

Illustrative versus Exhaustive Enumeration
A statutory list may be either illustrative, describing typical instances, or exhaustive, defining an exclusive set. Where a list contains no express language of exclusion and serves a welfare purpose, it may be treated as illustrative, so that comparable cases falling within the object of the provision are not shut out.

Gender-Based Stereotypes as an Impermissible Ground
Classifications founded on stereotypes, such as the assumption that a daughter loses all ties with her natal family upon marriage, are constitutionally impermissible. The Constitution seeks to eliminate historical notions of gender inequality, and State action cannot be premised upon such assumptions.

Dependency as a Question of Fact
Dependency for the purpose of a welfare or compassionate scheme is a pure question of fact to be established on evidence in each case, such as a dependency certificate and No Objection Certificates from other adult family members. It cannot be conclusively presumed or denied on the basis of marital status or assumptions about residence.

Compassionate Appointment: Nature and Object
Compassionate appointment or allotment is an exception to the general rule of public employment through open competition and merit. Its object is to provide immediate financial relief to the dependent family of a person who dies in harness, and it is neither a right of inheritance nor a reward for lineage.

Article 134-A: Certificate for Appeal to the Supreme Court
Article 134-A enables a High Court to grant a certificate that a case involves a substantial question of law of general importance which needs to be decided by the Supreme Court. Such a certificate provided the procedural gateway for the present appeal.

Practice Questions

1. A State scheme for allotment of fair price shops to the family of a deceased licence holder permits the sons of the deceased to apply but bars the daughters from applying. A daughter of the deceased challenges the scheme. Is the scheme constitutionally valid?
(a) No, because a rule that burdens daughters but not sons amounts to discrimination on the ground of sex.
(b) No, because the State can never classify applicants for allotment on any ground whatsoever.
(c) Yes, because allotment of fair price shops falls outside the scope of the equality guarantees.
(d) Yes, because differentiation between sons and daughters rests on a permissible ground of descent.

2. On the death in harness of a fair price shop licensee, his son demands that the shop be allotted to him as a matter of right, asserting that the licence devolves upon the heirs like any other property. Which of the following correctly states the legal position?
(a) The allotment devolves upon the nearest male heir as an incident of succession to the estate of the deceased licensee.
(b) The allotment is an exception to open competition granting immediate relief, and it is not a right of inheritance for the heirs.
(c) The allotment is a reward for lineage passing to any descendant who continues the family occupation of the deceased.
(d) The allotment operates as open competition in which the heirs of the deceased enjoy an absolute statutory preference.

3. Consider the following statements regarding reasonable classification under Article 14:
i. Article 14 forbids class legislation but permits reasonable classification.
ii. A valid classification must be founded on an intelligible differentia distinguishing those grouped together from those left out.
iii. The intelligible differentia must bear a rational nexus to the object sought to be achieved by the statute.
iv. A valid classification requires an intelligible differentia alone and needs no nexus with the object of the statute.
Which of the above statements is incorrect?
(a) Statement iv only
(b) Statement i only
(c) Statements ii and iii only
(d) Statements i and iv only

4. With respect to the establishment of dependency for the purpose of a welfare or compassionate scheme, which of the following correctly states the legal position?
(a) Dependency is conclusively presumed for unmarried children and conclusively denied to every

married child of the deceased.
(b) Dependency is a pure question of law to be settled solely by the language of the scheme without any evidence.
(c) Dependency is a pure question of fact to be established on evidence and cannot be presumed or denied on marital status.
(d) Dependency is conclusively established by mere residence with the deceased, irrespective of any certificate or other evidence.

5. Article 134-A empowers a High Court to grant a certificate for which of the following purposes?
(a) To certify that an appeal stands finally disposed of by the High Court without any reference to the Supreme Court.
(b) To certify that a case involves a pure question of fact requiring fresh re-appreciation of evidence by the Supreme Court.
(c) To certify that a case may be transferred to another High Court for a complete re-hearing on the merits of the dispute.
(d) To certify that a case involves a substantial question of law of general importance needing decision by the Supreme Court.

SUPREME COURT Landmark Judgements

2 Co-Heir Cannot Alienate Others' Shares as Karta After Intestate Succession

Background

- The dispute concerned properties, comprising agricultural land and two houses in the village of Sapti, Maharashtra, belonging to one Dajiba, a Hindu male who died intestate.
- Upon his death, his second wife Darubai and his four daughters from his first wife became his Class I heirs under the Hindu Succession Act, 1956, each entitled to an equal one-fifth share in the suit properties.
- In 1972, the four daughters instituted a suit for partition and separate possession, claiming a combined four-fifths share in the properties as successors-in-interest of Dajiba.
- The defendant, Darubai, contended that she had sold part of the suit property to one Dattatraya in her capacity as karta, on the ground of legal necessity for the marriage of one of the plaintiffs.
- The Trial Court decreed the suit in favour of the plaintiffs and rejected the defendant's legal necessity defence.
- The First Appellate Court reversed this finding, upholding both the legal necessity ground and the defendant's right to manage the property, thereby interfering with the Trial Court's decree in respect of the sale to Dattatraya.
- In Second Appeal, the Bombay High Court restored the judgment of the Trial Court, rejecting the defendant's claim to have validly acted as karta.
- Aggrieved by the High Court's judgment, the original defendant, Darubai, filed the present appeal before the Supreme Court.

Case Details

Case Title: Darubai & Anr. v. Kamalabai & Ors.

Citation: 2026 INSC 613

Bench Justice Sanjay Karol and Justice Augustine George Masih

Issue Before the Court

- Whether property inherited under Section 8 of the Hindu Succession Act, 1956 automatically assumes the character of coparcenary property.
- Whether heirs succeeding together under Section 8 read with Section 19 of the Hindu Succession Act, 1956 inherit as joint tenants governed by the rule of survivorship, or as tenants-in-common with definite and separate shares.
- Whether the concept of kartaship, and the accompanying power to alienate property on the ground of legal necessity, applies to property inherited under Section 8 of the Hindu Succession Act, 1956.
- Whether the defendant's sale of a

Judgement of the Court

- The Court distinguished joint tenancy, in which all co-owners together constitute a single, unified ownership governed by the rule of survivorship, from tenancy-in- common, in which each co-owner holds a distinct, undivided, and separately inheritable share.
- It explained that under a joint tenancy, the interest of a deceased co-owner accrues automatically to the surviving co-owners rather than to his own heirs, so that no separate inheritable share exists while the joint tenancy subsists.
- By contrast, under a tenancy-in-common, the share of a deceased co-owner devolves upon his or her own legal heirs according to the ordinary law of succession, and the rule of survivorship has no application.
- Illustrating the position through a hypothetical succession, the Bench explained that although a descendant could, under the Mitakshara doctrine, ordinarily acquire a birthright by survivorship in property that had once belonged to an ancestor, this incident does not attach where the property devolved through statutory succession under Section 8, since such property is taken by the heir as separate property.
- The Court held that inheritance under Section 8 is individual and statutory in character, so that descendants of the heir do not acquire any right in the property by birth merely because it originated from a paternal ancestor.
- Consequently, the Bench clarified that the question of kartaship ordinarily does not arise in respect of property inherited under Section 8, since the heirs succeed as tenants-in-common with definite and separate shares, and the property devolves by succession rather than by survivorship.
- Applying this principle to the facts, the Court held that upon the death of Dajiba, Darubai and her four stepdaughters became tenants-in-common, each holding a separate and identifiable one-fifth share in the suit properties.
- Since each co-heir held a distinct and identifiable share, the Bench held that no question arose of the defendant acting as karta to alienate any part of the property on the ground of legal necessity, as she was entitled to deal only with her own one-fifth share.
- The Court accordingly dismissed the appeal, upholding the High Court's judgment and affirming the plaintiffs' four-fifths share in the suit properties.

part of the suit property to a third party, purportedly made as karta and on the ground of legal necessity, could bind the shares of the other co-heirs.

Key Takeaway for CLAT Aspirant

Hindu Succession Act, 1956, Section 8: General Rules of Succession
Section 8 governs succession to the property of a Hindu male dying intestate, providing that his property devolves first upon Class I heirs specified in the Schedule to the Act, and only in their absence upon Class II heirs, agnates, and cognates, in that order.

Class I Heirs and the Schedule to the Act
The Schedule to the Hindu Succession Act enumerates Class I heirs, including the widow, sons, and daughters among others, all of whom take simultaneously and to the exclusion of other classes of heirs when a Hindu male dies intestate.

Section 19: Mode of Succession by Multiple Heirs
Where two or more heirs succeed together to the property of an intestate, Section 19 provides that they

take the property as tenants-in-common and not as joint tenants, and that they take per capita rather than per stirpes, unless the Act otherwise provides.

Tenants-in-Common versus Joint Tenants

Under a tenancy-in-common, each co-owner holds a distinct, identifiable, and separately inheritable share even where physical possession remains joint. Under a joint tenancy, ownership is unified and governed by the rule of survivorship, so that no co-owner holds a separate inheritable share while the joint tenancy subsists.

Doctrine of Survivorship

Survivorship is the rule under which, on the death of one joint tenant or coparcener, his interest passes automatically to the surviving co-owners rather than devolving upon his own heirs. This doctrine has no application to property held by tenants-in-common, where succession takes place according to the ordinary rules of inheritance.

Coparcenary Property and Its Distinct Incidents

Coparcenary property under Mitakshara law is characterised by the acquisition of a birthright by descendants, joint ownership, and devolution by survivorship. Property devolving through statutory succession, rather than remaining within an existing coparcenary, does not automatically acquire these incidents.

Statutory and Individual Nature of Inheritance under Section 8

Property inherited under Section 8 is treated as the separate property of the heir rather than as joint family property. Since such inheritance is individual and statutory, descendants of the heir do not acquire rights in the property by birth, unlike in a traditional Mitakshara coparcenary.

Concept and Limits of Kartaship

A karta is the manager of a joint Hindu family who may, in certain circumstances, alienate joint family property on the ground of legal necessity. This authority is founded on the existence of coparcenary property held jointly and does not extend to property that heirs hold as tenants-in-common with separate and definite shares.

Doctrine of Legal Necessity

Legal necessity is a recognised ground on which a karta may validly alienate joint family property without the consent of other coparceners. Since the doctrine presupposes the existence of joint family property and a valid kartaship, it cannot be invoked to justify alienation of property held by co-owners as tenants-in-common.

Limits on Alienation by a Co-Owner

A co-owner holding a definite and separate share in property as a tenant-in-common has the right to deal with that share alone. Any alienation purportedly made on behalf of, or affecting, the shares of other co-owners without their authority is invalid to that extent.

Practice Questions

1. A and B inherit the separate property of their deceased father under Section 8 and hold it as tenants-in-common, each owning a definite half share. A, describing himself as karta, sells the entire property including B's share, pleading legal necessity to meet family expenses. Is A entitled to alienate B's share on the ground of legal necessity?
(a) Yes, because legal necessity permits a karta to alienate the whole of the property held by co-owners.
(b) Yes, because any pressing family expense automatically constitutes legal necessity binding all co-owners.
(c) No, because legal necessity presupposes joint family property and cannot reach tenants-in-common shares.
(d) No, because a karta can never alienate any property under any recognised ground whatsoever.

2. X inherits a house from his father, who died intestate, the property devolving upon X under Section 8. X's son later claims that he acquired a share in the house by birth as ancestral coparcenary property. Which of the following correctly states the legal position?
(a) The son acquires a share by birth because property inherited under Section 8 retains its ancestral coparcenary character.
(b) The son acquires no right by birth because property inherited under Section 8 is the separate property of the heir.
(c) The son acquires a share by birth because every property inherited by a Hindu male becomes joint family property.
(d) The son acquires a right by survivorship because inheritance under Section 8 creates a fresh coparcenary in the heir.

3. Consider the following statements:
i. Under a tenancy-in-common, each co-owner holds a distinct, identifiable, and separately inheritable share.
ii. A tenancy-in-common cannot subsist where physical possession of the property remains joint.
iii. Under a joint tenancy, ownership is unified and governed by the rule of survivorship.
iv. Under a joint tenancy, each co-owner holds a separate inheritable share while the joint tenancy subsists.
Which of the above statements are incorrect?
(a) Statements i and iii only
(b) Statements i, ii and iii only
(c) Statements iii and iv only
(d) Statements ii and iv only

4. Where two or more heirs succeed together to the property of an intestate under the Hindu Succession Act, which of the following correctly states the manner in which they take the property?

(a) They take as tenants-in-common and per capita, and not as joint tenants or per stirpes, unless the Act otherwise provides.
(b) They take as joint tenants and per stirpes, so that survivorship governs the devolution of their respective shares.
(c) They take as tenants-in-common and per stirpes, dividing the property strictly according to the branches of the family.
(d) They take as joint tenants and per capita, holding a unified ownership without any separate inheritable shares.

5. Which of the following correctly describes the nature and operation of the doctrine of survivorship?
(a) It is the rule by which the interest of a deceased tenant-in-common passes to the surviving co-owners rather than his heirs.
(b) It is the rule by which the interest of a deceased joint tenant passes automatically to the surviving co-owners rather than his heirs.
(c) It is the rule by which the interest of a deceased coparcener devolves upon his own heirs according to the ordinary rules of inheritance.
(d) It is the rule by which the interest of a deceased co-owner is extinguished and reverts to the State in the absence of heirs.

3 SC Explains Section 8 Principles on Minor's Property

Background

- The suit property was originally purchased in 1957 by the paternal great-grandfather of the minor and subsequently devolved upon successive heirs through a series of family successions.
- Following the death of the minor's father, Basudeb Chakraborty, in 2018, the minor acquired an undivided share in the property along with the appellant, who is the minor's mother and natural guardian.
- In 2022, the co-owners of the property proposed to enter into a development agreement with a builder for redevelopment of the land.
- Under the proposed arrangement, the minor was to receive a one-third share in a first-floor residential flat measuring approximately 399.33 square feet, along with monetary consideration of Rs. 10 lakh.
- The appellant approached the District Judge, Darjeeling, seeking permission under Section 8 of the Hindu Minority and Guardianship Act, 1956 to execute the development agreement on behalf of the minor.
- The District Judge rejected the application, holding that the appellant had failed to demonstrate necessity or evident advantage to the minor, and noting insufficient disclosure regarding the present utilisation of the property, the identity of the proposed flat, and the specific benefits accruing to the minor.
- The Calcutta High Court, Circuit Bench at Jalpaiguri, affirmed the rejection of the application.
- Aggrieved by the concurrent findings of the District

Case Details

Case Title: Shephali Chakraborty v. The State of West Bengal

Citation: 2026 INSC 621

Bench Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- Whether the proposed development agreement, converting the minor's undivided share in undeveloped land into a constructed residential flat along with monetary consideration, satisfied the requirement of necessity or evident advantage under Section 8 of the Hindu Minority and Guardianship Act, 1956.
- Whether a court examining an application under Section 8 must undertake an independent assessment of the minor's welfare even where the natural guardian has consented to, or proposed, the transaction.
- Whether the rejection of the application by the District Judge and the High Court, on the ground of insufficient disclosure regarding the property and the proposed benefits, was legally sustainable.

Court and the High Court, the appellant approached the Supreme Court by way of civil appeal.

- What principles govern the exercise of judicial scrutiny over a natural guardian's application for permission to alienate a minor's immovable property under Section 8.

Judgement of the Court

- The Court held that a natural guardian holds the minor's estate in a fiduciary capacity and is therefore obliged to satisfy the court that the proposed transaction is either necessary or demonstrably for the benefit of the minor.
- It observed that the court's duty in such matters extends beyond mere consent or convenience, and that the approval of a guardian, being a power of limited nature, cannot substitute the court's own independent assessment of the minor's interests.
- The Bench explained that Section 8 embodies the doctrine of parens patriae, framing guardianship as a strictly court-supervised fiduciary responsibility in which the welfare of the minor is paramount, and traced the doctrine's foundations to the responsibility of the State and courts to protect persons incapable of safeguarding their own interests.
- The Court drew a distinction between ex ante and ex post judicial scrutiny, characterising Section 8 as an illustrative ex ante mechanism requiring prior judicial assessment to forestall foreseeable harm to a minor's proprietary rights before a transaction can validly take effect, as opposed to ex post mechanisms that determine legality or liability after the fact.
- It held that the best interest of the child is not a passive consideration but a vigorous principle requiring foresight, caution, and meticulous scrutiny of whether a proposed arrangement could compromise the minor's present or future rights, given that a minor cannot fully appreciate the consequences of such transactions.
- On the facts, the Court accepted that an undivided share in undeveloped land often remains a passive and notional interest with limited practical utility and is susceptible to encroachment or dispute, whereas conversion of that interest into a constructed residential unit together with liquid funds transforms it into an immediately usable asset capable of funding the minor's education, health, and advancement.
- The Court clarified that this was not to be read as an absolute proposition of law, and that whether a particular conversion serves the minor's evident advantage must be assessed on the facts and circumstances of each case.
- Finding that the development agreement sufficiently identified the co-owners and their respective interests, the Court held that the view taken by the District Judge and affirmed by the High Court was unsustainable, and allowed the appeal, granting permission to execute the development agreement subject to protective safeguards, including deposit of the minor's monetary share in a nationalised bank with auto-renewal until majority, a bar on modification of the agreement without court approval, a requirement of prior judicial permission for any sale of the developed flat before the minor attains majority, and liberty to the District Judge to impose further conditions as necessary.

Key Takeaway for CLAT Aspirant

Hindu Minority and Guardianship Act, 1956, Section 8(1): General Powers of a Natural Guardian

A natural guardian of a Hindu minor has the authority to perform all acts that are necessary or reasonable for the minor's benefit or for the protection and realisation of the minor's estate, though personal covenants entered into by the guardian do not bind the minor.

Section 8(2): Restrictions on Alienation of Immovable Property

A natural guardian cannot, without the prior permission of the court, mortgage, charge, or transfer by sale, gift, exchange, or otherwise any part of the minor's immovable property, nor lease any part of it for a term exceeding five years or extending beyond one year after the minor attains majority.

Section 8(3): Voidability, Not Void Ab Initio

An alienation of a minor's immovable property made in contravention of Section 8 is not void from its inception but is voidable at the option of the minor, or of any person claiming through the minor, so that it continues to bind the minor's interest unless and until it is duly avoided.

Section 8(4): The Standard of Necessity or Evident Advantage

Court permission for alienation under Section 8(2) can be granted only where the transaction is shown to be necessary for the minor or demonstrably for the minor's evident advantage, a standard that must be applied purposively rather than on technical or speculative grounds.

Section 8(5): Procedural Application of the Guardians and Wards Act, 1890

Applications for court permission under Section 8 are governed by the procedure applicable to applications under Section 29 of the Guardians and Wards Act, 1890, including the powers and procedure specified in Section 31 of that Act and the right of the guardian to appeal against a refusal of permission.

Doctrine of Parens Patriae

This doctrine casts the State and its courts in the role of ultimate protector of persons, such as minors, who are legally incapable of safeguarding their own interests. It requires courts exercising guardianship jurisdiction to act independently for the welfare and protection of the minor rather than merely enforcing or ratifying proprietary arrangements agreed upon by adults.

Fiduciary Capacity of a Guardian

A natural guardian holds the minor's property in a fiduciary capacity, meaning the guardian is bound to exercise powers over the estate solely for the minor's benefit and remains accountable to the supervising court for transactions that could affect the minor's proprietary interests.

Ex Ante and Ex Post Judicial Scrutiny

Ex ante mechanisms involve a preventive, forward-looking judicial assessment undertaken before a transaction takes effect, so as to forestall foreseeable harm, while ex post mechanisms involve a retrospective determination of legality or liability after an act has occurred. Statutory prior-permission requirements such as Section 8 are a instance of the ex ante model in property and guardianship law.

Accrual and Exercise of the Right to Avoid an Unauthorised Alienation

The right to avoid an alienation made without requisite permission accrues to the minor only upon attaining majority and must be exercised within the period of limitation prescribed by law, and such avoidance need not necessarily take the form of a formal declaratory suit but may also be manifested through clear and unequivocal conduct inconsistent with the transaction.

Distinction Between a Minor's Separate Property and Joint Family Property

The statutory restraint under Section 8 applies to a minor's separate or self-acquired immovable property, and does not extend to alienation of undivided joint family property, which continues to be governed by the traditional principles of Hindu law applicable to such property.

Practice Questions

1. The natural guardian of a Hindu minor proposes to transfer by sale the minor's separate immovable property in order to meet the minor's expenses, but does so without obtaining the prior permission of the court. May the guardian validly effect the sale without such permission?
(a) Yes, because a natural guardian may transfer the minor's immovable property whenever the guardian considers it beneficial.
(b) Yes, because the requirement of prior court permission applies to a mortgage of the property and not to a sale.
(c) No, because a natural guardian cannot transfer the minor's immovable property by sale without prior permission of the court.
(d) No, because a natural guardian is wholly incompetent to deal with any property of the minor in any manner.

2. A natural guardian sells the minor's separate immovable property without the permission of the court required under Section 8, and the purchaser takes possession. On attaining majority the minor has not yet taken any step regarding the transaction. Which of the following correctly states the legal effect of the sale?
(a) The sale is void from its inception and confers no interest whatsoever upon the purchaser at any point of time.
(b) The sale is voidable at the option of the minor and binds the minor's interest unless and until it is duly avoided.
(c) The sale is valid and binding for all purposes and cannot be questioned by the minor after attaining majority.
(d) The sale is void unless the guardian later obtains the permission of the court by way of subsequent ratification.

3. Consider the following statements:
i. Applications for court permission under Section 8 are governed by the procedure applicable to applications under Section 29 of the Guardians and Wards Act, 1890.
ii. The powers and procedure specified in Section 31 of the Guardians and Wards Act, 1890, apply to such applications.
iii. The guardian has a right to appeal against a refusal of permission.
iv. The guardian may appeal against a grant of permission but has no right to appeal against a refusal.
Which of the above statements is incorrect?
(a) Statement iv only
(b) Statement ii only
(c) Statement iii only
(d) Statements iii and iv only

4. With respect to the grant of court permission for alienation of a minor's immovable property under Section 8(2), which of the following correctly states the governing standard?
(a) Permission may be granted whenever the guardian forms a bona fide opinion that the transaction serves the minor's interest.
(b) Permission may be granted on any technical or speculative ground that discloses some possible future benefit to the minor.
(c) Permission may be granted where the transaction is merely convenient for the family and is not shown to harm the minor.
(d) Permission may be granted only where the transaction is necessary for the minor or demonstrably for the minor's evident advantage.

5. Which of the following correctly describes the doctrine of parens patriae as it applies to guardianship jurisdiction?
(a) It obliges the courts to enforce and ratify the proprietary arrangements agreed upon by the adult members of the family.
(b) It empowers the State to assume ownership of a minor's estate until the minor attains the age of majority.
(c) It casts the State and its courts as the ultimate protector of persons incapable of safeguarding their own interests.
(d) It confers upon the natural guardian an unfettered discretion to manage the minor's estate free of judicial oversight.

SUPREME COURT | Landmark Judgements

4 SC Clarifies Law on Approver's Evidence

Background

- The case arose from a double murder committed in July 1984, involving the killing of a truck driver and a cleaner during the commission of a dacoity.
- The prosecution's case was that a group of individuals had conspired to steal a truck by hiring it under the pretext of transporting goods, and subsequently murdered the driver and the cleaner before disposing of the bodies and stealing the vehicle.
- One of the accused persons was granted pardon and turned approver, being examined as PW-1 during the trial, and the prosecution's case rested substantially on his testimony.
- The approver described the manner in which the truck was hired, the conspiracy to steal it, the commission of the murders, and the subsequent disposal of the bodies and incriminating material.
- The Trial Court convicted the accused persons for offences punishable under Sections 302, 396, 201 and 120-B of the Indian Penal Code, 1860.
- The Delhi High Court affirmed the conviction on appeal.
- The appellant thereafter approached the Supreme Court, principally contending that the conviction could not be sustained on the approver's testimony since it was self-exculpatory in nature and lacked adequate independent corroboration in material particulars.

Judgement of the Court

Case Details

Case Title: Gopi Chand @ Pappu v. State (NCT of Delhi)

Citation: 2026 INSC 598

Bench Justice Pamidighantam Sri Narasimha and Justice Manoj Misra

Issue Before the Court

- Whether corroboration of an approver's testimony in material particulars is a mandatory rule of law or merely a rule of prudence.
- Whether a conviction can be sustained on the uncorroborated testimony of an approver, and if so, subject to what safeguards.
- Whether the approver's testimony in the present case was rendered unreliable on the ground that it was exculpatory and did not implicate him to the same extent as the other accused.
- What factors and tests are to be applied cumulatively by courts in assessing the credibility and reliability of an approver's testimony.
- Whether the approver's testimony, on the facts of the case, stood sufficiently corroborated by independent evidence so as to sustain the conviction.

- The Court examined the interplay between Section 133 of the Indian Evidence Act, 1872, which recognises an accomplice as a competent witness and permits a conviction to rest on uncorroborated testimony, and Illustration (b) to Section 114 of the same Act, which cautions that an accomplice's testimony is unworthy of credit unless corroborated in material particulars, and held that the two provisions must be read together rather than in isolation.
- It held that corroboration of an approver's testimony is not an inviolable rule of law but a rule of prudence, so that a court may convict an accused on uncorroborated approver testimony provided it is satisfied, and records reasons for such satisfaction, that reliance on the testimony is safe in the facts and circumstances of the case.
- The Bench summarised the governing principles, holding that corroborative evidence, where required, may be direct or circumstantial or both, that such corroboration must ordinarily come from independent sources, that the testimony of one approver is not ordinarily used to corroborate another approver, and that corroboration need not independently confirm every material circumstance against the accused but must render the approver's account believable in the facts and circumstances of the case.
- The Court held that the credibility of an approver's testimony depends on several factors considered cumulatively, the foremost being that the approver must not appear to be a planted witness, following which his testimony is to be tested with greater care and caution than that of an ordinary witness.
- It clarified that although an approver's testimony must generally be inculpatory rather than exculpatory, testimony that is not entirely exculpatory and makes a full and complete disclosure of the events surrounding the commission of the crime, in a manner that inspires confidence, cannot be discarded merely because the approver does not implicate himself to the same extent as he implicates the co-accused.
- Applying these principles to the facts, the Court found that the approver had not attempted to completely absolve himself, since his testimony disclosed his own participation in the events leading to the murders, including physically assisting in restraining one of the victims.
- The Bench further found that the approver's testimony stood corroborated in material particulars by independent evidence, including the recovery and identification of the stolen truck, forensic evidence, identification of the victims, and surrounding circumstances consistent with the approver's narration, and noted that no serious challenge had been put to the approver regarding his presence at the scene of the crime.
- Holding the approver's testimony to be reliable and creditworthy and capable of sustaining a conviction, the Court partly allowed the appeal, upholding the conviction but, taking into account that the appellant had already served eighteen years of imprisonment, applied the principle regarding remission and modified the life sentence to the period already undergone, directing the appellant's release.

Key Takeaway for CLAT Aspirant

Section 133, Indian Evidence Act, 1872: Competency of an Accomplice

Section 133 provides that an accomplice is a competent witness against an accused person, and that a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. This provision establishes the legal competence of accomplice evidence independent of corroboration.

Illustration (b) to Section 114, Indian Evidence Act, 1872: Rule of Prudence

Illustration (b) to Section 114 permits a court to presume that an accomplice is unworthy of credit unless corroborated in material particulars. This operates not as a rule of law overriding Section 133 but as a rule of prudence guiding courts to exercise caution before acting upon uncorroborated accomplice testimony.

Harmonious Reading of Section 133 and Illustration (b) to Section 114

The apparent tension between a provision permitting conviction on uncorroborated testimony and an illustration cautioning against reliance without corroboration is resolved by treating corroboration as a matter of judicial prudence rather than a mandatory legal requirement, allowing both provisions to operate together.

Doctrine of Corroboration in Accomplice Evidence

Corroboration, where considered necessary, may be either direct or circumstantial evidence, or a combination of both, and must be such as renders the accomplice's testimony believable in the facts and circumstances of the case, without requiring that every material circumstance against the accused be independently confirmed.

Independent Source Rule for Corroboration

Where corroboration is considered necessary, it must ordinarily come from a source independent of the accomplice himself, and as a matter of principle, the testimony of one approver cannot ordinarily be used to corroborate the testimony of another approver.

Distinction Between Inculpatory and Exculpatory Testimony

An approver's testimony is expected to be inculpatory, implicating himself along with the other accused, rather than exculpatory, wherein he seeks to entirely absolve himself of guilt. Testimony that discloses the approver's own participation in the offence, even if to a lesser degree than the other accused, retains its evidentiary value and is not to be treated as unreliable merely on this ground.

Concept of Pardon and Approver under Criminal Procedure

An approver is an accomplice who, upon being granted a pardon by the competent authority in exchange for making a full and true disclosure of the circumstances of the offence, is examined as a prosecution witness. The grant of pardon does not by itself render the approver's testimony unreliable, but courts scrutinise such testimony with additional care given the possibility of self-interest.

Cumulative Test for Assessing Credibility of Accomplice Evidence

Courts assess the credibility of an approver's testimony through a cumulative consideration of several factors, foremost among them being that the witness must not appear to be a planted witness, following which the testimony is evaluated with the same rigour as that of an ordinary witness but with heightened care and caution.

Standard of Proof and Reasoned Satisfaction for Conviction on Uncorroborated Testimony

Even where a court chooses to rely on an accomplice's testimony without independent corroboration, it must record specific reasons demonstrating its satisfaction that reliance on such testimony is safe in the facts and circumstances of the case, reflecting the broader constitutional and evidentiary standard that conviction must rest on proof beyond reasonable doubt.

Doctrine of Remission and Modification of Sentence

Remission refers to the reduction of a sentence, whether pursuant to statutory power or in the exercise of judicial discretion, in view of factors such as the period of imprisonment already undergone by the convict. Courts may modify a sentence, including a life sentence, to the period already served where such modification is found to be consistent with the ends of justice on the facts of the case.

Practice Questions

1. A trial court convicts an accused resting its finding of guilt solely upon the uncorroborated testimony of an accomplice, no independent corroborative evidence being placed on record. Is such a conviction illegal merely on the ground that the accomplice's testimony stands uncorroborated?
(a) Yes, because an accomplice is not a competent witness and cannot alone sustain a conviction.
(b) No, because a conviction is not illegal merely because it rests on uncorroborated accomplice testimony.
(c) Yes, because a conviction founded on accomplice testimony always requires corroboration as a rule of law.
(d) No, because accomplice testimony amounts to conclusive proof of guilt requiring no support.

2. An approver, examined as a prosecution witness after a grant of pardon, gives evidence implicating himself in the offence together with the other accused, though describing his own role as lesser than theirs. The defence contends that his evidence must be discarded as unreliable because he admits his own participation. Which of the following correctly states the legal position?
(a) The evidence is inadmissible because an approver may implicate only the other accused and never himself.
(b) The evidence must be discarded because an approver who admits his own participation is exculpatory in nature.
(c) The evidence retains its evidentiary value and is not unreliable merely because it discloses his lesser participation.
(d) The evidence is unreliable because an approver must confess to a role equal to that of the other accused.

3. Consider the following statements:
i. Where corroboration is considered necessary, it must ordinarily come from a source independent of the accomplice himself.
ii. As a matter of principle, the testimony of one approver cannot ordinarily corroborate the testimony of another approver.
iii. Corroboration of an accomplice may ordinarily be furnished by the accomplice's own testimony.
iv. The testimony of one approver may ordinarily be used to corroborate that of another approver.
Which of the above statements are incorrect?
(a) Statements iii and iv only
(b) Statements i and ii only
(c) Statements ii and iii only
(d) Statements i and iv only

4. Which of the following correctly states the nature and effect of Illustration (b) to Section 114 of the Indian Evidence Act, 1872, in relation to accomplice testimony?

(a) It operates as a rule of law that overrides Section 133 and forbids any conviction without corroboration.
(b) It renders accomplice testimony wholly inadmissible unless it is corroborated in every material particular.
(c) It compels the court to reject uncorroborated accomplice testimony as a mandatory requirement of law.
(d) It operates as a rule of prudence guiding caution and does not override the competence recognised by Section 133.

5. Which of the following correctly describes an approver within the meaning of the principle governing pardon in criminal procedure?
(a) An accused who, upon being acquitted of the offence, is thereafter examined as a witness for the defence.
(b) An accomplice who, on being granted a pardon in exchange for a full and true disclosure, is examined as a prosecution witness.
(c) A co-accused who confesses to the offence and is thereby exempted from any examination as a witness at trial.
(d) A witness who, having no connection with the offence, discloses the circumstances of the crime to the prosecution.

5 SC Allows DNA Test Despite Acquittal in Rape Case

Background

- The appellant, Chaturbhuj Pradhan, was directed concurrently by the First Additional Civil Judge, Class II, Basna, and by a Single Judge of the High Court of Chhattisgarh at Bilaspur, to undergo a DNA test for determining the paternity of the first respondent, Amar Pradhan.
- Amar claimed to be the son of the appellant, born on 10 September 1999 as a result of consensual relations between the appellant and Amar's mother, the second respondent, in January 1999.
- The appellant denied paternity and relied on his acquittal in a criminal case registered under Section 376 of the Indian Penal Code, 1860 on the complaint of the second respondent, by judgment dated 31 December 1999.
- Between 2003 and 2010, there were several rounds of litigation between the parties concerning maintenance, in the course of which an appellate order recorded an observation that Amar and his mother had failed to establish any relationship between Amar and the appellant.
- That order was challenged before the Supreme Court and was disposed of through the Lok Adalat with an observation that, since Amar had since turned 24 years of age, nothing survived in the matter.
- During the pendency of the said appeal, Amar attained majority and instituted a civil suit seeking a declaration that he is the son of the appellant and is consequently entitled to a one-third share in the appellant's property.

Case Details

Case Title:	C v. A & Anr.
Citation:	Civil Appeal arising out of SLP (Civil) No. 4016 of 2026 | 2026 INSC 600
Bench	Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- Whether a DNA test could be directed to determine paternity notwithstanding the appellant's prior acquittal in the criminal case under Section 376 of the Indian Penal Code, 1860.
- Whether the direction to undergo a DNA test amounted to an unwarranted or routine intrusion into the appellant's right to privacy.
- Whether the civil suit instituted by Amar was barred by res judicata in view of the earlier maintenance litigation and its disposal through the Lok Adalat.
- Whether, on a balancing of the competing interests of the appellant and Amar, an eminent need existed for directing a DNA test in the facts of the case.

- During the pendency of the civil suit, the Trial Court directed the appellant to undergo a DNA test, and this order was affirmed by the High Court, which observed that no other evidence could sufficiently establish the paternity of Amar.
- The appellant challenged the concurrent orders before the Supreme Court, contending that he could not be compelled to give a DNA sample, that no adverse inference could be drawn against him under Section 114(h) of the Indian Evidence Act, 1872 at this stage, and that Amar's civil suit was barred by res judicata in view of the earlier maintenance proceedings.
- Amar contended that, in view of the appellant's persistent denial of paternity, no other means existed to resolve the dispute, that the presumption under Section 112 of the Evidence Act had no application to the facts, and that the earlier proceedings under Section 125 of the Code of Criminal Procedure were summary in nature and did not amount to a conclusive finding on paternity.

Judgement of the Court

- The Court reiterated the principle that courts cannot order a blood or DNA test as a matter of course, that such a test cannot be permitted to enable a roving inquiry, and that a strong prima facie case of non-access must be shown to dislodge the presumption of legitimacy, with due regard to the consequence of branding a child illegitimate or a mother unchaste, and to the position that no person can be compelled to give a sample against their will.
- It reaffirmed that a DNA test may be directed depending on the facts and circumstances of a case, but that such a direction should be avoided wherever possible since the legitimacy of a child ought not to be put in peril.
- The Bench applied the settled principles that a DNA test is not to be ordered routinely, that it is warranted only where no other mode of proof is available, that a plea of non-access must first be raised to dislodge the presumption under Section 112 where a valid marriage subsists, that the test is impermissible where paternity is merely collateral to the proceeding, and that it is only in exceptional and deserving cases, where the test becomes indispensable to resolve the controversy, that a court may direct it.
- The Court further applied the balancing-of-interest framework, under which a court must first assess whether the existing evidence is sufficient to determine the presumption of legitimacy, and only upon finding such evidence insufficient, proceed to consider whether ordering a DNA test would serve the best interests of the parties without causing them undue harm.
- On facts, the Court noted that the alleged relationship between the appellant and the second respondent in January 1999 was consistent with Amar's birth in September 1999, that the appellant had consistently denied paternity, that no other evidence could furnish a categorical answer, and that it was nobody's case that the second respondent had an intimate relationship with any other person during the relevant period.
- The Court held that the earlier findings that the second respondent had failed to establish a link between the appellant and Amar were not the result of a full trial, whereas the civil suit filed by Amar was instituted precisely to establish this issue through a full trial, so that paternity was directly and substantially in issue in the pending suit.
- On this basis, the Court held that the question of res judicata stood closed, since the prior proceedings, being summary in nature, could not operate as a bar to a substantive determination

of paternity in the civil suit.

- Balancing the appellant's right to privacy against Amar's interest in obtaining closure on a question that had persisted throughout his life, the Court held that if the issue remained unresolved, Amar could be permanently denied rights that would otherwise lawfully accrue to him as the appellant's son, and concluded that the balance of interest lay in favour of directing the DNA test.
- The Court accordingly dismissed the appeal and directed that the matter be taken up by the concerned Civil Court for fixing a date for the DNA test, with the civil suit to proceed further on the basis of the result.

Key Takeaway for CLAT Aspirant

Section 112, Indian Evidence Act, 1872: Presumption of Legitimacy

Section 112 provides that birth during the continuance of a valid marriage between the mother and any man raises a conclusive presumption that the child is the legitimate son of that man, rebuttable only by proof of non-access between the parties at the time the child could have been conceived.

Section 114, Indian Evidence Act, 1872: Presumption as to Adverse Inference

Section 114, and in particular illustration (h), permits a court to presume that evidence withheld by a party would, if produced, have been unfavourable to that party. Refusal to submit to a scientific test such as DNA profiling may accordingly attract an adverse inference against the refusing party.

Right to Privacy under Article 21 of the Constitution

The right to privacy, recognised as an integral facet of the right to life and personal liberty under Article 21, is not absolute and may be curtailed by a proportionate and justified state or judicial action, such as a court-directed scientific test, where a legitimate competing interest so requires.

Doctrine of Proportionality in Balancing Competing Rights

Where a court is required to weigh one individual's privacy interest against another individual's interest in establishing identity or lineage, it must adopt a proportionality-based balancing exercise, ensuring that any intrusion into privacy is the least restrictive means necessary to secure the competing interest.

Section 11, Code of Civil Procedure, 1908: Doctrine of Res Judicata

Res judicata bars the trial of an issue that has already been directly and substantially in issue in a former suit between the same parties, and finally decided by a court of competent jurisdiction. It presupposes an adjudication on merits following a full trial, and does not extend to findings rendered in summary or interlocutory proceedings.

Section 125, Code of Criminal Procedure: Nature of Maintenance Proceedings

Proceedings for maintenance under Section 125 are summary in character, intended to provide speedy relief against destitution, and do not constitute a conclusive adjudication of civil rights such as paternity or inheritance, which require determination through a full-fledged civil trial.

Distinction Between Criminal and Civil Standards of Proof

A criminal trial requires proof beyond reasonable doubt, whereas civil proceedings are decided on the standard of preponderance of probabilities. An acquittal in a criminal case therefore establishes only that the prosecution failed to meet the higher criminal standard, and does not amount to a conclusive finding negating a civil claim based on the same facts.

Doctrine Governing Court-Directed Scientific Tests (DNA Profiling)

Courts possess the power to direct DNA tests in civil disputes involving paternity, but such a direction is not to be issued as a matter of course. It is permissible only where paternity is directly in issue, existing evidence is insufficient to resolve the controversy, and the test is indispensable in the interest of justice, subject to a due balancing of the interests and potential harm to all parties involved.

Concept of Legitimacy and Its Legal Consequences

Legitimacy denotes the legal status of a child born in circumstances recognised by law as conferring filial and successional rights upon that child. Because a finding of illegitimacy carries serious social and legal consequences, including on inheritance rights, courts exercise caution before ordering any test that could affect this status.

Right of a Child to Identity and Inheritance

The right to know one's biological parentage and to claim legal entitlements flowing from that relationship, including rights of inheritance under personal law, is a significant interest that a court must weigh against a putative parent's privacy, particularly where the child has lived under unresolved uncertainty regarding parentage since childhood.

Practice Questions

1. A child is born during the continuance of a valid marriage between the mother and her husband. A person disputing the child's legitimacy leads no evidence of non-access between the spouses at the time the child could have been conceived. Is the presumption of legitimacy rebutted in these circumstances?
(a) Yes, because the presumption of legitimacy is rebutted upon a mere denial of paternity by the husband.
(b) No, because the presumption is conclusive and rebuttable only by proof of non-access at the relevant time.
(c) Yes, because birth during a valid marriage raises only a weak presumption displaced by any doubt.
(d) No, because the presumption of legitimacy can never be displaced by any evidence whatsoever.

2. In a civil dispute concerning paternity, a party against whom paternity is asserted refuses, without justification, to submit to a court-ordered DNA profiling test. The opposing party invokes the court's power to draw a presumption. Which of the following correctly states the legal position?
(a) The court is bound to ignore the refusal, since no adverse inference may arise from declining a test.
(b) The court must accept the refusal as conclusive proof of the paternity asserted against that party.
(c) The court must compel the test by force, refusal carrying no evidentiary consequence for that party.
(d) The court may presume that the withheld evidence, if produced, would have been unfavourable to that party.

3. Consider the following statements:
i. A criminal trial requires proof beyond reasonable doubt.
ii. Civil proceedings are decided on the standard of preponderance of probabilities.
iii. An acquittal in a criminal case amounts to a conclusive finding negating a civil claim on the same facts.
iv. An acquittal establishes only that the prosecution failed to meet the higher criminal standard of proof.
Which of the above statements is incorrect?
(a) Statements i and iii only
(b) Statement iv only
(c) Statement iii only
(d) Statements ii and iv only

4. With respect to the power of a civil court to order DNA profiling in a dispute involving paternity, which of the following correctly states the governing position?
(a) It may be ordered as a matter of course in every dispute in which the question of paternity is raised.
(b) It may be ordered whenever one party desires the test, irrespective of the sufficiency of existing evidence.
(c) It is permissible only where paternity is in issue, existing evidence is insufficient, and the test is indispensable to justice.
(d) It is impermissible in all civil disputes, since a court has no power to order such a test in any case.

5. Which of the following correctly describes the nature of proceedings for maintenance under Section 125 of the Code of Criminal Procedure?

(a) They constitute a conclusive adjudication of civil rights such as paternity and inheritance between the parties.

(b) They amount to a full-fledged civil trial in which questions of paternity and inheritance are finally settled.

(c) They operate as a criminal trial requiring proof beyond reasonable doubt before any relief is granted.

(d) They are summary in character, meant for speedy relief, and do not conclusively adjudicate rights such as paternity.

6 Doctrine of Forum Non-Conveniens and Writ Jurisdiction under Article 226

Background

- The appellant was enrolled as a member of the Border Security Force on 31 December 2010 and was posted in the 44th Battalion at Narayanpur, Malda, West Bengal.
- On 24 April 2022, the Company Commander of the 44th Battalion received a missing person report concerning a lady, and the appellant along with another constable was suspected of involvement in her abduction, while the appellant's wife separately alleged that he had contracted a second marriage with the lady against her wishes and subjected her to criminal force.
- A Staff Court of Inquiry ordered by the Sector Headquarters, BSF, Malda found that the appellant had contracted a second marriage with the lady, who was herself married, on 6 May 2022 during the subsistence of his first marriage, and that the marriage was registered under the Uttar Pradesh Marriage Registration Rules, 2017 on 23 May 2022 at Kushinagar, Uttar Pradesh, without obtaining permission of the competent authority or a divorce from his first wife, while exonerating him of the abduction allegations.
- On 19 September 2022, the appellant was served a show cause notice under Rules 22 and 177 of the Border Security Force Rules, 1969, alleging violation of Rule 7 of the BSF Rules and Rule 21 of the Central Civil Services (Conduct) Rules, 1964, and this notice was served on him at Narayanpur, District Malda, West Bengal.

Case Details

Case Title: Baksish Ahmad v. Union of India & Anr.

Citation: Civil Appeal Nos. (arising out of SLP (Civil) Nos. 855-856 of 2026) | 2026 INSC 630

Bench Justice Dipankar Datta and Justice Satish Chandra Sharma

Issue Before the Court

- Whether the Delhi High Court possessed territorial jurisdiction under Article 226 of the Constitution to entertain the appellant's writ petition on the basis that the offices of the necessary respondents were situated in Delhi.
- Whether the doctrine of forum non conveniens could be validly invoked to decline jurisdiction where such jurisdiction was traceable to clause (1) of Article 226, based on the situs of the respondents' offices, rather than to clause (2), based on the accrual of the cause of action.
- How conflicting lines of precedent on the territorial jurisdiction of High Courts in service-related writ matters were to be reconciled.

- Having failed to reply within the stipulated period of fifteen days, the appellant was dismissed from service without pensionary benefits by an order dated 27 October 2022 passed by the Commandant, 44th Battalion, which was also served on him in West Bengal.

- Whether the application of the doctrine of forum non conveniens by the Delhi High Court, in the facts of the case, was consistent with the object of ensuring access to constitutional remedies.

- The appellant thereafter filed a statutory petition under Rule 28A of the BSF Rules seeking reinstatement, which was placed before the Inspector General, Frontier Headquarters, BSF, Jammu, who condoned the delay in filing but rejected the petition on merits by an order dated 22 December 2023.
- The appellant challenged both the dismissal order and the rejection of his statutory petition by filing a writ petition under Article 226 of the Constitution before the Delhi High Court, contending that the Court had jurisdiction since the offices of the Director General, BSF and the Ministry of Home Affairs were located in Delhi.
- The Division Bench of the Delhi High Court dismissed the writ petition, holding that the mere location of the respondents' offices in Delhi did not make it the forum conveniens where no part of the cause of action had arisen within its jurisdiction, and that the cause of action had instead arisen in West Bengal or in the Union Territory of Jammu and Kashmir, and accordingly declined to entertain the petition by applying the doctrine of forum non conveniens, while granting liberty to approach the appropriate court.
- The appellant's subsequent review petition was also dismissed by an order dated 29 August 2025, following which he approached the Supreme Court challenging both orders.

Judgement of the Court

- The Court held that Article 226(1) confers jurisdiction upon a High Court based on the situs of the office of the respondent authority within its territorial limits, while Article 226(2) confers jurisdiction based on the accrual of the cause of action, wholly or partly, within the court's territory, and that these are distinct and independent bases of jurisdiction.
- Relying on the principle that the Union of India bears liability for enforcement of an order quashing a dismissal from service, rather than the individual officer who passed the order, and reading this together with the relevant provisions of the BSF Act conferring superintendence and command upon the Central Government and the Director General, the Court held that the Union of India and the Director General, BSF, both having offices in Delhi, were necessary parties who had been duly impleaded before the Delhi High Court.
- The Court further noted that every order of dismissal is required to be reported to the Director General under the BSF Rules, and that there exists a presumption that official acts have been regularly performed, reinforcing the conclusion that the Delhi High Court had the competence to entertain the writ petition.
- Examining the precedent in Abrar Ali v. CISF, the Court agreed with its ultimate conclusion that a High Court within whose jurisdiction the respondent authority's headquarters is located has jurisdiction under Article 226(1), though it observed that the coordinate Bench's characterisation of the earlier High Court order as having "overlooked" clause (1) was not entirely accurate on a closer reading of that order.

- The Court noted an apparently discordant line of authority holding that the mere location of a respondent's head office in a particular state does not confer jurisdiction where that office had no role in the impugned action, but declined to resolve the tension directly, preferring "prudence" and silence on the point, since that line of precedent had not considered the earlier decisions recognising jurisdiction based on situs of office.
- The Court held that an earlier decision permitting a service authority to be sued anywhere in the country was rendered prior to the enactment of a specialised tribunal statute for the armed forces, which now regulates the forum for grievances of service personnel, and that such a broad proposition could not survive the enactment of that specialised forum-selection framework without defeating its object of avoiding multiplicity of fora.
- To reconcile the conflict, the Court laid down that a member of a Central Armed Police Force aggrieved by an administrative order of termination may invoke the jurisdiction of the High Court within whose limits the Union of India and the Director General of the concerned force have their offices, under Article 226(1), regardless of where the cause of action arose.
- The Court held that the doctrine of forum non conveniens ordinarily applies only where multiple forums are simultaneously available to a litigant for the same remedy under Article 226(2), such that the forum first approached may decline to proceed in favour of a more suitable forum, but that this rationale is largely inapplicable where jurisdiction is independently and validly founded on the situs of the respondents' office under Article 226(1).
- The Court reasoned that in proceedings analogous to a writ of certiorari, the relevant records are ordinarily available with the respondent authorities and can be readily produced before the court, so that permitting a litigant to proceed before a court convenient to the respondents advances rather than defeats access to justice, and declining jurisdiction on convenience grounds in such a case would be self-defeating.
- Accordingly, the Court set aside the Delhi High Court's order, allowed the appeal, and revived the appellant's writ petition for adjudication on merits before the Delhi High Court, while dismissing as not maintainable the connected appeal against the dismissal of the review petition, since no appeal lies against the dismissal of a review petition, and granted time for filing of counter and rejoinder affidavits.

Key Takeaway for CLAT Aspirant

Article 226(1): Jurisdiction Based on Situs of Office

Article 226(1) empowers every High Court to issue writs, including habeas corpus, mandamus, prohibition, quo warranto, and certiorari, to any person or authority located within its territorial limits, for the enforcement of fundamental rights and for other purposes, thereby founding jurisdiction on the location of the respondent rather than on where the disputed events occurred.

Article 226(2): Jurisdiction Based on Cause of Action

Article 226(2) extends the writ jurisdiction of a High Court to authorities situated outside its territorial limits where the cause of action, wholly or in part, arises within its territory, thereby creating a second and independent basis of jurisdiction distinct from the situs of office under clause (1).

Nature of Article 226 as a Constitutional Remedy

The power under Article 226 is a constitutional right, distinct from a fundamental right, and cannot be suspended even during an emergency; it is exercised in mandatory fashion for enforcement of fundamental rights and in a discretionary fashion when invoked for other legal rights.

Doctrine of Forum Non Conveniens

This doctrine allows a court that otherwise possesses jurisdiction to decline to exercise it where another available forum is more appropriate for adjudicating the dispute, having regard to private interest factors such as convenience of parties and location of evidence, and public interest factors such as the administrative burden on the court.

Limited Application of Forum Non Conveniens to Constitutional Writ Proceedings

The doctrine, though well established in the context of concurrent civil or cross-border jurisdictions, applies only rarely where a litigant's invocation of writ jurisdiction is validly traceable to the situs of the respondent's office under Article 226(1), since such jurisdiction rests on an independent constitutional basis rather than on convenience alone.

Necessary and Proper Parties in a Writ of Certiorari

A writ of certiorari lies to quash an order of a subordinate authority, and the doctrine of necessary parties requires that the authority actually vested with the power to enforce or give effect to the quashing order, rather than merely the officer who passed the impugned order, be properly impleaded before the court.

Presumption of Regularity of Official Acts

There exists a rebuttable presumption in law that official acts have been regularly performed, and that statutory duties such as reporting orders of dismissal to a superior authority have been duly complied with, which presumption may be relevant in determining questions of jurisdiction and the propriety of administrative action.

Doctrine of Precedent and Reconciliation of Conflicting Judgments

Where two or more precedents of courts of coordinate authority appear to conflict, a subsequent court is called upon to reconcile the decisions by examining their respective facts and the statutory or constitutional provisions considered therein, rather than mechanically preferring one line of authority over another, and may decline to expressly overrule an earlier decision where reconciliation is possible.

Effect of a Specialised Tribunal Statute on General Writ Jurisdiction

The enactment of a specialised tribunal framework to adjudicate disputes of a particular class of persons, prescribing a designated forum and procedure for filing grievances, has the effect of regulating and limiting the scope of general propositions that would otherwise permit such disputes to be litigated before any High Court in the country, so as to avoid multiplicity of forums.

Access to Justice as a Guiding Principle in Exercise of Discretionary Jurisdiction

Courts exercising discretionary powers, including the discretion to decline jurisdiction on grounds of convenience, must ensure that such exercise does not impede a litigant's access to justice, particularly where the litigant has chosen a forum that is itself convenient for production of relevant records and adjudication of the dispute.

Practice Questions

1. A person against whom an authority located within the territorial limits of a High Court has acted seeks to invoke that High Court's writ jurisdiction, although the disputed events themselves occurred outside those limits. May the High Court entertain the petition on the basis of the location of that authority?
(a) No, because writ jurisdiction attaches only where the disputed events themselves have occurred.
(b) Yes, because the High Court may issue writs to an authority located within its territorial limits.
(c) No, because the location of the authority is wholly irrelevant to the writ jurisdiction of a High Court.
(d) Yes, because a High Court may issue writs to any authority anywhere in the country without limit.

2. An authority situated wholly outside the territorial limits of a High Court passes an order, but a part of the cause of action giving rise to the grievance arises within that High Court's territory. The petitioner invokes the writ jurisdiction of that High Court. Which of the following correctly states the legal position?
(a) The High Court lacks jurisdiction, since a writ can issue only to an authority located within its own territorial limits.
(b) The High Court has jurisdiction, since the cause of action arising in part within its territory founds an independent basis.
(c) The High Court lacks jurisdiction, since jurisdiction based on cause of action was abolished by clause (1) of the Article.
(d) The High Court has jurisdiction only if the whole of the cause of action, and not merely a part, arises within its territory.

3. Consider the following statements regarding the power under Article 226:
i. The power under Article 226 is a constitutional right, distinct from a fundamental right.
ii. The power under Article 226 can be suspended during an emergency, just as the enforcement of a fundamental right can be.
iii. The power is exercised as a matter of course for the enforcement of fundamental rights.
iv. The power is exercised in a discretionary fashion when invoked for other legal rights.
Which of the statements given above is/are incorrect?
(a) Statement ii only
(b) Statement i only
(c) Statements iii and iv only
(d) Statements i and ii only

4. Which of the following correctly states the nature and operation of the doctrine of forum non conveniens?
(a) It obliges a court possessing jurisdiction to transfer every dispute to the forum nearest to the residence of the parties.
(b) It requires a court to decline jurisdiction whenever the respondent raises any objection to the choice of the forum.
(c) It permits a court that possesses jurisdiction to decline it where another available forum is more

appropriate.
(d) It empowers a court lacking jurisdiction to assume it where that court is the more convenient forum for the parties.

5. Which of the following correctly describes the requirement of the doctrine of necessary parties in a writ of certiorari?
(a) That only the officer who passed the impugned order need be impleaded, the enforcing authority being an unnecessary party.
(b) That every person remotely connected with the subject matter of the impugned order be impleaded before the court.
(c) That no authority need be impleaded, since a writ of certiorari operates without reference to the parties before it.
(d) That the authority vested with the power to enforce the quashing order be properly impleaded before the court.

7 Revocation of Probate Governed by Article 137 of Limitation Act

Background

- The dispute concerned properties which Gouriprova Sen had inherited from her husband by virtue of being his sole legal heir, a portion of which had earlier been gifted to the appellant by a deed.
- Before her death in October 1989, Gouriprova Sen executed a Will dated 9 July 1989, appointing her nephew, the appellant Dhiraj Dutta, as the sole executor and beneficiary of her estate.
- The appellant's application for probate of the Will was granted in September 1995, following which he initiated proceedings for mutation of the revenue records in his favour.
- According to the appellant, notices in the mutation proceedings were served on the predecessors-in-interest of the respondents in 2013, although the respondents claimed to have become aware of the grant of probate only in 2019.
- The respondents, who are nephews-in-law of the testatrix and the only surviving members of her husband's family, filed a suit for declaration and injunction concerning the property, which remained pending before the jurisdictional court.
- In 2022, the respondents filed an application under Section 263 of the Indian Succession Act, 1925 before the probate court, seeking revocation of the probate granted in favour of the appellant.
- The Single Judge dismissed the revocation application, holding it to be barred by limitation under the Limitation Act, 1963.
- On appeal, the Division Bench of the High Court

Case Details

Case Title:	Dhiraj Dutta v. Anirban Sen & Ors.
Citation:	2026 INSC 602
Bench	Justice Sanjay Karol and Justice Vipul M. Pancholi

Issue Before the Court

- Whether the Indian Succession Act, 1925 prescribes any period of limitation for an application seeking revocation of probate under Section 263, and if not, which provision of the Limitation Act, 1963 governs such an application.
- Whether service of notice on the respondents' predecessors-in-interest in the mutation proceedings initiated pursuant to the grant of probate amounted to constructive notice of the probate to the respondents.
- From what date the right to apply for revocation of probate accrued to the respondents for the purpose of computing limitation under Article 137 of the Limitation Act, 1963.
- Whether the respondents' application for revocation of probate, filed in 2022, was barred by limitation.

took a different view and allowed the appeal, holding the application to be within limitation, prompting the appellant to approach the Supreme Court.

Judgement of the Court

- The Court held that the Indian Succession Act, 1925 does not prescribe any period of limitation either for an application for grant of probate or for an application seeking revocation of a probate already granted, and that recourse must accordingly be had to Article 137 of the Limitation Act, 1963, which prescribes a residual three-year limitation period running from the date on which the right to apply accrues.
- It held that the accrual of the right to apply for revocation is dependent on the date from which the applicant had knowledge of the grant of probate, making this a fact-sensitive inquiry rather than one governed by a fixed statutory date.
- The Bench explained that constructive notice is a deeming fiction rooted in equity, distinct from actual notice, since it is an inference drawn by operation of law rather than a fact of direct knowledge, and that whether particular circumstances amount to constructive notice is a question of fact, or a mixed question of law and fact, to be determined according to the circumstances of each case.
- The Court held that the standard for determining wilful abstention or gross negligence in this context is that of a reasonably prudent person as understood in Indian conditions.
- Applying this standard, the Court noted that the respondents had admitted that notice in the mutation proceedings was served upon their predecessors-in-interest but that they chose not to act upon it, and held that such inaction did not reflect the conduct of a reasonably prudent person, particularly since the respondents already held mutation entries in their own favour and had therefore received notice concerning mutation proceedings initiated by a third party in relation to the same property.
- The Bench observed that the minimum expected of a party receiving a court notice is that they make an effort to ascertain why the notice was sent and what response, if any, was required of them, and that failure to make such inquiry cannot subsequently be used to claim a later date of actual knowledge for the purpose of limitation.
- The Court further noted that in the revocation application itself, for the period between 2013 and 2019, the respondents had only alleged that the appellant threatened them and attempted to dispossess them of their right, title, and interest, while remaining silent on how such right and title came to vest in the appellant, which was found to be inconsistent with their claim of continued ignorance regarding the probate.
- On this basis, the Court held that the service of notice in the mutation proceedings amounted to deemed constructive notice of the probate, and that the three-year limitation period under Article 137 would run from the point at which the respondents, upon reasonable inquiry, would have discovered that the mutation proceedings rested on the probate granted in favour of the appellant, a point that could not have been later than the date of service of notice in 2013.
- Accordingly, the Court held that the respondents' application for revocation of probate, filed in 2022, was hopelessly barred by limitation, allowed the appeal, set aside the judgment of the Division Bench, and restored the order of the Single Judge dismissing the revocation application.

Key Takeaway for CLAT Aspirant

Section 263, Indian Succession Act, 1925: Revocation of Probate
Section 263 empowers the court that granted probate or letters of administration to revoke or annul the grant for just cause, such as procedural defects, subsequently discovered facts, or the discovery of a later valid Will, thereby providing a mechanism to correct or set aside a grant already made.

Absence of a Specific Limitation Period in the Indian Succession Act, 1925
The Indian Succession Act, 1925 does not prescribe any specific limitation period for either an application for grant of probate or an application for revocation of a probate under Section 263, leaving a legislative gap that must be filled by resort to the general law of limitation.

Article 137, Limitation Act, 1963: Residual Limitation Provision
Article 137 is a residuary provision applying to any application for which no period of limitation is provided elsewhere in the Third Division of the Schedule to the Limitation Act. It prescribes a limitation period of three years, running from the date on which the right to apply accrues.

Accrual of the "Right to Apply" as a Fact-Dependent Inquiry
The date on which the right to apply accrues, for the purpose of Article 137, is not a fixed or automatic date but depends on when the applicant acquired knowledge of the cause of action, making the determination of limitation closely tied to questions of notice and awareness.

Doctrine of Constructive Notice
Constructive notice is an equitable deeming fiction under which a person is treated as having knowledge of a fact, even without actual awareness, where the circumstances are such that a reasonably prudent person would have discovered the fact upon due inquiry. It is distinguished from actual notice, which involves direct and factual knowledge.

Constructive Notice as a Question of Fact or Mixed Question of Law and Fact
Whether particular circumstances amount to constructive notice cannot be answered by a fixed rule of law but must be assessed on the specific facts of each case, since it depends on an evaluation of what a reasonable person would have inferred or discovered from the available circumstances.

Standard of the Reasonably Prudent Person in Indian Conditions
In assessing whether a party's failure to act upon a communication amounts to wilful abstention or gross negligence sufficient to fix them with constructive notice, courts apply the standard of a reasonably prudent person as understood in the context of prevailing Indian conditions, rather than an abstract or purely theoretical standard.

Duty to Inquire upon Receipt of Judicial or Quasi-Judicial Notice
A party who receives a notice issued by a court or quasi-judicial authority is expected, at a minimum, to make reasonable efforts to ascertain why the notice was issued and what action, if any, is required in response. Failure to make such inquiry cannot later be relied upon to postpone the commencement of the limitation period.

Mutation Proceedings and Revenue Records
Mutation refers to the process of updating revenue records to reflect a change in ownership or title to immovable property, typically following inheritance, transfer, or grant of probate. While mutation entries do not by themselves confer or extinguish title, notice issued in the course of such proceedings can be legally significant for determining a party's awareness of the underlying transaction.

Distinction Between Testamentary Succession Instruments and Limitation Law
While the Indian Succession Act, 1925 governs the substantive law relating to Wills, probate, and

testamentary succession, questions of the time within which remedies concerning such instruments must be pursued are governed independently by the general law of limitation, illustrating the interplay between substantive succession law and procedural limitation law.

Practice Questions

1. After a grant of probate has been made, a later valid Will of the deceased is discovered which the propounder of the earlier grant had not disclosed. An interested party approaches the very court that made the grant seeking to have it set aside. May that court revoke the grant on this ground?
(a) No, because a grant of probate once made is final and beyond the power of any court to disturb.
(b) No, because the discovery of a later Will is not a ground recognised for interfering with a grant.
(c) Yes, because the court may revoke the grant for just cause such as the discovery of a later valid Will.
(d) Yes, because any interested party may have a grant set aside as of right without showing any cause.

2. An application seeking revocation of a probate is filed several years after the applicant's right to apply had accrued, the Indian Succession Act itself prescribing no period within which such an application must be made. The respondent pleads that the application is barred by limitation. Which of the following correctly states the legal position?
(a) No period of limitation applies at all, since the Indian Succession Act prescribes none for such an application.
(b) A period of twelve years applies to the application, running from the date of the original grant of probate.
(c) The application is governed by no limitation, as revocation may be sought at any time after the grant is made.
(d) Article 137 applies, prescribing three years running from the date on which the right to apply accrued.

3. Consider the following statements:
i. Constructive notice is an equitable deeming fiction treating a person as having knowledge of a fact.
ii. Constructive notice arises only upon direct and factual knowledge of the fact in question.
iii. Constructive notice may be imputed where a reasonably prudent person would have discovered the fact upon due inquiry.
iv. Actual notice, unlike constructive notice, involves direct and factual knowledge of the fact.
Which of the above statements is incorrect?
(a) Statement ii only
(b) Statement iii only
(c) Statements i and ii only
(d) Statements ii and iv only

4. With respect to a party who receives a notice issued by a court or quasi-judicial authority, which of the following correctly states the party's obligation and its consequence for limitation?
(a) The party is under no obligation to inquire, and inaction cannot affect the running of the limitation period at all.
(b) The party may await a further and clearer communication before making any inquiry into the notice received.
(c) The party is expected to make reasonable inquiry, and failure to do so cannot postpone the running of limitation.

(d) The party is bound to comply with the notice at once, and mere inquiry into its purpose is legally insufficient.

5. Which of the following correctly describes the nature and effect of mutation of revenue records?
(a) It is the process of updating revenue records to reflect a change in ownership, and it does not by itself confer title.
(b) It is a proceeding that by itself confers or extinguishes title to immovable property upon the person recorded.
(c) It is a mode of testamentary succession by which ownership of property passes on the death of the holder.
(d) It is a judicial adjudication conclusively determining the title of the parties to the immovable property concerned.

SUPREME COURT | Landmark Judgements

8 Constructive Res Judicata Bars Negligently Omitted Grounds

Background

- The dispute concerned land originally belonging to Mahabir Rai, grandson of one Gokul Rai, who in July 1960 transferred 95.80 acres of land in favour of his mother, Raj Mohani alias Roopjhari, and his son, the appellant Makardhwaj Ram.
- In April 1962, Mahabir Rai, his wife Gulmati, and his mother executed a General Power of Attorney in favour of Mahabir's cousin, Rambhajan.
- Acting under this authority, Rambhajan sold 21.43 acres of the land to one Prem Prakash in January 1969 and 33.76 acres to one Chandra Sao in February 1969, and the power of attorney was subsequently cancelled by the grantors in June 1969.
- Mahabir Rai instituted suits challenging these two sale transactions, seeking cancellation of the sale deeds, and both suits were ultimately dismissed.
- In 1985, Rambhajan applied for mutation of his name in the revenue records, which application was initially dismissed but was subsequently allowed on appeal.
- This mutation, extending to land beyond what was covered by the earlier sale transactions, prompted Makardhwaj Ram to institute a fresh civil suit against Rambhajan seeking a declaration of title and possession over the remaining land.
- The Trial Court partly decreed the suit in May 1993, holding Makardhwaj Ram entitled to 43.69 acres out of the claimed 95.80 acres, and this decree was upheld by the first appellate court.
- Rambhajan's successor-in-interest, Jagdish Rai, represented through his legal representatives,

Case Details

Case Title:	Makardhwaj Ram v. Jagdish Rai (Dead) Th. Lrs. & Anr.
Citation:	Civil Appeal No. 2950 of 2011 | 2026 INSC 636
Bench	Justice Sanjay Karol and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- Whether the suit filed by the appellant seeking declaration of title and possession over the remaining land was barred by the doctrine of constructive res judicata under Section 11 read with Explanation IV of the Code of Civil Procedure, 1908, on the ground that he could have asserted such title in the earlier suits challenging the sale deeds executed by Rambhajan.
- What is the correct interpretation and threshold of the expression "might and ought" as used in the doctrine of constructive res judicata, and whether the doctrine applies uniformly irrespective of the facts of a case.

- carried the matter in second appeal to the Chhattisgarh High Court, which set aside the judgments of the courts below and dismissed the suit as barred by the doctrine of constructive res judicata, on the ground that Makardhwaj Ram could have asserted ownership based on the 1960 transfer deed in the earlier proceedings challenging the sale deeds.
- Aggrieved by this decision, Makardhwaj Ram approached the Supreme Court by way of civil appeal.

- Whether the omission to raise a ground in earlier proceedings, if attributable to negligence, inadvertence, or accident, excuses a party from the bar of constructive res judicata.
- Whether the High Court correctly applied the doctrine of constructive res judicata to the facts of the case, particularly having regard to the nature and scope of the earlier suits as compared to the subsequent suit for declaration of title.

Judgement of the Court

- The Court explained that constructive res judicata mandates that all grounds that might and ought to have been raised in earlier proceedings must be raised, so as to prevent multiplicity of litigation, and that the doctrine is founded on the public policy principle that a person should not be vexed twice over for the same kind of litigation.
- It reaffirmed that constructive res judicata, as embodied in Explanation IV to Section 11 of the Code of Civil Procedure, 1908, applies not only to civil suits but also to writ proceedings under Articles 226 and 32 of the Constitution.
- The Bench clarified that although constructive res judicata operates as a deeming fiction of law, its application is not uniform, but depends on the facts and circumstances of each case, with due regard to the ambit of the earlier proceedings and the nexus between the omitted ground and the controversy involved in those proceedings.
- It held that the word "ought" in the phrase "might and ought" imports a threshold higher than mere possibility, and that whether a ground ought to have been raised must be assessed from the standpoint of the reasonable diligence expected of a litigant and the legitimate scope of the earlier litigation.
- The Court held that the doctrine applies with equal force even where a ground was omitted due to negligence, inadvertence, or accident, holding that the requirements of "might" and "ought" operate cumulatively and without exception, so that a litigant who fails to raise an available ground does so at their own peril.
- Applying these principles to the facts, the Court disagreed with the High Court's reasoning that Makardhwaj Ram could have asserted his title flowing from the 1960 deed in the earlier suits, and instead held that his ownership over the larger parcel of land already rested undisputedly in his favour by virtue of that deed and was never in question in the earlier proceedings.
- The Bench observed that the earlier suits were directed specifically against the individual alienations made by Rambhajan under the power of attorney, so that there was no occasion in those proceedings for the appellant to seek a declaration of title over the larger parcel of land that was not the subject matter of those alienations.
- It held that the necessity to assert title over the remaining land arose only when Rambhajan sought mutation of his name in the revenue records in respect of land beyond what was covered

by the earlier sale transactions, and that it was this subsequent event which gave rise to the cause of action for the present suit.

- The Court held that accepting the High Court's reasoning would have the effect of depriving the appellant of the entire property transferred to him under the 1960 deed, a result that would be unduly harsh, unjust, and offensive to both law and equity.
- The Bench further observed that courts adjudicating inter-family property disputes must not apply legal doctrines mechanically without regard to the surrounding facts and circumstances, and that the exercise of judicial function in such disputes calls for an understanding of the factual context rather than a rigid enforcement of the letter of the law.
- Accordingly, the Court set aside the judgment of the High Court and allowed the appeal, restoring the decree in favour of the appellant.

Key Takeaway for CLAT Aspirant

Section 11, Code of Civil Procedure, 1908: Doctrine of Res Judicata

Section 11 bars the trial of a subsequent suit or issue that has been directly and substantially in issue between the same parties in a former suit and has been finally decided by a competent court, thereby preventing repeated litigation over the same matter.

Explanation IV to Section 11: Constructive Res Judicata

Explanation IV extends the principle of res judicata by deeming any matter that might or ought to have been made a ground of attack or defence in a former suit to have been directly and substantially in issue in that suit, thereby barring its agitation in subsequent proceedings even though it was never actually raised or decided earlier.

Order II Rule 2, Code of Civil Procedure, 1908: Relinquishment of Claims

Order II Rule 2 requires a plaintiff to include the whole of the claim arising from a cause of action in a single suit, failing which any relief not claimed is deemed relinquished. This provision is closely linked to the doctrine of constructive res judicata, since both are directed at preventing the splitting of claims and multiplicity of proceedings.

The Threshold of "Might and Ought"

The phrase "might and ought" requires more than the mere theoretical possibility that a ground could have been raised in earlier proceedings. The word "ought" imports a standard of reasonable diligence and legitimate scope of litigation, requiring an assessment of whether a prudent litigant, exercising due care, would have been expected to raise that particular ground at that stage.

Public Policy Rationale of Res Judicata Principles

The doctrines of res judicata and constructive res judicata rest on the public policy maxim that a person should not be vexed twice over for the same cause, and that there must be finality to litigation, so as to protect both litigants and the judicial system from the burden of repeated proceedings on matters that could have been conclusively resolved earlier.

Applicability of Constructive Res Judicata to Constitutional Remedies

The doctrine of constructive res judicata applies not only to ordinary civil suits but also to writ proceedings invoking the jurisdiction of courts under Articles 226 and 32 of the Constitution, thereby extending principles of finality and diligence to the enforcement of fundamental and other legal rights as well.

Effect of Negligence, Inadvertence, or Accident on the Doctrine's Application

The bar of constructive res judicata operates irrespective of whether the omission to raise a ground in earlier proceedings was deliberate or resulted from negligence, inadvertence, or accident, reflecting the principle that litigants bear the consequences of failing to exercise reasonable diligence in presenting their case fully at the appropriate stage.

Requirement of Nexus Between the Omitted Ground and the Earlier Controversy

The application of constructive res judicata is not automatic merely because a ground could theoretically have been raised earlier; courts must examine the ambit and scope of the earlier proceedings and assess whether the omitted ground bears a genuine and substantial nexus to the controversy that was actually being litigated in those proceedings.

Doctrine of Cause of Action and Its Accrual

A cause of action refers to the bundle of facts that gives a party the right to seek judicial relief, and it may arise independently at different points in time. A subsequent event, such as a fresh claim of adverse right through mutation proceedings, may give rise to a new and independent cause of action distinct from an earlier dispute concerning specific transactions.

Equity in the Application of Procedural Bars in Family Property Disputes

Courts, while applying technical or procedural doctrines such as res judicata in the context of long-standing inter-family property disputes, must exercise their function with an appreciation of the surrounding facts and equities of the case, rather than mechanically enforcing procedural bars in a manner that produces an unjust or disproportionately harsh outcome.

Practice Questions

1. A plaintiff, having a single cause of action against the defendant, institutes a suit but omits to claim one of the reliefs available to him arising from that same cause of action, without the leave of the court. He later seeks to recover that omitted relief through a fresh suit. Is he entitled to claim the omitted relief in the subsequent suit?
(a) Yes, because a plaintiff may pursue each available relief through a separate suit at his own convenience.
(b) No, because relief not claimed from a single cause of action is deemed to have been relinquished.
(c) Yes, because omission of a relief in the first suit never affects the right to sue for it later.
(d) No, because a plaintiff is barred from ever instituting more than one suit against the same defendant.

2. In a former suit a litigant omitted, through mere inadvertence, to raise a ground of defence that might and ought to have been raised in those proceedings. In a subsequent proceeding he seeks to agitate that very ground, pleading that the omission was not deliberate but accidental. Which of the following correctly states the legal position?
(a) The ground may be raised afresh, since constructive res judicata operates only against a deliberate omission of a ground.
(b) The ground is barred, since the doctrine operates irrespective of whether the omission was deliberate or by inadvertence.
(c) The ground may be raised afresh, since an accidental omission is always excused from the operation of the doctrine.
(d) The ground is barred only if the litigant is shown to have omitted it with a dishonest or fraudulent intention.

3. Consider the following statements:
i. The doctrine of constructive res judicata applies to ordinary civil suits.
ii. The doctrine of constructive res judicata applies to writ proceedings under Article 226 of the Constitution.
iii. The doctrine of constructive res judicata applies to writ proceedings under Article 32 of the Constitution.
iv. The doctrine of constructive res judicata has no application to proceedings invoking the writ jurisdiction of the courts.
Which of the above statements is incorrect?
(a) Statement iv only
(b) Statement ii only
(c) Statements ii and iii only
(d) Statements i and iv only

4. Which of the following correctly states the effect of Explanation IV to Section 11 of the Code of Civil Procedure, 1908?
(a) It confines res judicata to matters that were actually raised and finally decided in the former suit

alone.
(b) It deems a matter that might or ought to have been made a ground of attack or defence to have been in issue.
(c) It bars only those matters that were expressly pleaded but left undecided by the court in the earlier suit.
(d) It permits a fresh trial of any ground that was not actually adjudicated upon in the course of the former suit.

5. Upon which of the following does the public policy underlying the doctrines of res judicata and constructive res judicata rest?
(a) Upon the maxim that a person should not be vexed twice for the same cause and that litigation must attain finality.
(b) Upon the principle that every litigant is entitled to as many trials of the same cause as he may choose to pursue.
(c) Upon the rule that the burden of proving a former adjudication always rests upon the court and not the parties.
(d) Upon the object of enlarging the scope of litigation so that every conceivable ground may be tried repeatedly.

SUPREME COURT Landmark Judgements

9 SC Examines Aadhaar's Use as Citizenship Proof

Background

- The petitioner, advocate Ashwini Kumar Upadhyay, filed a writ petition seeking directions to restrict the use of the Aadhaar card as proof of citizenship, domicile, address, and date of birth, and to ensure that it is used strictly as proof of identity.
- The petition relied on Section 9 of the Aadhaar Act, 2016, which expressly provides that an Aadhaar number does not confer any right to, or serve as proof of, citizenship or domicile.
- The petition also relied on a notification issued by the Unique Identification Authority of India dated 22 August 2023, which similarly clarifies that Aadhaar is proof of identity alone and not proof of citizenship, address, or date of birth.
- Despite these statutory and administrative clarifications, the petitioner contended that Aadhaar continues to be accepted as proof of age, citizenship, and domicile for purposes such as school admissions, property transactions, and the issuance of birth certificates, ration cards, and driving licences.
- The petitioner further challenged the acceptance of Aadhaar in Form 6, the application form for new voter registration, as proof of date of birth and residence, contending that Section 23(4) of the Representation of the People Act, 1950 permits Aadhaar to be used only to establish identity and not to prove age or residence.
- The petition contended that any person residing in India for 182 days in a year becomes eligible to

Case Details

Case Title:	Ashwini Kumar Upadhyay v. Union of India
Citation:	W.P.(C) No. 654/2026 | Diary No. 30016/2026
Bench	Chief Justice of India Surya Kant and Justice V. Mohana

Issue Before the Court

- Whether the continued acceptance of Aadhaar as proof of citizenship, domicile, age, and residence, for purposes such as school admissions, property transactions, and issuance of official documents, is contrary to Section 9 of the Aadhaar Act, 2016.
- Whether the use of Aadhaar in Form 6 as proof of date of birth and residence for new voter registration is inconsistent with Section 23(4) of the Representation of the People Act, 1950, and violative of Article 14 of the Constitution.
- Whether directions ought to be issued to the Union Government, State Governments, and the Election Commission of India confining the use of Aadhaar strictly to proof of identity.

obtain Aadhaar, including through documents such as rent agreements and recommendations from local authorities, thereby making it possible for illegal immigrants and infiltrators to acquire Aadhaar and subsequently secure other official documents, including voter identity cards.

- The petitioner sought directions to the Union Government, State Governments, and the Election Commission of India to restrict Aadhaar's use strictly to proof of identity, along with a declaration that its use as proof of date of birth and residence in Form 6 is contrary to Section 9 of the Aadhaar Act, 2016, Section 23(4) of the Representation of the People Act, 1950, and Article 14 of the Constitution, and is therefore void and inoperative.

Judgement of the Court

- The Bench, comprising the Chief Justice of India and Justice V. Mohana, issued notice to the Union of India and other concerned respondents, calling for their response to the contentions raised in the petition.
- The Court did not record any findings on the merits of the petitioner's contentions at this stage, the matter having been listed only for consideration of whether notice should be issued.

Key Takeaway for CLAT Aspirant

Section 9, Aadhaar (Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016

Section 9 expressly clarifies that the Aadhaar number, or the authentication thereof, does not confer any right of, or serve as proof of, citizenship or domicile of the Aadhaar number holder. This provision statutorily limits the evidentiary value of Aadhaar to identity alone.

Distinction Between Proof of Identity and Proof of Citizenship or Domicile

Proof of identity establishes who a person is, whereas proof of citizenship or domicile establishes a person's legal status and nexus with the State conferring rights such as voting or holding public office. These are conceptually and legally distinct categories, and a document recognised for one purpose cannot automatically be treated as sufficient for the other.

Section 23(4), Representation of the People Act, 1950

This provision permits Aadhaar to be furnished by an applicant for the purpose of establishing identity in connection with an application for inclusion of name in the electoral roll, but does not extend to using Aadhaar as proof of age or ordinary residence, which are separately required qualifications for registration as an elector.

Article 14 of the Constitution: Arbitrariness as a Ground of Challenge

Article 14 guarantees equality before law and equal protection of laws, and administrative action or practice that is arbitrary, irrational, or contrary to the plain terms of the governing statute is liable to be struck down as violative of this guarantee, independent of the classification test.

Doctrine of Ultra Vires in Administrative Action

Where an executive or administrative practice exceeds or contradicts the scope permitted by the parent statute under which it purports to operate, such practice is rendered ultra vires the statute and can be declared void and inoperative by a competent court.

Citizenship under the Constitution and the Citizenship Act, 1955

Citizenship of India is governed by Articles 5 to 11 of the Constitution and further regulated by the Citizenship Act, 1955, which prescribe specific modes of acquisition, such as by birth, descent, registration, or naturalisation. Citizenship status is therefore determined through this dedicated legal framework and not through possession of any particular identity document.

Concept of Domicile in Indian Law

Domicile refers to the country or place that a person treats as their permanent home and with which they have the closest legal connection, and is a concept distinct from mere residence or physical presence. Establishing domicile ordinarily requires proof of both actual residence and the intention to remain permanently, rather than the mere holding of an identity document.

Article 326: Right to Vote and Universal Adult Suffrage

Article 326 provides for elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage, subject to qualifications such as citizenship, minimum age, and other disqualifications provided by law. The integrity of the electoral roll, including accurate verification of these qualifying criteria, is thus directly tied to the constitutional scheme of representative democracy.

Writ Jurisdiction under Article 32 and Public Interest Litigation

Article 32 empowers the Supreme Court to issue directions or writs for the enforcement of fundamental rights, and this jurisdiction has been extended through public interest litigation to permit challenges to systemic administrative practices affecting the rights of citizens at large, even where the petitioner is not personally aggrieved by a specific individual action.

Preliminary or Notice Stage in Judicial Proceedings

The issuance of notice by a court to the respondents in a matter is a preliminary procedural step calling for their response, and does not amount to an adjudication or expression of opinion on the merits of the case. Final determination of the rights and contentions of the parties occurs only after both sides have been heard and a reasoned judgment is delivered.

Practice Questions

1. An applicant for inclusion of his name in the electoral roll furnishes his Aadhaar number, and the registering authority proceeds to treat that number as sufficient proof of his age and ordinary residence for the purpose of registration. A challenge is raised to this course of action. Is the authority entitled to treat Aadhaar as proof of the applicant's age and ordinary residence?
(a) Yes, because Aadhaar may be furnished to establish every qualification required for registration as an elector.
(b) No, because Aadhaar may be furnished to establish identity but does not extend to proof of age or residence.
(c) Yes, because the furnishing of Aadhaar dispenses with the need to establish age and residence separately.
(d) No, because Aadhaar cannot be furnished for any purpose whatsoever in connection with the electoral roll.

2. An administrative authority adopts a practice that exceeds and contradicts the scope permitted by the parent statute under which it purports to function. The practice is challenged before a competent court. Which of the following correctly states the legal consequence of such a practice?
(a) The practice remains valid until the parent statute is itself amended to expressly prohibit that course.
(b) The practice is rendered ultra vires the statute and may be declared void and inoperative by the court.
(c) The practice is valid so long as the authority acted in good faith, notwithstanding the excess of power.
(d) The practice binds the parties permanently, the court having no power to interfere with its operation.

3. Consider the following statements:
i. Domicile refers to the place a person treats as their permanent home and with which they have the closest legal connection.
ii. Domicile is a concept identical to mere residence or physical presence at a place.
iii. Establishing domicile ordinarily requires proof of both actual residence and the intention to remain permanently.
iv. Domicile is established merely by the holding of an identity document by the person concerned.
Which of the above statements are incorrect?
(a) Statements i and iii only
(b) Statements ii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. With respect to the evidentiary value of an Aadhaar number under Section 9 of the Aadhaar Act, 2016, which of the following correctly states the legal position?
(a) It serves as conclusive proof of the citizenship of the Aadhaar number holder for all statutory purposes.
(b) It confers a right of domicile upon the holder while remaining silent on the question of citizenship.
(c) It does not confer any right of, or serve as proof of, citizenship or domicile of the number holder.

(d) It operates as proof of citizenship as well as domicile once the authentication has been carried out.

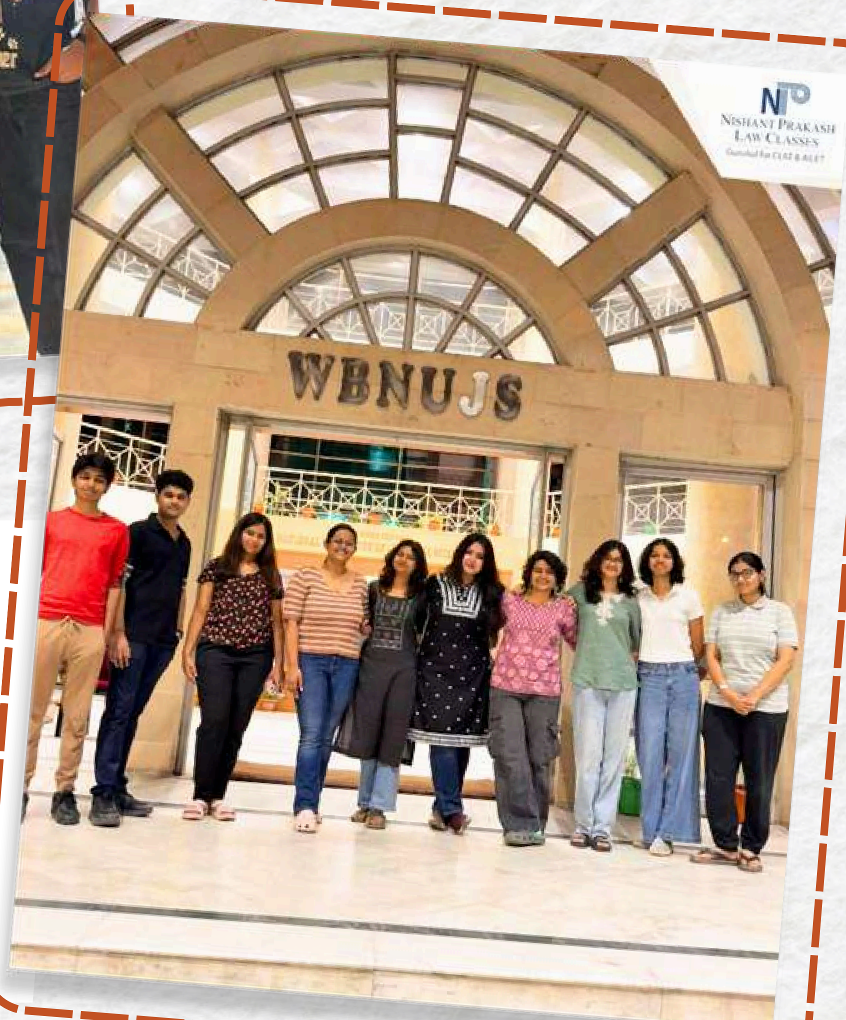
5. Which of the following correctly describes the nature of the issuance of notice by a court to the respondents in a matter?
(a) It amounts to a final adjudication of the rights and contentions of the parties to the proceedings.
(b) It expresses the court's considered opinion on the merits of the case before the parties are heard.
(c) It is a preliminary procedural step calling for the respondents' response and is not an adjudication on merits.
(d) It concludes the proceedings against the respondents unless they promptly apply to have the notice recalled.

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

10 SC Issues Directions to Odisha Government for Welfare of Visually Impaired Man and His Elderly Mother

Background

- The Supreme Court took suo motu cognizance of media reports highlighting the living conditions of Japa Bhue, a visually impaired man blind since birth, and his elderly mother Radhika Bhue, aged about 80 years, residents of Bagadia village in Subarnapur district, Odisha.
- The reports indicated that the family's financial condition had worsened following the death of Japa Bhue's father, who was the sole earning member of the household.
- The mother and son were reported to be living in a dilapidated, asbestos-roofed structure that served as their kitchen, bedroom, and living space, with cracked walls and an unstable roof posing a constant risk to their safety.
- Despite repeated efforts and applications, the family had remained excluded from the full benefit of government housing schemes, and had received only limited financial assistance in the form of a small pension and food-grain support, notwithstanding the existence of multiple government schemes for senior citizens and persons with disabilities.
- The matter was registered as a distinct suo motu case, and notice was issued to the State of Odisha directing it to ensure that welfare benefits and basic amenities are extended to the family.
- During the hearing, counsel for the State of Odisha submitted that a dwelling unit had reportedly been allotted to Radhika Bhue and to Japa Bhue's brothers, that Radhika Bhue was receiving a monthly old-age

Case Details

Case Title:	In Re: Ensuring Basic Human Dignity and Social Security for Differently Abled Citizens Living in Extreme Poverty and Other Ancillary Issues
Citation:	SMW(C) No. 18/2026
Bench:	Chief Justice of India Surya Kant and Justice V. Mohana

Issue Before the Court

- Whether Japa Bhue and Radhika Bhue were, in fact, receiving the full range of social security benefits and welfare entitlements available to them under Central and State Government schemes meant for persons with disabilities and senior citizens.
- Whether the State of Odisha had discharged its constitutional obligation to ensure basic amenities and a dignified life to vulnerable and marginalised citizens living in extreme poverty.
- What institutional mechanisms and directions were required to verify,

pension of Rs. 3,500, that Japa Bhue was receiving Rs. 3,500 as disability pension, and that the family was receiving free rice under a government scheme.

on the ground, whether existing welfare schemes for the disabled and the elderly translate into effective and actual relief rather than remaining merely on paper.

Judgement of the Court

- The Court recorded its concern for the sustenance and dignified life of Japa Bhue, who is blind by birth, and his mother Radhika Bhue, and directed the State of Odisha and its authorities to ensure that all basic amenities are made available to them until further orders.
- The Court clarified that its object in taking up the matter was not confined to ascertaining the mere existence of welfare schemes on paper, but to examine whether such schemes actually translate into a dignified life for their intended beneficiaries.
- Noting the State's submission regarding allotment of a dwelling unit and payment of pension and food-grain assistance to the family, the Court directed the authorities to verify these claims rather than accepting them without scrutiny.
- The Court directed the State of Odisha to file an affidavit, through an officer not below the rank of Additional Chief Secretary, disclosing whether old-age pension has been granted to Radhika Bhue, the amount being paid, whether all arrears have been released, and the other social security benefits and welfare schemes to which she is entitled.
- The Court sought similar disclosure regarding Japa Bhue's entitlement to disability pension, whether such pension has been granted, and details of the other welfare benefits available to him and whether these have actually been extended.
- The Court directed the Member Secretary of the Odisha State Legal Services Authority to personally interact with the family, and directed that district legal services authorities coordinate with the Chief Medical Officer to arrange any immediate medical assistance required by either Radhika Bhue or Japa Bhue.
- The Court directed that Japa Bhue be engaged as a para-legal volunteer to sensitise specially abled persons about their rights and the welfare benefits available under Central and State schemes, and directed that he be paid an honorarium not less than the minimum wages notified by the State of Odisha under the Minimum Wages Act.
- Observing that Japa Bhue appeared, prima facie, entitled to a separate dwelling unit, the Court directed the legal services authority to examine his eligibility under applicable government housing schemes and, if found eligible, to take up the matter with the State Government for appropriate relief.
- The Court directed the Odisha State Legal Services Authority to submit a separate report on the social security measures extended to the family, including allotment of any dwelling unit, and directed the State to file a status report with complete details of the benefits extended, listing the matter for further consideration in the third week of July 2026.

Key Takeaway for CLAT Aspirant

Article 21: Right to Life with Human Dignity

Article 21 guarantees the right to life and personal liberty, which has been judicially expanded to include the right to live with human dignity. This encompasses access to basic necessities such as shelter, food, and healthcare, particularly for vulnerable groups such as persons with disabilities and the elderly poor.

Article 41: Directive Principle on Right to Public Assistance

Article 41 directs the State, within the limits of its economic capacity and development, to make effective provision for securing the right to public assistance in cases of old age, sickness, disablement, and other cases of undeserved want, forming the constitutional basis for pension and disability welfare schemes.

Article 47: Directive Principle on Standard of Living and Public Health

Article 47 casts a duty on the State to regard the raising of the level of nutrition and the standard of living of its people, and the improvement of public health, as among its primary duties, reinforcing the State's obligation to ensure basic amenities to citizens living in poverty.

Suo Motu Jurisdiction of Constitutional Courts

Suo motu jurisdiction permits a constitutional court to take cognizance of a matter on its own initiative, without a formal petition, typically upon receiving information such as media reports disclosing a violation of fundamental rights or a matter of significant public concern, particularly where the affected persons are unable to approach the court themselves.

Article 32: Enforcement of Fundamental Rights

Article 32 empowers the Supreme Court to issue directions, orders, or writs for the enforcement of fundamental rights, and suo motu proceedings concerning violations of rights under Article 21 are ordinarily registered and proceeded with in conjunction with this jurisdiction.

Article 142: Power to Pass Orders for Complete Justice

Article 142 empowers the Supreme Court to pass such decree or order as is necessary for doing complete justice in any cause or matter pending before it. This power enables the Court to issue detailed, continuing directions, such as directing engagement as a paid volunteer or coordination with medical and legal aid authorities, beyond the specific relief originally sought.

Rights of Persons with Disabilities Act, 2016

This Act recognises the rights of persons with disabilities to social security, healthcare, and an adequate standard of living, and casts obligations on appropriate governments to formulate schemes for their welfare, including provisions for disability pension and priority access to housing and other welfare measures.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007

This legislation provides a statutory framework for ensuring the maintenance and welfare of senior citizens, including access to old-age pension, medical care, and protection of their life and property, and is relevant to entitlements such as those claimed on behalf of an elderly parent living in poverty.

Legal Services Authorities Act, 1987: Role of State Legal Services Authorities

This Act establishes State Legal Services Authorities to provide free legal aid and to organise legal awareness programmes for marginalised and disadvantaged sections of society. Their institutional role extends to verifying entitlements, facilitating access to welfare schemes, and reporting on the ground-level implementation of such schemes when directed by a court.

Doctrine of Continuing Mandamus

Continuing mandamus is a judicial technique whereby a court, instead of disposing of a matter through a single order, retains seisin over the case and issues periodic directions, calls for compliance and status reports, and monitors implementation over time, ensuring that its directions are actually translated into effective relief rather than remaining merely declaratory.

Practice Questions

1. An elderly citizen living in poverty contends that the State bears a duty to regard the improvement of public health and the raising of the standard of living of its people as among its primary duties, and relies on Article 47 in support. Does Article 47 cast such a duty upon the State?
(a) No, because Article 47 confines the duty of the State to the regulation of trade in intoxicating substances alone.
(b) Yes, because Article 47 regards raising the standard of living and improving public health as primary State duties.
(c) No, because the raising of the standard of living is left entirely to the discretion of the individual citizen.
(d) Yes, because Article 47 vests in every citizen an enforceable right to a guaranteed standard of living at once.

2. In a matter pending before the Supreme Court concerning the welfare of a destitute person, the Court considers it necessary to issue continuing directions, such as coordination with medical and legal aid authorities, going beyond the specific relief originally sought. Which of the following correctly states the source and scope of this power?
(a) Article 142 empowers the Court to pass such order as is necessary for doing complete justice in the matter.
(b) The Court may issue such directions only where the parties have expressly consented to the relief being granted.
(c) The Court is confined to the specific relief originally sought and cannot travel beyond the prayer in the matter.
(d) The Court may grant such relief only after a fresh and separate petition seeking those very directions is filed.

3. Consider the following statements regarding the suo motu jurisdiction of constitutional courts:
i. Suo motu jurisdiction permits a court to take cognizance of a matter on its own initiative without a formal petition.
ii. Such jurisdiction may be exercised upon information such as media reports disclosing a violation of fundamental rights.
iii. It is particularly apt where the affected persons are unable to approach the court themselves.
iv. Suo motu jurisdiction can be invoked only upon a formal petition presented by the aggrieved person.
Which of the above statements is incorrect?
(a) Statement iv only
(b) Statement ii only
(c) Statements i and iii only
(d) Statements ii and iv only

4. Which of the following correctly describes the doctrine of continuing mandamus?
(a) A technique by which a court disposes of the matter through a single order and thereafter declines all

further seisin.
(b) A technique by which a court delegates the monitoring of its order entirely to the executive without further oversight.
(c) A technique by which a court retains seisin, issues periodic directions, and monitors implementation over time.
(d) A technique by which a court declares the rights of the parties but leaves compliance to the goodwill of the State.

5. Article 41 furnishes the constitutional basis for pension and disability welfare schemes by directing the State to make provision for public assistance in which of the following circumstances?
(a) In cases of old age, sickness, disablement, and other cases of undeserved want, within its economic capacity.
(b) In cases of loss arising from ordinary commercial ventures undertaken voluntarily by citizens for private gain.
(c) In cases affecting only persons holding public office, to the exclusion of the general body of citizens.
(d) In all cases of want whatsoever, unconditionally and without regard to the economic capacity of the State.

11 No Vested Right by Mere Inclusion in Revised Select List

Background

- By a notification issued in 2018, the Tamil Nadu Public Service Commission sought to fill 113 posts of Motor Vehicle Inspector Grade-II through direct recruitment under the Tamil Nadu Transport Subordinate Services.
- Of 2,176 applications received, 1,328 candidates were permitted to appear for the written examination, and ultimately 32 candidates were found eligible for interview in 2019 based on the requirement of one year of workshop experience.
- By an order dated 24 January 2020, a Single Judge of the Madras High Court set aside the provisional selection of these 32 candidates on the ground that they had gained work experience at workshops whose approval had expired and had not been renewed by the government, and directed fresh verification of the work experience certificates of all 1,328 candidates.
- On appeal, the Division Bench upheld all the directions of the Single Judge except the direction concerning work experience, and this outcome was challenged before the Supreme Court in a separate proceeding, which was dismissed in 2021.
- The selection process was undertaken afresh, and based on the marks obtained in the written examination, 226 candidates were called for the oral test in 2021.
- This revised list was again challenged before the High Court, and a Single Judge directed the Tamil Nadu Public Service Commission to complete the

Case Details

Case Title: S. Senthil Kumaran Bose v. The State of Tamil Nadu & Ors.

Citation: Civil Appeal No. of 2026 | 2026 INSC 645

Bench: Justice J.K. Maheshwari and Justice Atul S. Chandurkar

Issue Before the Court

- Whether candidates originally selected in the list of 32, whose selection was set aside solely because the workshops where they gained experience lacked a renewed approval at the relevant time, were entitled to have their names considered for the final select list once the workshops received retrospective approval and their experience was reverified.
- Whether the Division Bench of the High Court was justified in directing that the entire recruitment process be redone afresh, given the prejudice caused to candidates from the list of 226 on account of the pendency of workshop renewal applications over which they had no control.

selection process and publish the final list.

- On further appeal, the Division Bench of the High Court found that there was no uniform policy regarding retrospective renewal of workshop approvals, and directed that the entire recruitment process be redone following a fresh verification exercise by the Motor Vehicles Maintenance Department, while also directing the Commissioner of the Transport Department to decide on retrospective renewal of the workshop approvals within four weeks.
- Aggrieved by various aspects of the Division Bench's directions, three distinct groups approached the Supreme Court: the candidates from the original list of 32, the candidates included in the revised list of 226, and the Tamil Nadu Public Service Commission itself.
- The candidates from the list of 32 contended that they possessed genuine workshop experience and had already been scrupulously verified, and that there was no justification for disturbing steps already completed in a recruitment process pending for over six years.

- Whether mere inclusion in the revised select list conferred upon the candidates from that list any vested right to appointment, such that a direction for a fresh selection process could not be sustained.
- Whether a certificate issued by the Head of an Institution certifying that a candidate studied in the Tamil medium was sufficient to claim the benefit of the "Persons Studied in Tamil Medium" quota, or whether the Tamil Nadu Public Service Commission possessed independent power to verify such certificates.
- Whether the direction requiring the Tamil Nadu Public Service Commission to individually communicate evaluation marks to candidates falling outside the zone of consideration was legally sustainable, or whether such information was confidential.

- The candidates from the list of 226 contended that their placement in that list entitled them to completion of the process on that basis alone, and objected to being made to undergo the entire selection afresh.
- The Tamil Nadu Public Service Commission contended that it possessed independent power to verify whether an institution actually used Tamil as the medium of instruction and was not bound to rely solely on certificates issued by Heads of Institutions under the "Persons Studied in Tamil Medium" quota, and further contended that the High Court erred in directing disclosure of the marks of candidates who did not fall within the zone of consideration.

Judgement of the Court

- The Court examined the counter-affidavit filed by the Director of the Motor Vehicles Maintenance Department, which showed that, in compliance with the High Court's directions, retrospective approval had been granted to the concerned workshops, and that upon fresh reverification the candidates from the list of 32 were confirmed to possess more than the required one year of workshop experience.
- Having found that the technical defect regarding workshop approval stood cured and that their experience was duly verified, the Court held that these candidates were fully entitled to have their names considered for inclusion in the final select list to be published by the Tamil Nadu Public Service Commission.
- On the direction for a fresh recruitment exercise, the Court held that the administrative delay or

pendency of applications for renewal of workshop approvals was a matter entirely outside the control of the candidate-applicants, and that denying employment to candidates who gained experience at workshops that were otherwise functioning and servicing government vehicles would be arbitrary and discriminatory.

- The Court observed that since a class of candidates had been deprived of proper participation in the selection process through no fault of their own, and in the absence of any definite government policy on retrospective renewal, the direction requiring the State Government to take a decision on grant or denial of renewal with retrospective effect was appropriate and did not warrant interference.
- The Bench reasoned that requiring a fresh recruitment exercise provided a level playing field to all eligible candidates, thereby enlarging the pool of meritorious candidates available for selection, which served the public interest.
- The Court clarified that placement in a provisional or revised select list did not, by itself, confer any vested right to appointment, particularly since the candidates from the list of 226 were not being deprived of their right to participate in the fresh selection process, and accordingly found no justifiable legal ground to interfere with the Division Bench's direction on this aspect.
- On the Tamil Medium quota issue, the Court held that since the recruitment notification did not prescribe any additional requirement of obtaining clearance from the Directorate of Technical Education, a certificate issued by the Head of the Institution certifying that the candidate studied in the Tamil medium was sufficient and conclusive proof for claiming the benefit of the quota.
- On the question of disclosure of marks, the Court held that since the litigation had remained pending for several years, disclosing the marks of candidates falling outside the zone of consideration was necessary to ensure transparency and bring finality to the prolonged dispute, and that courts are empowered to direct such disclosure in the larger public interest, so long as the actual answer sheets are not supplied to the candidates.
- Upholding the essence of the Division Bench's judgment, the Court directed the Tamil Nadu Public Service Commission to expedite and conclude the entire selection process in accordance with the verification reports submitted by the Motor Vehicles Maintenance Department and within the timelines fixed by the High Court, and accordingly disposed of all the civil appeals.

Key Takeaway for CLAT Aspirant

Article 14 and Article 16: Equality in Public Employment

Articles 14 and 16 guarantee equality before law and equality of opportunity in matters of public employment respectively. A recruitment process that arbitrarily excludes candidates for reasons entirely outside their control, such as pending administrative approvals, offends these guarantees by denying a fair and equal opportunity to compete.

Doctrine of Legitimate Expectation

This doctrine protects a reasonable expectation arising from an established practice or representation that a particular procedure will be followed, but it does not elevate such expectation into an enforceable right where the expectation is contingent upon future events or administrative decisions still pending fulfilment.

Concept of Vested Right in Service Jurisprudence

A vested right is one that has become fixed, complete, and presently enforceable, as distinguished from a mere expectation or a contingent claim dependent on a future event. Mere inclusion of a candidate's name in a select list, whether provisional or revised, does not by itself satisfy the conditions necessary for a right to appointment to vest.

Distinction Between Selection and Appointment

Inclusion in a select list only confers an eligibility to be considered for appointment; it does not entitle the candidate to a right of appointment, since appointment remains subject to availability of vacancies, satisfaction of eligibility conditions, and completion of the selection process in accordance with law.

Doctrine of Fair Play and Non-Prejudice for No-Fault Conduct

Administrative or executive delay attributable to the State cannot be permitted to prejudice candidates who had no control over such delay. Where candidates satisfy the substantive eligibility criteria but are excluded due to a procedural or administrative lacuna beyond their control, courts may direct remedial measures, including retrospective regularisation, to restore a level playing field.

Judicial Review of Administrative Action in Recruitment Processes

Courts exercising judicial review over recruitment processes examine whether the process adopted by the recruiting authority is fair, non-arbitrary, and consistent with the terms of the governing notification, and may direct fresh or corrective exercises where systemic unfairness affecting a class of candidates is established.

Power of a Recruiting Authority to Verify Eligibility Certificates

A recruiting authority such as a Public Service Commission possesses an independent power to verify whether the substantive conditions underlying an eligibility certificate, such as the medium of instruction at an institution, are actually satisfied, unless the terms of the recruitment notification confine verification to a specific mode or authority.

Principle of Transparency in Public Recruitment

Where a recruitment process has remained mired in prolonged litigation, courts may direct disclosure of evaluation marks to non-selected candidates in the larger public interest, so as to ensure transparency and finality, while balancing this against the confidentiality ordinarily attached to examination records such as answer sheets.

Doctrine of Level Playing Field in Public Recruitment

This principle requires that all similarly situated candidates be given an equal and fair opportunity to compete in a selection process. Where a class of candidates has been unfairly excluded due to circumstances beyond their control, a direction for a fresh process that restores their opportunity to compete is consistent with, rather than violative of, this principle.

Finality of Selection Lists and Judicial Correction of Systemic Defects

While recruitment lists are ordinarily accorded finality once published, courts retain the power to direct correction of systemic defects, including a fresh recruitment exercise, where it is shown that a defect in the process has resulted in the arbitrary exclusion of eligible candidates, even at a late stage of the proceedings.

Practice Questions

1. A Public Service Commission, without any term in the recruitment notification confining verification to a particular mode or authority, seeks to verify whether the substantive condition underlying a candidate's eligibility certificate, namely the medium of instruction at his institution, is actually satisfied. The candidate objects that the Commission has no such power. Is the Commission entitled to undertake this verification?
(a) Yes, because the recruiting authority possesses an independent power to verify whether such substantive conditions are actually satisfied.
(b) No, because an eligibility certificate once produced by a candidate is binding on the authority and beyond any verification.
(c) Yes, because the recruiting authority may reject any candidate at its absolute discretion without assigning any reason at all.
(d) No, because the power to verify the substantive conditions lies solely with the institution that issued the eligibility certificate.

2. A candidate's name is included in the select list published following a recruitment process. Contending that such inclusion by itself entitles him to be appointed, he demands appointment as a matter of right. Which of the following correctly states the legal position?
(a) Inclusion in the select list entitles the candidate to appointment as a matter of right enforceable at once.
(b) Inclusion in the select list confers eligibility to be considered, and appointment remains subject to conditions such as vacancies.
(c) Inclusion in the select list creates a vested right that cannot be defeated by the absence of available vacancies.
(d) Inclusion in the select list obliges the authority to create a vacancy so that the listed candidate may be appointed.

3. Consider the following statements:
i. A vested right is one that has become fixed, complete, and presently enforceable.
ii. A vested right is distinguished from a mere expectation or a contingent claim dependent on a future event.
iii. Mere inclusion of a candidate's name in a select list satisfies the conditions for a right to appointment to vest.
iv. A right to appointment vests upon inclusion in a select list whether the list is provisional or revised.
Which of the above statements are incorrect?
(a) Statements i and ii only
(b) Statements iii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. Which of the following correctly states the scope and limits of the doctrine of legitimate expectation?
(a) It elevates every expectation of a candidate into an enforceable right irrespective of any pending administrative decision.
(b) It confers an enforceable right to appointment whenever a candidate subjectively expects a favourable administrative outcome.
(c) It protects a reasonable expectation arising from established practice but does not create a right where it remains contingent.
(d) It obliges the State to fulfil any assurance held out to a candidate regardless of the terms on which it was given.

5. Which of the following correctly describes the doctrine of level playing field in public recruitment?
(a) It requires that only the highest ranked candidates be permitted to compete, other candidates being excluded from the process.
(b) It requires that all similarly situated candidates be given an equal and fair opportunity to compete in the selection process.
(c) It requires that a published selection list be treated as final in every case, foreclosing any correction of unfair exclusion.
(d) It requires that candidates excluded by their own default be restored to the process on the same footing as eligible candidates.

SUPREME COURT | Landmark Judgements

12 Courts Cannot Compel Plaintiff to Accept Compensation in Lieu of Injunction

Background

- The appellants are the legal heirs of the original plaintiff, Om Parkash, who had filed Civil Suit No. 426 of 1996 against the respondents seeking a mandatory injunction for removal of an alleged illegal encroachment in the form of a wall constructed on the common open space beyond his house, along with a permanent injunction restraining further construction.
- The Trial Court decreed the suit on 6 February 2006, directing the defendants to remove the encroachment and restraining them from raising any further construction on the wall.
- The defendants' Regular Civil Appeal No. 137 of 2006 was dismissed on 5 September 2007, and the Trial Court's decree was upheld by the first Appellate Court.
- In Regular Second Appeal No. 364 of 2008, the Punjab and Haryana High Court, by judgment dated 25 November 2011, directed the defendants to pay Rs. 10,000 with 12% interest per annum, being half the cost of construction, and held that upon such payment the wall would be treated as "common" between the parties.
- The plaintiff had also filed a second suit, CS No. 148 of 2000, against the same defendants seeking a mandatory injunction for removal of a lintel of a school building erected on the wall of his house, which the Trial Court decreed on 8 November 2004, directing removal of the lintel and restraining further construction of the kind.
- The defendants' appeal against this decree was dismissed by the first Appellate Court on 5

Case Details

Case Title:	Rajat Kumar and Others v. S D Adarsh Jain Kanya Maha Vidyalaya Sadhaura and Others
Citation:	Civil Appeal Nos. 19552-19553 of 2017 | 2026 INSC 648
Bench	Justice S.V.N. Bhatti and Justice Atul S. Chandurkar

Issue Before the Court

- Whether it was permissible for the High Court, in exercise of its jurisdiction in second appeal, to substitute the decrees for mandatory injunction with an award of monetary compensation to the plaintiff when no such relief had ever been sought in the pleadings and the legal heirs had not consented to such a course.
- Whether, having set aside the decrees passed in favour of the plaintiff, the High Court could direct the Executing Court to assess the value of the disputed construction and receive payment on that basis, in the absence of any subsisting or executable decree.
- Whether the High Court's judgment on

September 2007, but in Regular Second Appeal No. 363 of 2008, the High Court, by judgment dated 25 November 2011, passed a similar order directing payment of Rs. 7,000 with 12% interest per annum and treating the wall as common upon payment.

- The legal heirs of the plaintiff challenged both High Court judgments before the Supreme Court, which, by order dated 13 September 2013 in Civil Appeal Nos. 8203 of 2013 and 8281 of 2013, held that the modification of the decrees without entering into the merits of the controversy, and without framing any substantial questions of law, was impermissible, and set aside the High Court's judgments, remanding the matters for fresh consideration.
- On remand, the High Court held that the wall had been constructed long ago, that no valuation report was on record, and that the plaintiff's claim had not been proved, and observed that the defendants could compensate the plaintiff in monetary terms as assessed by a valuer; it accordingly directed the Executing Court to assess the value of the construction and directed the defendants to deposit the assessed amount for payment to the plaintiff's legal heirs, while setting aside the decrees passed by the Trial Court and affirmed by the first Appellate Court.
- Aggrieved by this reversal of the decrees, the legal heirs of the original plaintiff preferred the present appeals before the Supreme Court.

remand satisfied the requirement under Section 100 of the Code of Civil Procedure, 1908 of framing and deciding substantial questions of law, and whether it proceeded on an accurate appreciation of the findings actually recorded by the Trial Court.

Judgement of the Court

- The Court noted that the original suit was essentially one for a decree of mandatory injunction seeking removal of an encroachment that interfered with the plaintiff's right to enjoy air and light through ventilators and obstructed the passage of water through a common path, and that the defendants had been unable to establish any right, title, or interest in the land on which the wall was erected.
- It held that there was no prayer whatsoever made by the original plaintiff seeking damages or compensation for the encroachment, and that in the absence of such a prayer, the decree passed in his favour could not have been set aside by compelling his legal heirs to accept compensation assessed by a valuer, particularly since the legal heirs had never consented to such a course.
- The Court held that once the decrees passed by the Trial Court in favour of the plaintiff were set aside, there remained no occasion for the Executing Court to proceed with execution, since no decree survived to be executed, and that directing the Executing Court to assess the value of the wall required it to undertake an exercise unsupported by any decree, a course that finds no basis under Order XXI of the Code of Civil Procedure, 1908.
- The Bench observed that the High Court had committed a similar error on an earlier occasion by directing payment of compensation in the second appeals, an approach that had already been set aside by the Supreme Court in 2013, and that on remand the High Court repeated substantially the same error by directing valuation of the wall through the Executing Court.
- The Court found that the High Court's judgment proceeded on a factually incorrect premise that the Trial Court had recorded a finding that the wall was a common wall, when in fact the Trial Court had passed a decree for removal of the offending wall and had recorded no such finding.
- It further observed that although the High Court had referred to three questions urged by the

defendants as "substantial questions of law," the judgment did not clearly indicate that these questions had actually been framed and treated as such, yet the judgment concluded that these questions stood answered in favour of the defendants and set aside the decree in the plaintiff's favour, and that this course, combined with the grant of relief never prayed for, resulted in a miscarriage of justice.

- Having found that the second appeals had not been adjudicated on their merits in compliance with Section 100 of the Code, the Court set aside the High Court's common judgment and requested the High Court to reconsider both appeals afresh in accordance with Section 100 of the Code, directing that this be done expeditiously in view of the fact that the second appeals dated back to 2008.

Key Takeaway for CLAT Aspirant

Section 100, Code of Civil Procedure, 1908: Second Appeal Confined to Substantial Questions of Law
A second appeal to the High Court lies only on a substantial question of law, which the High Court must formulate at the time of admitting the appeal. The High Court is not permitted to interfere with concurrent findings of fact or to modify a decree without first framing and answering such a question, since jurisdiction in second appeal is fundamentally distinct from and narrower than jurisdiction in first appeal.

Order VII Rule 7, Code of Civil Procedure, 1908: Relief Must Be Specifically Pleaded
A plaint must specifically state the relief claimed by the plaintiff, and a court is ordinarily confined to granting relief within the scope of what has been prayed for, since the pleadings define and limit the boundaries of adjudication in a civil suit.

Doctrine Against Granting Relief Beyond the Pleadings
Courts cannot grant a relief that has neither been pleaded nor prayed for by a party, since doing so denies the opposite party a fair opportunity to meet the case and results in a determination on a cause of action never placed before the court. This principle safeguards the adversarial structure of civil litigation.

Mandatory Injunction under Section 39, Specific Relief Act, 1963
A mandatory injunction is a preventive relief that compels the performance of a positive act to prevent the breach of an obligation, and may be granted where it is necessary to compel the performance of certain acts to prevent the breach of an obligation, distinguishing it from a perpetual injunction which merely restrains a party from acting.

Perpetual Injunction under Section 38, Specific Relief Act, 1963
A perpetual or permanent injunction is granted only by a decree made after a full trial on the merits, permanently preventing the defendant from asserting a right or committing an act contrary to the rights of the plaintiff, and is available to prevent breach of an obligation existing in favour of the plaintiff, whether express or implied.

Temporary Injunction under Order XXXIX Rules 1 and 2, Code of Civil Procedure, 1908
A temporary injunction restrains a party from doing a specified act on a temporary basis and may be granted at any stage of the suit, remaining operative until the disposal of the suit or further orders, upon the plaintiff establishing a prima facie case, the likelihood of irreparable injury, and that the balance of convenience lies in their favour.

Order XXXIX Rule 2A, Code of Civil Procedure, 1908: Consequences of Disobedience of Injunction
Violation of an injunction order can result in attachment of the disobeying party's property and, in

appropriate cases, civil imprisonment for a period not exceeding three months, underscoring the binding and enforceable character of injunction orders passed by a court.

Order XXI, Code of Civil Procedure, 1908: Execution of Decrees and Orders

Order XXI governs the procedure for execution of decrees and orders passed by civil courts, and execution proceedings can only be initiated and continued on the basis of a subsisting and valid decree; where the underlying decree itself has been set aside, no foundation remains for the Executing Court to proceed with any further exercise, including valuation of property.

Doctrine of a Subsisting or Executable Decree

A decree ceases to be executable the moment it is set aside by a superior court, and any direction requiring an executing authority to undertake an exercise, such as assessment of value or receipt of payment, in the absence of such a decree, is unsupported by law and renders the exercise a nullity.

Doctrine of Remand for Fresh Consideration in Accordance with Law

Where an appellate court finds that a lower court or tribunal has decided a matter without complying with a mandatory procedural requirement, such as the framing of a substantial question of law under Section 100 of the Code, it may set aside the decision and remand the matter for fresh consideration strictly in accordance with the governing statutory provision, ensuring that the dispute is finally adjudicated on its true merits.

Practice Questions

1. In a second appeal before the High Court, the Court proceeds to interfere with the concurrent findings of fact recorded by the courts below and modifies the decree, without having framed any substantial question of law at the time of admitting the appeal. A party challenges this course of action. Was the High Court entitled to modify the decree in this manner?
(a) Yes, because the High Court in second appeal exercises the same wide jurisdiction that it possesses in a first appeal.
(b) No, because the High Court cannot modify the decree without first framing and answering a substantial question of law.
(c) Yes, because concurrent findings of fact may be freely reappreciated by the High Court in every second appeal.
(d) No, because a second appeal to the High Court does not lie against any decree of the courts below at all.

2. After a decree has been passed, it is set aside by a superior court. Notwithstanding this, the Executing Court is called upon to proceed with a further exercise, namely the valuation of the property, on the basis of that decree. Which of the following correctly states the legal position?
(a) The Executing Court may proceed with the valuation, since a decree once passed remains executable despite being set aside.
(b) The Executing Court may proceed, as setting aside a decree merely suspends and does not destroy its executability.
(c) The Executing Court cannot proceed, since a decree ceases to be executable the moment it is set aside by a superior court.
(d) The Executing Court must proceed with the valuation and await a fresh order reviving the decree that was set aside.

3. Consider the following statements regarding a temporary injunction under Order XXXIX Rules 1 and 2:
i. A temporary injunction restrains a party from doing a specified act on a temporary basis.
ii. A temporary injunction may be granted at any stage of the suit and remains operative until its disposal or further orders.
iii. A temporary injunction is granted only by a final decree made after a full trial on the merits.
iv. The grant of a temporary injunction requires a prima facie case, likelihood of irreparable injury, and balance of convenience.
Which of the above statements is incorrect?
(a) Statement iii only
(b) Statement ii only
(c) Statements i and iii only
(d) Statements iii and iv only

4. Which of the following correctly describes the nature of a mandatory injunction under Section 39 of the Specific Relief Act, 1963?
(a) A relief that merely restrains a party from acting, without compelling the performance of any positive act at all.
(b) A relief that compels the performance of a positive act to prevent the breach of an obligation between the parties.
(c) A relief available only by a final decree after a full trial, permanently restraining the defendant from asserting a right.
(d) A relief operating on a temporary basis until the disposal of the suit, upon proof of a prima facie case by the plaintiff.

5. Under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908, the violation of an injunction order may result in which of the following consequences?
(a) Attachment of the disobeying party's property and, in appropriate cases, civil imprisonment not exceeding three months.
(b) Immediate dismissal of the disobeying party's suit together with a permanent forfeiture of the property in dispute.
(c) Transfer of the disobeying party's property to the opposite party absolutely and without any further inquiry by the court.
(d) A fine imposed upon the disobeying party recoverable as land revenue, with no power of attachment of any property.

SUPREME COURT | Landmark Judgements

13 Regulations Cannot Restrict Legislature's Power to Amend Statutes

Background

- The appellant, Rajesh Sharma, served as an Executive Engineer (Civil), a Group A officer, with the North Delhi Municipal Corporation.
- While in service, he was convicted and sentenced under Section 13(1)(d) of the Prevention of Corruption Act, 1988 and Sections 420 and 120-B of the Indian Penal Code, 1860, vide order dated 15 July 2011.
- Pursuant to this conviction, the Commissioner of the Corporation dismissed the appellant from service by an order dated 15 November 2011.
- The appellant challenged the dismissal before the Central Administrative Tribunal, contending that since he held a Category A post, the authority competent to take disciplinary action against him was the "Corporation," and not the Commissioner, under the Delhi Municipal Corporation Service (Control and Appeal) Regulations, 1959.
- The Tribunal accepted this contention and set aside the dismissal by order dated 7 August 2014, leaving it open for the competent disciplinary authority to pass a fresh penalty order.
- Prior to the Delhi Municipal Corporation (Amendment) Act, 1993, the Delhi Municipal Corporation Act, 1957 did not itself specify any disciplinary authority, and Section 95(1) merely provided that municipal officers and employees could be punished "by such authority as may be prescribed by regulations."
- Regulation 7 read with the Schedule to the 1959

Case Details

Case Title:	Rajesh Sharma v. North Delhi Municipal Corporation and Anr.
Citation:	Civil Appeal arising out of SLP (C) No. 28644 of 2019 | 2026 INSC 646
Bench	Justice Sanjay Karol and Justice Manoj Misra

Issue Before the Court

- Whether the "Corporation," designated as the disciplinary authority for Category A officers under the 1959 Regulations, continued to hold that authority notwithstanding the substitution of clause (d) of Section 59 of the 1957 Act by the Delhi Municipal Corporation (Amendment) Act, 1993.
- Whether, in order to reconcile the apparent conflict between Section 95(1) and the substituted Section 59(d) of the 1957 Act, the disciplinary authority specified in the substituted clause (d) of Section 59 was required to be construed as subject to the existing 1959 Regulations.
- Whether the Delhi High Court ought to have referred the matter to a larger Bench on the ground that its

Regulations, framed under Section 480 read with Section 98 of the 1957 Act, designated the "Corporation" as the authority competent to impose all penalties, including dismissal, on Category A post holders.

view was at variance with an earlier decision rendered by a Bench of co-equal strength, and if so, what consequence would follow from such failure.

- By the Delhi Municipal Corporation (Amendment) Act, 1993, effective from 1 October 1993, clause (d) of Section 59 of the 1957 Act was substituted to declare that the Commissioner would, "subject to any regulation that may be made in this behalf," be the disciplinary authority in relation to all municipal officers and employees.
- The 1993 Amendment also substituted Section 92 to vest the power of appointing municipal officers and employees in the Commissioner, subject to Section 89, and inserted a proviso to Section 95(4) providing that an appeal against penalty orders passed on officers appointable by the Commissioner would lie to the Administrator.
- Aggrieved by the Tribunal's order, the Corporation filed a writ petition before the Delhi High Court, which was allowed by judgment dated 28 August 2019, holding that the Commissioner, being the disciplinary authority under the amended statutory scheme, was competent to dismiss the appellant.
- The appellant thereafter approached the Supreme Court by way of the present civil appeal.

Judgement of the Court

- The Court surveyed the settled principles governing construction of a statutory provision brought in by "substitution," holding that the use of the word "substitute" does not necessarily connote two severable steps of repeal and fresh enactment, and may instead be a single indivisible legislative act, so that courts must look at legislative intent rather than the form of the amendment.
- Applying these principles, the Court held that mere use of the word "substitution" does not make the substituted provision relate back to the date of enforcement of the original Act, and since nothing in the 1993 Amendment or the notification bringing it into force indicated retrospective operation, clause (d) of Section 59 came into effect only from 1 October 1993 and did not date back to the commencement of the 1957 Act.
- On the interpretation of the phrase "subject to any regulation that may be made in this behalf," the Court relied on the meaning of "may be" as explained in Stroud's Judicial Dictionary and applied by this Court in an earlier decision, holding that the phrase ordinarily signifies futurity, and accordingly held that it referred only to regulations framed after the 1993 substitution and not to the existing 1959 Regulations.
- The Court reinforced this conclusion by observing that Parliament could readily have used language such as "subject to the regulations made under this Act," as used elsewhere in the 1957 Act, had it intended to preserve the existing Regulations, and that reading the provision as urged by the appellant would render the words "may be made" redundant, a result of construction that must be avoided.
- Examining the legislative background, the Court noted the High Court's reliance on the S. Balakrishnan Committee Report, which had found that hostile postures adopted by elected Councilors towards the Commissioner and the executive wing had undermined discipline and

enforcement within the Corporation, and held that the 1993 Amendment to Sections 59 and 92 was intended to remedy this by vesting both the appointing power and the disciplinary power in the Commissioner.

- The Court held that Section 24 of the General Clauses Act, 1897, which continues subordinate instruments made under a repealed and re-enacted provision, would not save the 1959 Regulations, since that provision applies only where the earlier instrument is not inconsistent with the re-enacted provision, and here the Regulations designating the "Corporation" as disciplinary authority for Category A posts were inconsistent with the newly substituted Section 59(d) designating the Commissioner.
- On the question of reconciling Section 59(d), as substituted, with Section 95(1), the Court applied the rule of harmonious construction and the maxims Generalia Specialibus Non Derogant and Generalibus Specialia Derogant, holding that Section 95(1) is a general provision which does not itself name any disciplinary authority, whereas Section 59(d) specifically designates the Commissioner as such authority subject to future regulations, so that the two provisions operate in different fields without any real conflict.
- The Court further held that Regulations are a form of subordinate legislation, and that what can be achieved by subordinate legislation under an Act can equally be achieved, and overridden, by a subsequent amendment of that Act by the competent legislature, so that the existence of the 1959 Regulations could not fetter Parliament's power to amend Section 59 in a manner that overrode them.
- Having answered the first two issues against the appellant, the Court held that the third issue, concerning reference to a larger Bench, was rendered academic, and while declining to decide it further, clarified that any view to the contrary taken by the High Court in an earlier coordinate Bench decision stood overruled, noting also that this earlier decision had never been affirmed by the Supreme Court on further appeal.
- Concluding that the Commissioner was the disciplinary authority on the date of the appellant's dismissal and was fully competent to pass the dismissal order, the Court upheld the judgment of the Delhi High Court and dismissed the civil appeal.

Key Takeaway for CLAT Aspirant

Doctrine of Amendment by Substitution

An amending provision may add, remove, or substitute words in an existing enactment. Substitution is not automatically a two-step process of repeal followed by fresh enactment; courts must examine legislative intent to determine whether the amendment is a single, composite, and indivisible legislative act.

Presumption Against Retrospective Operation of Statutes

Every statute, including an amending provision, is presumed to be prospective in operation unless retrospective effect is given expressly or arises by necessary implication from the language used. Mere use of the word "substitute" does not, by itself, make the substituted provision relate back to the date of the original enactment.

The "Pen and Ink" Theory of Statutory Construction

Where a subsequent Act amends an earlier one so as to incorporate itself into the earlier enactment, the earlier Act is thereafter read as if the altered words had been written into it with pen and ink, except where such a reading would lead to repugnancy, inconsistency, or absurdity, or where the amendment does not operate retrospectively.

Doctrine of Harmonious Construction

Where two provisions of a statute appear to conflict, courts must, as far as possible, construe them so that both are given effect rather than treating one as rendered a dead letter. Courts must avoid a head-on clash between two provisions and reconcile them wherever reconciliation is possible.

Maxims of Generalia Specialibus Non Derogant and Generalibus Specialia Derogant

Where a general provision and a specific provision appear to be in conflict, the specific provision is treated as excluding the matter from the scope of the general provision, and the general provision is construed so as not to override the special one governing the same subject matter.

Subordinate or Delegated Legislation and Its Subordination to the Parent Statute

Regulations, rules, and bye-laws framed under a parent statute are a species of subordinate legislation and are derivative in nature. What can be achieved by subordinate legislation can equally be achieved, and overridden, by a subsequent amendment to the parent Act by the competent legislature, since existing subordinate legislation cannot fetter the legislature's plenary power to amend the enabling statute.

Interpretation of the Phrase "May Be": The Rule of Futurity

As a rule of construction, the words "may be," when used without express reference to time, ordinarily indicate futurity rather than the past or present. This interpretive convention assists courts in determining whether a statutory reference to future action, such as future regulations, was intended to include or exclude existing instruments.

Rule Against Redundancy in Statutory Interpretation

A cardinal principle of interpretation requires that no word or phrase in a statute be construed in a manner that renders it redundant, superfluous, or otiose. Where two competing constructions are possible, the one that gives meaningful effect to every word used by the legislature must be preferred.

Section 24, General Clauses Act, 1897: Continuation of Subordinate Instruments on Repeal and Re-enactment

This provision continues in force any order, rule, or regulation made under a repealed and re-enacted Central Act, to the extent it is not inconsistent with the re-enacted provisions, until superseded. However, this saving does not apply where the subordinate instrument is inconsistent with the newly re-enacted statutory provision.

Use of the Statement of Objects and Reasons and Committee Reports as an Aid to Interpretation

In case of ambiguity, courts may refer to the Statement of Objects and Reasons of an amending Act, as well as underlying expert committee reports, to ascertain the mischief that the legislature intended to remedy and to adopt a purposive construction that furthers this legislative object.

Doctrine of Precedent: Reference to a Larger Bench on Conflict Between Coordinate Benches

Judicial propriety and the doctrine of precedent generally require that where a Bench of a court disagrees with an earlier decision rendered by a Bench of coordinate strength on the same point, the matter ought to be referred to a larger Bench for authoritative resolution, rather than the later Bench simply taking a divergent view.

Practice Questions

1. Certain regulations framed under a parent statute stand in the way of a course the competent legislature wishes to adopt. The legislature thereupon amends the parent Act so as to override those regulations, and the amendment is challenged on the ground that the existing subordinate legislation could not be so displaced. May the legislature override the existing regulations by such an amendment to the parent Act?
(a) No, because existing subordinate legislation fetters the legislature's power to amend the enabling statute.
(b) Yes, because what can be achieved by subordinate legislation can equally be overridden by amending the parent Act.
(c) No, because subordinate legislation once framed acquires the same force as the parent Act and cannot be displaced.
(d) Yes, because the legislature may repeal only subordinate legislation and never amend the parent statute itself.

2. A rule made under a Central Act continues after that Act is repealed and re-enacted, but the rule is inconsistent with a provision of the newly re-enacted statute. A party seeks to rely on the continued operation of the rule. Which of the following correctly states the legal position under Section 24 of the General Clauses Act, 1897?
(a) The rule continues in force in full, since Section 24 preserves every rule made under the repealed Act without exception.
(b) The saving does not apply, since the rule is inconsistent with the newly re-enacted statutory provision governing the matter.
(c) The rule continues to prevail over the re-enacted provision, since a subordinate instrument overrides an inconsistent statute.
(d) The rule stands automatically repealed along with the Act, since Section 24 saves nothing upon repeal and re-enactment.

3. Consider the following statements regarding the doctrine of harmonious construction:
i. Where two provisions of a statute appear to conflict, courts must construe them so that both are given effect.
ii. Courts must avoid a head-on clash between two provisions and reconcile them wherever reconciliation is possible.
iii. Where two provisions appear to conflict, one must at once be treated as a dead letter in favour of the other.
iv. Reconciliation between two apparently conflicting provisions is to be attempted only where the parties consent to it.
Which of the above statements are incorrect?
(a) Statements i and ii only

(b) Statements iii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. With respect to the presumption against retrospective operation of statutes, which of the following correctly states the legal position?
(a) Every statute is presumed retrospective unless prospective effect is expressly conferred by the language used.
(b) The mere use of the word "substitute" makes the substituted provision relate back to the original enactment.
(c) Every statute is presumed prospective unless retrospective effect is given expressly or by necessary implication.
(d) An amending provision is always retrospective, since an amendment by its nature relates back to the earlier Act.

5. As a rule of construction, the words "may be," when used without express reference to time, ordinarily indicate which of the following?
(a) Futurity rather than the past or present, assisting in determining whether a reference includes existing instruments.
(b) The past alone, so that the words invariably exclude any future action contemplated by the provision.
(c) The present alone, so that the words are confined to instruments existing at the moment of enactment.
(d) A discretion in the authority, so that the words impose no obligation and refer to no point of time at all.

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SUPREME COURT Landmark Judgements

14 Readiness and Willingness Must Be Proved from Agreement Date

Background

- The original plaintiff, Mohammed Khaleel, since deceased and represented by his legal heirs as appellants, entered into an agreement to sell dated 20 December 1990 with the respondent, Jayamma, for a vacant site in Mysore measuring 100 feet by 78 feet, for a total sale consideration of Rs. 3,00,000.
- An amount of Rs. 25,000 was paid as earnest money, with the agreement stipulating that the sale deed would be registered within four months and the balance consideration of Rs. 2,75,000 would be paid before the Sub-Registrar at the time of registration.
- Under the agreement, the respondent handed over to the appellant several original title documents, and it was the appellant's case that the respondent had also agreed that her siblings would execute an interim agreement for formation of an approach road to the property, following which the appellant was put in possession of the site.
- The respondent's written statement before the Trial Court denied this, asserting that an approach road already existed and that there was no other vacant land nearby to carve out a separate road.
- A notice dated 15 April 1991 issued by the appellant calling upon the respondent to perform her part of the contract was not served due to an incorrect house number, and in this notice the appellant had acknowledged that the property had not been measured and the road had not been formed.
- The respondent, by legal notice dated 26 April 1991, stated that the original documents were with the appellant, that he had failed to obtain permission under

Case Details

Case Title: Mohammed Khaleel (D) Through LRs & Ors. v. Jayamma

Citation: Civil Appeal No. 2187 of 2011 | 2026 INSC 651

Bench Justice Prashant Kumar Mishra and Justice N.V. Anjaria

Issue Before the Court

- Whether the appellant had established continuous financial readiness to perform his obligations under the agreement to sell, and in particular, whether the four Fixed Deposit Receipts relied upon by him were sufficient to prove such readiness during the relevant period.
- Whether the appellant's conduct, including his insistence on demarcation of the property and his role regarding the permission required under the Urban Land (Ceiling and Regulation) Act, 1976, demonstrated the requisite willingness to perform his part of the contract.
- Whether the unexplained delay of nearly two years and nine months in instituting the suit for specific

the Urban Land (Ceiling and Regulation) Act, 1976, and that since the time for executing the sale deed had expired, she was rescinding the agreement and forfeiting the earnest money.

- The appellant responded through further notices dated 30 April 1991 and 30 July 1992, acknowledging receipt of the documents, stating that the requisite permission had not been obtained since no approach road existed, and asserting readiness to perform provided permission under the Act was secured, while alleging that the respondent had forcibly taken possession of the property.
- The respondent, in her reply dated 11 August 1992, denied ownership of the adjoining land where the appellant sought a road, and contended that his imposition of further conditions before execution of the sale deed reflected his own unwillingness to perform.
- The appellant instituted a suit for specific performance, and in the alternative for compensation of Rs. 3,00,000, before the Principal Civil Judge, Mysore, on 20 December 1993, nearly two years and nine months after the respondent had rescinded the agreement.
- Before the Trial Court, the appellant examined one legal representative as a witness and exhibited twenty-nine documents, including four Fixed Deposit Receipts of Rs. 70,000 each, while the respondent led no oral evidence and did not step into the witness box.
- The Trial Court decreed the suit on 31 January 2002, holding that possession had been delivered to the appellant, that time was not of the essence of the contract, that the appellant was ready and willing to perform his part of the contract, and that the respondent had rescinded the contract without justifiable cause.
- The High Court of Karnataka at Bangalore, by judgment dated 9 December 2009, reversed the Trial Court's decree, holding that the appellant had failed to aver and prove continuous readiness and willingness, that his failure to submit the necessary affidavit for obtaining permission under the Act showed a lack of readiness, and that the delay of two years and nine months in filing the suit, though within limitation, was a critical factor against him.
- Aggrieved by this reversal, the legal heirs of the original plaintiff approached the Supreme Court by way of the present appeal.

performance, though the suit was filed within the period of limitation, disentitled the appellant from the discretionary and equitable relief of specific performance.

Judgement of the Court

- The Court reiterated that specific performance is an equitable remedy resting in the discretion of the court, and that Section 16(c) of the Specific Relief Act, 1963, as it stood prior to its amendment with effect from 1 October 2018, required a plaintiff to specifically plead and prove continuous readiness and willingness to perform the essential terms of the contract falling upon him.
- It explained that "readiness" refers to the plaintiff's financial capacity to perform the contract, while "willingness" reflects his conduct and intention to do so, and that both these conditions must be cumulatively satisfied for a decree of specific performance to be granted.
- Examining the four Fixed Deposit Receipts relied upon by the appellant, aggregating Rs. 2,80,000, the Court found that these were dated 4 October 1999, 22 November 1999, 3 April 2001, and 23 August 2001, all created several years after the institution of the suit on 20 December 1993, and held that such documents could not establish the appellant's financial readiness during the period running from the date of the agreement to the filing of the suit.
- The Court clarified that although a plaintiff seeking specific performance is not required to physically deposit the consideration amount in court, he must nevertheless place on record

reliable and acceptable evidence showing possession of sufficient funds at the relevant time, and held that no such material existed in the present case, either at the time of execution of the agreement, within the four-month period stipulated for performance, or even at the time of filing of the suit in 1993.

- On the question of willingness, the Court noted that the obligation to obtain permission under the Urban Land (Ceiling and Regulation) Act, 1976 rested on both parties, and that the testimony of the appellant's own witness showed that the appellant had failed to furnish the necessary affidavit or forms for obtaining such permission, having instead remained passive and awaited action from the respondent, which conduct was held to establish a failure to prove continuous readiness and willingness.
- Addressing the delay in institution of the suit, the Court held that for an equitable relief such as specific performance, a plaintiff's conduct must be beyond reproach, and that approaching the court "on time" requires more than merely filing within the period of limitation; it requires promptitude and diligence, having regard to the time-limits stipulated in the agreement itself.
- The Court held that the appellant's first legal notice was met with a categorical refusal from the respondent by reply dated 26 April 1991, after which the appellant neither tendered the balance consideration within the stipulated period nor initiated prompt legal proceedings, but instead filed the suit only on 20 December 1993, nearly two years and nine months later, and held that this conduct reflected a lack of continuous readiness and willingness, which is a sine qua non for the grant of specific performance.
- Concluding that the appellant had failed to satisfy the twin statutory mandate of readiness and willingness under Section 16(c) of the Specific Relief Act, 1963, and had also failed to approach the court with due promptitude, the Court held that this was not a fit case for the grant of the discretionary relief of specific performance, and accordingly dismissed the appeal, affirming the judgment of the High Court.

Key Takeaways for CLAT Aspirants

Section 16(c), Specific Relief Act, 1963 (as it stood prior to the 2018 amendment)

This provision requires a plaintiff seeking specific performance to specifically plead and prove that he has performed, or has always been ready and willing to perform, the essential terms of the contract that are to be performed by him, other than terms whose performance has been prevented or waived by the defendant. Failure to satisfy this requirement disentitles the plaintiff to the relief.

Distinction Between "Readiness" and "Willingness"

Readiness refers to the plaintiff's financial capacity to perform the contract, including his ability to pay the balance consideration, while willingness relates to his conduct and intention to actually carry out his contractual obligations. Both elements are distinct in nature and must be independently established, though they are considered cumulatively.

Continuous Nature of Readiness and Willingness

The requirement of readiness and willingness under Section 16(c) is not a one-time threshold but a continuing obligation that must be demonstrated by the plaintiff from the date of execution of the agreement right up to the date of the decree, assessed through his conduct and the surrounding circumstances at each relevant stage.

Evidentiary Standard for Proving Financial Readiness

While a plaintiff need not physically deposit the sale consideration in court to prove readiness, he must adduce reliable and acceptable evidence, referable to the relevant period of performance, showing that he possessed sufficient funds. Financial documents created long after the institution of the suit cannot retroactively establish readiness at an earlier point in time.

Doctrine that Time Is Not Ordinarily of the Essence in Contracts for Sale of Immovable Property

Courts have generally held that time is not of the essence in agreements for the sale of immovable property unless expressly so stipulated. However, this does not mean that time-limits fixed in the agreement are irrelevant; they remain significant in assessing the reasonableness of a plaintiff's conduct and delay.

Specific Performance as a Discretionary and Equitable Remedy

The relief of specific performance is not granted merely because a valid and subsisting agreement exists; it remains subject to the discretion of the court under Sections 10 and 20 of the Specific Relief Act, 1963, guided by settled principles rather than exercised arbitrarily, and having regard to the conduct of the party seeking such relief.

Effect of Unexplained Delay on Equitable Relief

Even where a suit for specific performance is instituted within the period of limitation prescribed under the Limitation Act, 1963, unexplained and prolonged delay in approaching the court remains a relevant factor that courts may weigh against the plaintiff, since a discretionary equitable remedy requires conduct that reflects genuine and prompt intention to perform.

Urban Land (Ceiling and Regulation) Act, 1976 and Contractual Compliance

Certain transactions in immovable property required permission under this Act before completion of a sale, and the conduct of parties in fulfilling or neglecting their respective roles in securing such statutory permission is a relevant consideration in assessing whether a party seeking specific performance was genuinely willing to perform the contract.

Doctrine of Reciprocal Promises and Contractual Cooperation

Contracts often impose interdependent obligations on both parties, such as jointly securing statutory permissions or facilitating conveyance of clear title. A party's failure to cooperate or fulfil its own share of such reciprocal obligations, while awaiting the other party's action, may be treated as evidence of a lack of willingness to perform.

Evidentiary Value of Documents Vis-à-Vis Pleaded Timelines

Documents relied upon to prove a party's case must correspond to the period in respect of which a legal requirement, such as continuous readiness, is to be established. Evidence created substantially after the relevant period, even if otherwise genuine, carries no probative value in establishing the state of affairs that existed at the time in question.

Practice Questions

1. A plaintiff seeking specific performance of a contract for the sale of immovable property fails to plead and prove that he has performed, or has always been ready and willing to perform, the essential terms of the contract to be performed by him. The defendant resists the relief on this ground. Is the plaintiff, in these circumstances, disentitled to the relief of specific performance?
(a) No, because the existence of a valid and subsisting agreement is by itself sufficient to obtain specific performance.
(b) Yes, because failure to plead and prove readiness and willingness to perform disentitles the plaintiff to the relief.
(c) No, because readiness and willingness need be shown only at the stage of execution of the eventual decree.
(d) Yes, because a plaintiff in every suit for specific performance must first deposit the entire consideration in court.

2. To prove his financial readiness to perform a contract, a plaintiff relies solely upon financial documents that were brought into existence long after the institution of the suit, and leads no evidence referable to the relevant period of performance. Which of the following correctly states the legal position?
(a) The documents establish readiness, since a plaintiff must physically deposit the sale consideration in court to prove it.
(b) The documents cannot retroactively establish readiness, as they do not relate to the relevant period of performance.
(c) The documents conclusively prove readiness for all periods, since financial capacity once shown is presumed throughout.
(d) The documents are irrelevant, since a plaintiff need not lead any evidence at all to establish his financial readiness.

3. Consider the following statements:
i. Courts have generally held that time is not of the essence in agreements for the sale of immovable property unless expressly so stipulated.
ii. Time-limits fixed in an agreement for sale of immovable property are wholly irrelevant to the assessment of a plaintiff's conduct.
iii. Time-limits fixed in the agreement remain significant in assessing the reasonableness of a plaintiff's conduct and delay.
iv. Time is invariably of the essence in every agreement for the sale of immovable property, whether or not expressly stipulated.
Which of the above statements are incorrect?
(a) Statements i and iii only
(b) Statements ii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. With respect to the requirement of readiness and willingness under Section 16(c) of the Specific Relief Act, 1963, which of the following correctly states its nature?
(a) It is a one-time threshold to be satisfied only at the date of execution of the agreement between the parties.
(b) It is a requirement to be established only at the date of institution of the suit for specific performance.
(c) It is a continuing obligation to be demonstrated from the date of execution of the agreement up to the decree.
(d) It is a formal requirement satisfied by the mere assertion of readiness and willingness in the plaint itself.

5. With respect to the distinction between readiness and willingness in a suit for specific performance, which of the following correctly states their respective meanings?
(a) Readiness refers to the plaintiff's financial capacity to perform, while willingness relates to his conduct and intention to perform.
(b) Readiness refers to the plaintiff's intention to perform, while willingness refers to his financial capacity to pay the balance consideration.
(c) Readiness and willingness are identical in meaning, both referring only to the plaintiff's financial capacity to perform the contract.
(d) Readiness refers to the plaintiff's conduct in approaching the court, while willingness refers to the defendant's readiness to perform.

15 Long Gap Without Similar Offence Relevant in Sentencing

Background

- On 15 September 2014, in connection with a criminal case pending before the Judicial Magistrate First Class, Rewa, the appellant appeared before the court to furnish surety on behalf of an accused person and, in support thereof, produced a Bhu Adhikar Rin Pustika purportedly reflecting agricultural land standing in his name along with certain co-sharers.
- During scrutiny of the document in the course of the bail proceedings, the Magistrate noticed irregularities in the sequence and pagination of the document, giving rise to suspicion regarding its genuineness, and since the appellant could not satisfactorily explain the anomaly, the matter was referred to the police for inquiry.
- An FIR was accordingly registered against the appellant for offences including forgery and use of a forged document as genuine, and upon investigation, a charge sheet was filed against him, with the appellant's identity being described variously at different stages of investigation.
- The Trial Court, by judgment dated 6 January 2024, acquitted a co-accused but convicted the appellant under Sections 420, 467, 468, and 471 of the Indian Penal Code, 1860, sentencing him to five years of rigorous imprisonment on each count along with a fine of Rs. 1,000 under each head, with the substantive sentences directed to run concurrently.
- The appellant's appeal against this conviction and sentence was dismissed by the High Court of Madhya Pradesh at Jabalpur by judgment dated 30 April 2025, which held that the prosecution had established the charges through reliable evidence and that the

Case Details

Case Title:	Israfil @ Pappu @ Naimuddin Khan v. State of Madhya Pradesh
Citation:	Criminal Appeal No. 3081 of 2026 (arising out of SLP (Crl.) No. 19486 of 2025) | 2026 INSC 654
Bench	Justice Prashant Kumar Mishra and Justice N.V. Anjaria

Issue Before the Court

- Whether, in a criminal appeal where notice had been issued strictly limited to the quantum of sentence, the substantive sentence of five years' rigorous imprisonment imposed on the appellant under Sections 467, 468, and 471 of the Indian Penal Code, 1860 warranted modification.
- What mitigating factors, including the long lapse of time since the occurrence, the absence of similar criminal conduct before or after the offence, and the period of incarceration already undergone, are relevant considerations while moulding an appropriate sentence.

acquittal of the co-accused did not automatically entitle the appellant to acquittal.

- The appellant thereafter approached the Supreme Court, which, by order dated 21 November 2025, issued notice limited strictly to the question of the quantum of sentence, leaving the conviction recorded by the Trial Court and affirmed by the High Court outside the scope of further consideration.
- Before the Supreme Court, the appellant contended that the occurrence dated back to 2014, that he had faced criminal proceedings for over a decade, that he was not alleged to be a habitual offender, and that no criminal antecedents, either before or after the present occurrence, had been brought on record against him.
- The State opposed any reduction in sentence, contending that offences involving forgery and use of forged documents before a court of law strike at the purity of the administration of justice and do not warrant leniency.

Judgement of the Court

- The Court acknowledged that offences involving forgery and the use of forged documents in judicial proceedings are serious in nature, since Sections 467, 468, and 471 of the Indian Penal Code, 1860 are directed at protecting the authenticity and sanctity attached to public and legal documents, and that the use of forged documents before a court of law cannot be viewed lightly.
- At the same time, the Bench held that while considering the question of sentence, a court is required to balance the nature of the offence against the attendant facts and circumstances of the case, the role attributed to the accused, the period of incarceration already undergone, the passage of time, and other mitigating circumstances relevant to sentencing jurisprudence, and that the principle of proportionality remains central to the sentencing process.
- The Court emphasised that sentencing cannot be reduced to a purely retributive exercise divorced from the factual matrix of the case and the overall circumstances of the offender.
- Applying these principles, the Bench noted that the occurrence dated back to 2014 and that the appellant had remained under the shadow of criminal proceedings for more than a decade, with no material placed on record to indicate that he was a habitual offender or that he had been involved in similar criminal activity either before or after the present occurrence.
- The Court also considered it relevant that the disputed document had been detected at the threshold stage itself during the bail proceedings, and that the alleged misuse had not culminated in any irreversible pecuniary or proprietary consequence, observing that although this did not dilute the seriousness of the offence, it remained a relevant circumstance in assessing proportionality of sentence.
- The Bench distinguished the present case from instances of organised criminal activity, large-scale economic fraud, or systematic forgery affecting public institutions, holding that sentencing must remain proportionate to the overall factual matrix and the degree of criminality actually reflected in the case.
- Relying on an earlier decision where a similar reduction in sentence had been granted for offences under Sections 467 and 468 of the Indian Penal Code, 1860 having regard to the age of the matter and the sentence already undergone, the Court reiterated that a long lapse of time without any material indicating repetition of similar criminal conduct is a relevant consideration while moulding sentence.
- The Court further noted, based on the custody certificate on record, that the appellant had remained in custody for a certain period in 2014 and again from January 2024, amounting cumulatively to over two years of actual incarceration, and held that the period of custody already undergone was itself a

relevant circumstance bearing on proportionality of sentence.

- Having regard to the overall facts and circumstances, the nature of the allegations, the period elapsed since the occurrence, the absence of any criminal antecedents brought to its notice, and the fact that the appellant had faced criminal proceedings for over ten years, the Court held that the ends of justice would be adequately met by modifying the substantive sentence, while maintaining the conviction and leaving the fine imposed unaltered, and accordingly directed that the appellant be released forthwith, subject to deposit of the fine, if not already paid.

Key Takeaways for CLAT Aspirants

Section 467, Indian Penal Code, 1860: Forgery of Valuable Security, Will, etc.
This provision punishes forgery of a document that purports to be a valuable security, a will, or an authority to adopt a son, or to make or transfer a valuable security, with imprisonment for life or imprisonment of either description for a term extending up to ten years, along with fine, reflecting the gravity attached to forgery of instruments having significant legal or proprietary consequences.

Section 468, Indian Penal Code, 1860: Forgery for the Purpose of Cheating
This provision penalises forgery committed with the intention that the forged document shall be used to cheat, prescribing imprisonment of either description for a term extending up to seven years along with fine, thereby linking the offence of forgery to the underlying intent of deceiving another person to their detriment.

Section 471, Indian Penal Code, 1860: Using a Forged Document as Genuine
This provision punishes the fraudulent or dishonest use of a document known or believed to be forged, as if it were genuine, in the same manner as if the person had forged the document himself, thereby extending liability to persons who deploy a forged instrument even where they did not personally create the forgery.

Doctrine of Proportionality in Sentencing
Proportionality requires that the severity of a sentence correspond to the gravity of the offence and the degree of culpability of the offender, ensuring that punishment is neither excessive in relation to the wrong committed nor divorced from the totality of facts, circumstances, and consequences of the offence.

Distinction Between Conviction and Sentence in Appellate Scrutiny
An appellate or superior court may confine the scope of its examination strictly to the question of sentence while leaving the underlying finding of conviction undisturbed, particularly where notice in the appeal has been issued in limited terms, thereby allowing correction of a disproportionate sentence without reopening the correctness of the conviction itself.

Relevance of Absence of Criminal Antecedents in Sentencing
The absence of any material showing that an offender is a habitual criminal, or that he has engaged in similar unlawful conduct either before or after the offence in question, is treated as a mitigating factor in sentencing, since it bears on the offender's overall character and the likelihood of reform, both of which are pertinent to individualised sentencing.

Lapse of Time as a Mitigating Circumstance
A long and unexplained lapse of time between the commission of an offence and the final adjudication of sentence, particularly where such time has passed without any repetition of similar conduct, is recognised as a legitimate factor that a court may weigh in favour of moderating an otherwise severe sentence.

Doctrine of Sentence Already Undergone as a Measure of Substantive Punishment

Courts may, in appropriate cases, modify a sentence of imprisonment to the period already undergone by the offender, thereby balancing the punitive object of the sentence against the practical reality of incarceration already suffered, without disturbing the underlying conviction or the fine component of the punishment.

Theories of Punishment: Retributive and Reformative Approaches

Sentencing jurisprudence recognises multiple theories of punishment, including the retributive theory, which emphasises punishment as just deserts for the wrong committed, and the reformative theory, which emphasises rehabilitation of the offender. Courts increasingly favour an approach that avoids treating sentencing as a purely retributive exercise, instead accounting for the offender's overall circumstances.

Judicial Discretion in Sentencing under the Code of Criminal Procedure, 1973

While courts of first instance and appellate courts possess discretion in awarding and reviewing sentences under the framework governing criminal trials and appeals, such discretion must be exercised judicially, guided by settled sentencing principles such as proportionality and individualisation, rather than being exercised in an arbitrary or mechanical manner.

Practice Questions

1. A person, knowing a particular document to be forged, fraudulently uses it as if it were genuine, though he did not himself create the forgery. He contends that he cannot be punished because the forgery was not committed by his own hand. Is he liable to be punished notwithstanding that he did not personally forge the document?
(a) No, because liability for forgery attaches only to the person who personally created the forged document.
(b) Yes, because the fraudulent use of a document known to be forged is punished as if the user had forged it himself.
(c) No, because the mere use of a forged document is a wrong distinct from forgery and attracts no punishment at all.
(d) Yes, because every person who so much as possesses a forged document is punished irrespective of his knowledge.

2. In an appeal where notice has been issued in limited terms confined to the question of sentence, the superior court proposes to moderate a disproportionate sentence without disturbing the finding of conviction. A party contends that the court cannot alter the sentence without reopening the conviction. Which of the following correctly states the legal position?
(a) The court cannot examine the sentence alone, since any alteration of sentence necessarily reopens the conviction.
(b) The court may confine its examination to the sentence and leave the finding of conviction undisturbed.
(c) The court must reopen the correctness of the conviction before it can moderate the sentence in any manner.
(d) The court is powerless to alter the sentence, since a sentence once imposed is beyond appellate scrutiny.

3. Consider the following statements regarding judicial discretion in sentencing:
i. Courts of first instance and appellate courts possess discretion in awarding and reviewing sentences.
ii. Such discretion must be exercised judicially and guided by settled principles such as proportionality and individualisation.
iii. Such discretion may be exercised in an arbitrary or mechanical manner at the option of the sentencing court.
iv. Judicial discretion in sentencing is wholly unfettered and answerable to no settled sentencing principle at all.
Which of the above statements are incorrect?
(a) Statements i and ii only
(b) Statements iii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. Which of the following correctly describes the doctrine of proportionality in sentencing?
(a) It requires that the sentence be fixed solely by reference to the maximum punishment prescribed for the offence.
(b) It requires that the severity of the sentence correspond to the gravity of the offence and the offender's culpability.
(c) It requires that an identical sentence be imposed on every offender convicted of the same statutory offence.
(d) It requires that the sentence be determined only by the antecedents of the offender, apart from the offence itself.

5. Which of the following correctly describes the retributive and reformative theories of punishment?
(a) The retributive theory emphasises punishment as just deserts for the wrong, while the reformative theory emphasises rehabilitation of the offender.
(b) The retributive theory emphasises rehabilitation of the offender, while the reformative theory emphasises punishment as just deserts for the wrong.
(c) Both theories emphasise punishment as just deserts alone, differing only in the severity of the punishment they prescribe.
(d) Both theories emphasise rehabilitation of the offender alone, differing only in the duration of the sentence they favour.

HIGH COURT | Landmark Judgements

16 Last Seen Together Alone Insufficient Without Complete Chain Pointing to Guilt

Background

- On 2 November 1986, Deepak Kumar, aged about 17, went missing from Mohalla Dilerganj, Kasba Shahabad, District Hardoi, after being seen leaving on a Rajdoot motorcycle with Laxmi Kant alias Pappu, son of Natthu Lal, in whose house the deceased ran an electrical goods shop.
- Rumours of an alleged illicit relationship between the deceased and Laxmi Kant's married sister had been circulating for some weeks prior to the incident and were cited as the alleged motive for the crime.
- The following morning, an unidentified dead body bearing firearm injuries was found near the Jamaur culvert, Shahjahanpur, and was subsequently identified by the deceased's father as Deepak Kumar.
- A Rajdoot motorcycle, allegedly used in the commission of the crime, was recovered from the house of a relative of the appellant Sunil Kumar.
- A check FIR was registered under Section 364 of the Indian Penal Code, 1860 at Police Station Shahabad, District Hardoi, on 3 November 1986, and upon investigation a chargesheet was filed under Sections 364, 302, and 120-B of the Indian Penal Code, 1860 against four accused, namely Laxmi Kant alias Pappu, Sunil Kumar, Sri Kant, and Natthu Lal.
- The Sessions Judge, Hardoi, by judgment dated 4 March 1989, acquitted Natthu Lal and Sri Kant but convicted Laxmi Kant alias Pappu and Sunil Kumar under Section 302 read with Section 34 of the Indian Penal Code, 1860, sentencing each to life imprisonment along with a fine of Rs. 5,000, and further ordered forfeiture of the motorcycle to the

Case Details

Case Title:	Laxmi Kant @ Pappu (Dead) & Anr. v. State of U.P.
Court	High Court of Judicature at Allahabad (Lucknow Bench)
Citation:	Neutral Citation 2026:AHC-LB:38750-DB | 2026 LiveLaw (AB) 326
Bench	Justice Rajnish Kumar and Justice Babita Rani

Issue Before the Court

- Whether the conviction of the surviving appellant, Sunil Kumar, could be sustained on the basis of "last seen together" evidence in the absence of a complete chain of circumstances unerringly pointing to his guilt.
- Whether the testimony of the prosecution's witnesses, including the sole last-seen witness, the related witness, and the witnesses who subsequently turned hostile, was sufficiently reliable to establish the charge.
- Whether the alleged motive attributed to the accused, founded upon rumours of an illicit

State.

- Laxmi Kant alias Pappu and Sunil Kumar filed a criminal appeal against their conviction, while Puttoo Lal Trivedi, the owner of the motorcycle, filed a separate criminal appeal challenging the order of forfeiture.
- During the pendency of the appeal, Laxmi Kant alias Pappu died, and his appeal stood abated by order dated 15 February 2024, leaving the appeal to survive only on behalf of the appellant Sunil Kumar.

relationship, had been proved by cogent evidence.

- Whether the order forfeiting the motorcycle to the State could be sustained in the absence of examination of the recovery witness and any recorded reasons for denying its return to the owner.

Judgement of the Court

- The Court reiterated that circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established and must be of a definite tendency unerringly pointing towards the guilt of the accused alone, and that such circumstances, considered cumulatively, must form a complete chain showing that in all human probability the crime was committed by the accused.
- The Court held that where the prosecution fails to establish a complete chain of circumstances and to exclude every hypothesis other than the guilt of the accused, a conviction based on circumstantial evidence cannot be sustained.
- On the doctrine of last seen together, the Court explained that such evidence can found a conviction only where the time gap between the point at which the accused and the deceased were last seen alive and the point at which the deceased is found dead is so short that the probability of any person other than the accused being the author of the crime becomes practically impossible, and that this time gap must be assessed on the facts of each case.
- Examining the last-seen evidence, the Court found that PW-1, the sole witness on this aspect, did not name or identify the surviving appellant Sunil Kumar at all, rendering his testimony wholly irrelevant to establishing Sunil Kumar's guilt.
- The Court noted that the prosecution had withheld Sushil Kumar Singh, the only independent witness who allegedly identified the motorcycle's registration number, without offering any explanation for his non-examination.
- The Court rejected the testimony of PW-4, the deceased's aunt, as highly improbable, observing that persons harbouring a common intention to commit murder would not repeatedly pass in front of an acquaintance's house when an alternative route was available.
- The Court noted that the prosecution's star witnesses, PW-5 and PW-6, had turned hostile, with PW-6 specifically stating that his statement under Section 161 of the Code of Criminal Procedure, 1973 had been obtained through fear and police misrepresentation, and held that such statements could not be treated as substantive evidence, causing the dying-declaration argument to also fail.
- On motive, the Court found that the love letters relied upon by the prosecution could not be conclusively attributed to their alleged author, and held that mere rumour cannot substitute for cogent proof of motive.
- Applying the five golden principles (Panchsheel) for evaluating circumstantial evidence, the Court found the chain of circumstances fatally incomplete, extended the benefit of doubt to the appellant, and acquitted him.
- On forfeiture of the motorcycle, the Court held that forfeiture must meet the evidentiary standard

of proof beyond reasonable doubt and cannot proceed on assumption, and since the recovery witness had not been examined, no reasons had been recorded for denying its return, and its owner was neither an accused nor a witness, the Court directed that the motorcycle be released to the owner.

Key Takeaways for CLAT Aspirants

Doctrine of Circumstantial Evidence

Where direct evidence is unavailable, courts may convict on circumstantial evidence, provided the circumstances relied upon are fully established and form a complete, unbroken chain pointing exclusively to the guilt of the accused, excluding every other reasonable hypothesis.

The Panchsheel Principles from Sharad Birdhichand Sarda v. State of Maharashtra

This landmark decision lays down five golden principles for cases resting on circumstantial evidence: the circumstances must be fully established, must be consistent only with guilt, must be conclusive, must exclude every other hypothesis, and must form a complete chain leaving no reasonable ground for innocence.

Doctrine of "Last Seen Together"

A species of circumstantial evidence applied where the accused and deceased are shown to have been last seen together shortly before death, shifting an evidentiary onus onto the accused to explain the circumstances. It is treated as weak evidence and cannot alone sustain a conviction without corroboration.

Benefit of Doubt as a Criminal Law Safeguard

Where the prosecution fails to prove guilt beyond reasonable doubt, or where the chain of circumstances is incomplete, the accused is entitled to the benefit of doubt, reflecting the presumption of innocence underlying criminal jurisprudence.

Evidentiary Value of a Hostile Witness

A witness who resiles from an earlier statement and is declared hostile may still be examined for corroborative value, but a prior statement recorded under Section 161 of the Code of Criminal Procedure, 1973 cannot by itself be used as substantive evidence of the facts stated therein.

Section 161, Code of Criminal Procedure, 1973: Examination by Police

This provision empowers an investigating police officer to examine witnesses and record their statements. Such statements are not made on oath and are relevant mainly for contradicting the maker, not as substantive proof of the facts stated.

Requirement to Establish Motive in Circumstantial Evidence Cases

While motive need not be proved in every criminal case, in cases resting purely on circumstantial evidence, an unproved or merely rumour-based motive significantly weakens the prosecution's chain of circumstances and the credibility of its case.

Section 452, Code of Criminal Procedure, 1973: Disposal of Property at Conclusion of Trial

This provision empowers a criminal court, at the conclusion of an inquiry or trial, to order disposal of property produced before it, including confiscation or delivery to a person entitled to possession; such orders must rest on evidence and recorded reasons, not mere assumption.

Rights of a Third-Party Property Owner Who Is Neither Accused Nor Witness

A person owning property allegedly used in an offence, but who is neither an accused nor a witness, retains an independent right to reclaim that property, and courts must ensure forfeiture orders affecting such property are supported by adequate evidence.

Presumption of Innocence and Proof Beyond Reasonable Doubt

The accused is presumed innocent until proven guilty, and the burden lies on the prosecution to establish guilt beyond reasonable doubt; this standard applies with even greater rigour where the case rests on circumstantial evidence, and any gap in the chain must operate in favour of the accused.

Practice Questions

1. In a prosecution the only material tendered against the accused is evidence that he was last seen together with the deceased shortly before the death, with no corroborating circumstance placed on record. The trial court proposes to convict resting solely on this evidence. Is a conviction sustainable on the last seen together evidence alone, without corroboration?
(a) Yes, because last seen together evidence is the strongest species of circumstantial evidence available to a court.
(b) Yes, because proof that the accused was last seen with the deceased conclusively establishes his guilt of the offence.
(c) No, because last seen together evidence is treated as weak and cannot alone sustain a conviction without corroboration.
(d) No, because last seen together evidence is wholly inadmissible and can never be relied upon in a criminal trial.

2. A witness who had earlier made a statement under Section 161 of the Code of Criminal Procedure resiles from it in court and is declared hostile. The prosecution seeks to rely on his earlier Section 161 statement by itself as substantive proof of the facts stated therein. Which of the following correctly states the legal position?
(a) The earlier statement may be used by itself as substantive proof, since a hostile witness is treated as fully reliable.
(b) The earlier statement cannot by itself be used as substantive evidence of the facts stated therein by the witness.
(c) The entire testimony of the witness must be discarded, since a witness once declared hostile is wholly incompetent.
(d) The earlier statement becomes conclusive proof of guilt the moment the witness is declared hostile by the court.

3. Consider the following statements regarding circumstantial evidence:
i. Where direct evidence is unavailable, courts may convict on circumstantial evidence.
ii. The circumstances relied upon must be fully established and form a complete, unbroken chain.
iii. The chain of circumstances must point exclusively to the guilt of the accused and exclude every other reasonable hypothesis.
iv. A conviction on circumstantial evidence may rest on circumstances that leave open some other reasonable hypothesis of innocence.
Which of the above statements is incorrect?
(a) Statement iv only
(b) Statement ii only
(c) Statements ii and iii only
(d) Statements i and iv only

4. With respect to the requirement of establishing motive in a case resting purely on circumstantial

evidence, which of the following correctly states the legal position?
(a) Motive must be proved in every criminal case, failing which no conviction of any kind can lawfully be recorded.
(b) Motive is wholly irrelevant in a case resting on circumstantial evidence and carries no bearing on the prosecution's case.
(c) An unproved or merely rumour-based motive significantly weakens the prosecution's chain of circumstances and its case.
(d) A rumour-based motive strengthens the prosecution's case, since suspicion by itself completes the chain of circumstances.

5. The five golden principles governing cases resting on circumstantial evidence, requiring that the circumstances be fully established, consistent only with guilt, conclusive, and form a complete chain, were laid down in which of the following decisions?
(a) Sharad Birdhichand Sarda v. State of Maharashtra, laying down five golden principles for circumstantial evidence cases.
(b) Sharad Birdhichand Sarda v. State of Maharashtra, laying down the rule that motive need not be proved in any case.
(c) Sharad Birdhichand Sarda v. State of Maharashtra, laying down the standard for using a Section 161 statement as substantive proof.
(d) Sharad Birdhichand Sarda v. State of Maharashtra, laying down that last seen together evidence alone can sustain a conviction.

HIGH COURT | Landmark Judgements

17 Parents' Support Doesn't Relieve Husband of Maintenance Duty

Background

- The revisionist-wife filed an application under Section 125 of the Code of Criminal Procedure, 1973 before the Family Court, Bulandshahr, seeking maintenance from her husband, a retired Army personnel.
- She alleged that after marriage she was subjected to harassment, taunts, and cruelty by the husband and his family members, that the husband ceased marital relations with her, and that he subsequently informed her that he had married another woman.
- She further alleged that in January 2020 she was assaulted and expelled from the matrimonial home along with her two minor children, and had since been residing at her parental home with no independent source of income, dependent upon her parents.
- The husband denied these allegations, contending that the wife had left the matrimonial home without sufficient cause and was allegedly maintaining illicit relations with certain persons.
- The husband stated that during his Army service, Rs. 11,303 per month had been deducted from his salary and paid to his wife and children until his retirement in November 2020, after which he received a monthly pension of about Rs. 21,025 with no other source of income.
- The Family Court, by its order of December 2023, disbelieved the wife's case on the ground that she could not prove specific incidents of dowry demand, assault, or a second marriage, held that the allegations of both sides remained unproven, and concluded that she was residing separately without sufficient cause,

Case Details

Case Title:	Vikas Sharma v. State of U.P. and Another
Court	Allahabad High Court
Citation:	2026 LiveLaw (AB) 337
Bench	Justice Garima Prashad

Issue Before the Court

- Whether the Family Court had erred in conducting the proceedings under Section 125 CrPC as though they were a full-fledged matrimonial trial on cruelty and adultery, contrary to the summary nature and object of the provision.
- Whether the wife had reasonable cause to reside separately from the husband, and whether the husband, despite having means, had neglected or refused to maintain her.
- Whether the husband's unproven allegations of adultery against the wife were sufficient to attract the statutory bar under Section 125(4) CrPC.
- Whether financial support extended by the wife's parents could be treated as her own independent income so as to relieve the husband of his statutory obligation to

rejecting her claim for maintenance in its entirety while awarding Rs. 3,000 per month as maintenance to each minor child.

- Aggrieved, the wife and her two minor children filed a criminal revision petition before the Allahabad High Court.

maintain her.

- Whether the maintenance of Rs. 3,000 per month awarded to each minor child by the Family Court was adequate having regard to their reasonable needs.

Judgement of the Court

- The Court held that in proceedings under Section 125 CrPC, a court is not required to insist on strict proof of cruelty as in a criminal prosecution or a contested matrimonial cause, clarifying that the scope of enquiry is limited to whether the wife has reasonable ground to live separately and whether the husband, despite having means, has neglected or refused to maintain her, a standard distinct from proof beyond reasonable doubt and not a trial of every allegation and counter-allegation of matrimonial misconduct.
- The Court held that the admitted facts, namely the serious matrimonial discord between the parties, the wife and children residing separately, and the husband's own admission in cross-examination that he had not paid any maintenance after November 2020, were sufficient to establish that the wife was not residing separately without cause and was being neglected.
- The Court further held that where the husband has initiated divorce proceedings, the parties are admittedly living separately due to serious matrimonial discord, and the wife has custody of two minor children, it cannot be lightly concluded that she is living separately without sufficient cause.
- On the allegations of adultery, the Court held that the statutory bar under Section 125(4) CrPC is attracted only where the wife is proved to be living in adultery, and since no independent witness, document, or reliable material had been produced to establish this, mere allegations, suspicion, or character assassination could not deprive the wife of her right to maintenance.
- On the wife's income, the Court held that an able-bodied husband cannot avoid his statutory obligation to maintain his wife and children by pointing to support given to the wife by her parents, clarifying that the income of the wife's parents cannot be treated as the wife's own income, and that once it was accepted there was no evidence of sufficient independent income of the wife, there was no justification to deny her maintenance.
- The Court found the Family Court's award of Rs. 3,000 per child per month wholly inadequate and unrealistic, insufficient to cover even the minimum reasonable expenditure of school-going children, including food, clothing, education, books, transport, and medical needs.
- The Court drew an adverse inference against the husband for failing to fully disclose his financial assets and withholding revenue records concerning family agricultural holdings and dairy activities, holding that he was in exclusive possession of such material particulars.
- Modifying the impugned order, the Court directed the husband to pay monthly maintenance of Rs. 5,000 to the wife and enhanced the maintenance for the two minor children to Rs. 4,000 each, further directing that in the event of default, the wife and children could approach the competent court to seek direct deduction and recovery of the maintenance amount from the husband's military pension and other lawful receivables.

Key Takeaways for CLAT Aspirants

Section 125, Code of Criminal Procedure, 1973 (corresponding to Section 144, Bharatiya Nagarik

Suraksha Sanhita, 2023)

This provision empowers a Magistrate of the First Class to order a person of sufficient means to pay monthly maintenance to a wife, child, or parent unable to maintain themselves, where such person neglects or refuses to do so; it is a summary, welfare-oriented remedy aimed at preventing destitution rather than adjudicating matrimonial guilt.

Summary Nature of Maintenance Proceedings

Maintenance proceedings are summary in character and are not intended to be converted into a full trial of every allegation and counter-allegation of matrimonial misconduct such as cruelty or adultery; the applicable standard of proof is distinct from, and lower than, proof beyond reasonable doubt.

Statutory Bar under Section 125(4) CrPC

This provision disentitles a wife from claiming maintenance where she is proved to be living in adultery, refuses to live with her husband without sufficient reason, or the parties live separately by mutual consent; the bar is attracted only upon proof of adultery, and mere suspicion or unproven allegation does not suffice.

Doctrine of "Reasonable Cause" to Live Separately

A wife's entitlement to maintenance depends on establishing reasonable cause to reside separately; courts assess this from the totality of admitted facts and surrounding circumstances, such as pending matrimonial discord and custody of children, rather than requiring conclusive proof of specific incidents of cruelty.

Independent Income and Parental Support Distinguished

Financial assistance from a wife's parents during distress is an act of familial support and cannot be equated with the wife's own independent income; a husband cannot rely on such third-party support to escape his personal and statutory obligation to maintain his wife.

Doctrine of Adverse Inference for Non-Disclosure of Assets

Where a party fails to disclose material financial particulars within their exclusive knowledge, such as income, assets, or property records, a court may draw an adverse inference against that party, presuming the withheld material would have been unfavourable to them.

Determination of Adequate Maintenance for Minor Children

Courts assessing the adequacy of maintenance for minor children consider the realistic costs of upkeep, including food, clothing, education, books, transportation, and medical needs, and an award that ignores these components may be held inadequate and revised upward.

Revisional Jurisdiction over Maintenance Orders

A person aggrieved by a Family Court's or Magistrate's maintenance order may invoke the revisional jurisdiction of a High Court, which examines whether the reasoning and conclusions of the subordinate court are legally sustainable and may modify the order accordingly.

Recovery of Maintenance from Pension and Other Receivables

Where a person liable to pay maintenance defaults, the person entitled to maintenance may seek recovery of arrears through deduction from lawful receivables due to the defaulter, including a pension, reflecting the continuing enforceability of maintenance orders.

Object of Maintenance Law as a Measure of Social Justice

Maintenance provisions under criminal procedure law are rooted in social justice, aimed at preventing vagrancy and destitution of dependents unable to support themselves, and are interpreted purposively to secure a dignified standard of living rather than construed narrowly.

Practice Questions

1. A husband resists his wife's claim for maintenance by alleging that she is living in adultery, but leads no proof of adultery and rests his defence on suspicion alone. He contends that the allegation by itself disentitles her under the statutory bar. Is the wife disentitled to maintenance on this allegation alone?
(a) Yes, because an allegation of adultery by the husband is sufficient to attract the statutory bar against the wife.
(b) No, because the bar is attracted only upon proof of adultery, and mere suspicion or unproven allegation does not suffice.
(c) Yes, because the burden lies on the wife to disprove the adultery imputed to her before any maintenance can be awarded.
(d) No, because the statutory bar has no application to a wife and can never be invoked to defeat her claim to maintenance.

2. A husband seeks to escape his obligation to maintain his wife by pointing to the financial assistance she receives from her parents during her distress, contending that such support amounts to her own independent income. Which of the following correctly states the legal position?
(a) The parental support amounts to the wife's independent income, and the husband stands relieved of his obligation to maintain her.
(b) The parental support reduces the husband's obligation to a token amount, since third-party support answers his personal duty.
(c) The parental support extinguishes the husband's obligation, since any financial help received by the wife defeats her claim.
(d) The parental support cannot be equated with the wife's independent income, and the husband's statutory obligation continues.

3. Consider the following statements regarding maintenance proceedings:
i. Maintenance proceedings are summary in character.
ii. Maintenance proceedings are intended to be converted into a full trial of every allegation of matrimonial misconduct.
iii. The standard of proof applicable to maintenance proceedings is distinct from, and lower than, proof beyond reasonable doubt.
iv. The standard of proof applicable to maintenance proceedings is proof beyond reasonable doubt, as in a criminal trial.
Which of the above statements are incorrect?
(a) Statements i and iii only
(b) Statements ii and iv only
(c) Statements i and iv only
(d) Statements ii and iii only

4. Where a party fails to disclose material financial particulars within their exclusive knowledge, such as income, assets, or property records, which of the following correctly states the course open to the court?

(a) The court must accept the party's silence as proof that no such income, assets, or property records exist at all.
(b) The court is bound to call for independent evidence and cannot act upon the party's failure to disclose the particulars.
(c) The court may draw an adverse inference, presuming the withheld material would have been unfavourable to that party.
(d) The court must relieve the party of the obligation to disclose, since the particulars lie within their exclusive knowledge.

5. Which of the following correctly describes the object of maintenance provisions under criminal procedure law?
(a) They are rooted in social justice, aimed at preventing vagrancy and destitution of dependents unable to support themselves.
(b) They are aimed at adjudicating matrimonial guilt and apportioning blame between the spouses for the breakdown of the marriage.
(c) They are aimed at penalising the defaulting spouse through a punitive levy unconnected with the needs of the dependents.
(d) They are aimed at partitioning the matrimonial property between the parties upon the dissolution of their marriage.

HIGH COURT Landmark Judgements

18 No Voice Sample, No S.65B Certificate

Background

- The complainant, Shyam Kumar Tiwari, approached the Superintendent of Police, Anti-Corruption Bureau, alleging that his wife, employed as a Shiksha Karmi at a Government Primary School in Block Nawagarh, District Durg, had her salary withheld for several months by the Block Education Officer.
- To resolve the matter, the complainant contacted appellant No. 2, Ramesh Kumar Chouhan, a Clerk in the office of the Block Education Officer, who allegedly demanded illegal gratification of Rs. 5,000 for facilitating release of the withheld salary, purportedly on behalf of appellant No. 1, Anil Markende, the Block Education Officer.
- On the instructions of the ACB Inspector, the complainant was given a voice recorder and instructed to record his conversations with the accused; he recorded conversations on 5 October 2010 and 7 October 2010, which were produced before the ACB only on 11 October 2010.
- On 12 October 2010, the ACB conducted a trap at the office of the Block Education Officer, during which the complainant handed over Rs. 5,000 in tainted currency to appellant No. 1, who was thereafter found to have the money in his pocket, and a phenolphthalein hand-wash test conducted on him turned positive.
- Prior to the trap, the complainant and his wife had already received a cheque for Rs. 39,158 towards the wife's withheld salary on 5 October 2010, before any bribe amount was allegedly paid.

Case Details

Case Title:	Anil Markende & Anr. v. State of Chhattisgarh
Court	High Court of Chhattisgarh at Bilaspur
Citation:	Criminal Appeal No. 1423 of 2017 | 2026:CGHC:25610 | 2026 LiveLaw (Chh) 46
Bench	Justice Rajani Dubey

Issue Before the Court

- Whether the prosecution had proved, beyond reasonable doubt, the demand of illegal gratification by the appellants, which is the sine qua non for conviction under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988.
- Whether the recorded conversations relied upon by the prosecution were admissible in evidence in the absence of a certificate under Section 65-B of the Indian Evidence Act, 1872.
- Whether the voice recordings could be relied upon to establish demand in the absence of voice sample authentication or a Forensic Science Laboratory report, and given the

- After investigation, the Special Judge (Prevention of Corruption Act), Bemetara, by judgment dated 8 September 2017, convicted both appellants under Section 7 and Section 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, sentencing each to three years' rigorous imprisonment with fine under each count, the substantive sentences to run concurrently.
- Before the High Court, the appellants contended that the prosecution had failed to prove demand of illegal gratification beyond reasonable doubt, pointing to inconsistencies between the complainant's two complaints, the admitted receipt of the salary cheque before the alleged bribe demand, the absence of any FSL report or voice sample comparison, and the fact that the voice recorder remained in the complainant's personal custody for several days before being handed to the ACB.
- The complainant's wife admitted in her testimony that no demand for the bribe amount had been made in her presence and that she had no independent knowledge of the alleged demand.
- The Investigating Officer admitted in cross-examination that no voice samples of the accused or the complainant had been obtained, that another person allegedly party to the recorded conversation had neither been cited nor examined as a witness, and that the recorded conversation was unclear owing to the presence of multiple voices.

possibility of tampering during the period the recorder remained in the complainant's custody.

- Whether mere recovery of tainted currency notes from the appellant, without proof of a prior demand, was sufficient to sustain a conviction under the Prevention of Corruption Act, 1988.

Judgement of the Court

- The Court examined the sequence of events and found that the complainant and his wife had admittedly received the cheque of Rs. 39,158 towards the withheld salary on 5 October 2010, before any proven demand for a bribe, which rendered the prosecution's narrative of a continuing demand doubtful.
- The Court noted that the complainant's wife, in cross-examination, admitted that no demand for the bribe amount was made in her presence and that she had no independent knowledge of the alleged demand, weakening the prosecution's foundational allegation.
- The Court held that the Investigating Officer had clearly admitted that no voice samples of either the accused or the complainant had been obtained, and that identification of the voices on the recording rested solely on the complainant's own version, without independent corroboration.
- The Court found that another person allegedly involved in or party to the recorded conversation had neither been cited as a witness nor examined by the prosecution, leaving a critical gap in the evidentiary chain.
- Noting that the complainant admitted the voice recorder remained in his personal custody at his residence from 5 October 2010 until 10 October 2010 before being handed over to the ACB, and was seized only on 11 October 2010, the Court held that the possibility of tampering with the recording could not be ruled out.
- The Court held that no certificate under Section 65-B of the Indian Evidence Act, 1872 had been produced by the prosecution in respect of the electronic record, rendering the voice recording inadmissible in evidence.
- Relying on the Delhi High Court's decision in Romesh Sharma v. State, the Court reiterated the settled conditions for admissibility of a tape-recorded conversation: the voice of the speaker must be duly identified, the accuracy of the recording proved by satisfactory evidence, every possibility of

tampering or erasure ruled out, the recording relevant under the Evidence Act, the recorded material carefully sealed and kept in safe or official custody, and the voice clearly audible without distortion.

- Applying settled Supreme Court precedent, the Court reiterated that proof of demand of illegal gratification is the sine qua non for conviction under Sections 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, and that mere recovery of tainted currency, without proof of a prior demand and voluntary acceptance knowing it to be a bribe, cannot sustain a conviction.
- The Court held that the statutory presumption available under the Act arises only upon proof of demand and acceptance of illegal gratification, and where the factum of demand itself remains unproved, no such presumption can be invoked against the accused.
- The Court concluded that the entire proceedings relating to the recorded conversation and the trap were conducted with respect to appellant No. 1 alone, that the presence and involvement of appellant No. 2 at the site of the alleged trap had not been established, and that no recovery had been effected from him.
- Holding that the Trial Court had failed to properly appreciate these material inconsistencies and had recorded perverse findings, the Court set aside the conviction and sentence, extended the benefit of doubt to the appellants, and acquitted them of all charges, directing them to furnish personal bonds in view of the possibility of further appeal.

Key Takeaways for CLAT Aspirants

Section 7, Prevention of Corruption Act, 1988: Offence of Taking Gratification Other Than Legal Remuneration

Section 7 penalises a public servant who accepts, obtains, or attempts to obtain any gratification, other than legal remuneration, as a motive or reward for performing or forbearing to perform an official act; proof of demand and voluntary acceptance knowing it to be a bribe is essential to establish this offence.

Section 13(1)(d) read with Section 13(2), Prevention of Corruption Act, 1988: Criminal Misconduct by a Public Servant

This provision penalises a public servant who, by corrupt or illegal means or by abusing his position, obtains for himself or any other person a valuable thing or pecuniary advantage; like Section 7, it also requires proof of demand as a foundational element.

Doctrine of "Demand" as Sine Qua Non for Conviction under the Prevention of Corruption Act

Proof of demand of illegal gratification is an essential and indispensable requirement for conviction under the Act; mere recovery of tainted currency notes from the accused, without independent proof that the money was demanded and voluntarily accepted as a bribe, cannot sustain a conviction.

Statutory Presumption under the Prevention of Corruption Act

The Act permits a presumption to be drawn against the accused, but only once the prosecution has first proved acceptance of gratification pursuant to a demand; where demand itself is unestablished, the foundational fact necessary to invoke this presumption is absent.

Section 65-B, Indian Evidence Act, 1872 (corresponding to Section 63, Bharatiya Sakshya Adhiniyam, 2023): Admissibility of Electronic Records

This provision mandates a certificate accompanying any electronic record sought to be admitted in evidence, identifying the record and the manner and device of its production, and certifying compliance with specified conditions; without it, an electronic record such as a voice recording is inadmissible.

Conditions for Admissibility of Tape-Recorded Conversations

Courts require that the speaker's voice be duly identified, the accuracy of the recording proved by satisfactory evidence, every possibility of tampering or erasure excluded, the recording be relevant under the law of evidence, the material be carefully sealed and kept in safe custody, and the voice be clearly audible without distortion.

Chain of Custody and Its Bearing on Reliability of Electronic Evidence

Where a recording device or its contents remain in a witness's personal, unsecured custody for a significant period before being handed to the investigating agency, without explanation or sealing, courts treat this as compromising evidentiary integrity and giving rise to a reasonable possibility of tampering.

Requirement of Voice Sample Comparison and Forensic Corroboration

In the absence of a scientifically obtained voice sample of the accused compared against the recording through a Forensic Science Laboratory report, mere identification of a voice by an interested complainant is insufficient to reliably establish the speaker's identity.

Doctrine of Benefit of Doubt in Criminal Appeals

Where an appellate court finds that the prosecution has failed to establish an essential ingredient of the offence beyond reasonable doubt, and identifies material inconsistencies overlooked by the trial court, it may set aside the conviction and extend the benefit of doubt to the accused, resulting in acquittal.

Strict Construction of Penal Statutes

Penal statutes, including special legislation such as the Prevention of Corruption Act, 1988, must be construed strictly, and every essential ingredient of the offence must be established by cogent and reliable evidence; evidentiary lacunae must be resolved in favour of the accused.

Practice Questions

1. In a prosecution under the Prevention of Corruption Act, the only material against the accused public servant is the recovery of tainted currency notes from him, with no independent proof that the money was demanded and voluntarily accepted as a bribe. The trial court proposes to convict on this recovery alone. Can the conviction be sustained on the recovery of the tainted notes without proof of demand?
(a) Yes, because recovery of tainted currency notes from the accused by itself completes the offence under the Act.
(b) Yes, because once tainted money is recovered, the demand of illegal gratification need no longer be established.
(c) No, because recovery of tainted currency notes is wholly inadmissible in any prosecution under the Act.
(d) No, because proof of demand is indispensable, and recovery of tainted notes alone cannot sustain a conviction.

2. In a trial under the Prevention of Corruption Act, the prosecution invites the court to draw the statutory presumption against the accused, although it has not established that any gratification was accepted pursuant to a demand. Which of the following correctly states the legal position?
(a) The presumption cannot be drawn, since the foundational fact of acceptance pursuant to a demand remains unestablished.
(b) The presumption may be drawn at once, since the statute permits it irrespective of proof of demand or acceptance.
(c) The presumption arises automatically upon the mere institution of a prosecution against the accused public servant.
(d) The presumption may be drawn once the accused is shown to be a public servant, without any further foundational fact.

3. Consider the following statements regarding the admissibility of tape-recorded conversations:
i. The speaker's voice must be duly identified and the accuracy of the recording proved by satisfactory evidence.
ii. Every possibility of tampering or erasure of the recording must be excluded.
iii. The recorded material must be carefully sealed and kept in safe custody.
iv. A tape-recorded conversation is admissible even where the possibility of tampering or erasure remains open.
Which of the above statements is incorrect?
(a) Statement ii only
(b) Statements ii and iii only
(c) Statements i and iv only
(d) Statement iv only

4. With respect to the admissibility of an electronic record such as a voice recording under Section 65-B of the Indian Evidence Act, 1872, which of the following correctly states the legal position?

(a) The record is admissible without any certificate, provided the person producing it asserts on oath that it is genuine.
(b) The record is inadmissible without a certificate identifying it and certifying compliance with the specified conditions.
(c) The record is admissible if any witness identifies the voice, the certifying requirement being merely directory in nature.
(d) The record is admissible once the investigating agency takes possession of it, irrespective of any accompanying certificate.

5. Which of the following correctly states the rule governing the construction of penal statutes such as the Prevention of Corruption Act, 1988?
(a) They must be construed liberally in favour of the prosecution so as to advance the object of curbing corruption.
(b) They must be construed so that evidentiary lacunae are resolved against the accused to secure his conviction.
(c) They must be construed strictly, and every essential ingredient must be established by cogent and reliable evidence.
(d) They must be construed so that proof of any single ingredient suffices to establish the whole of the offence charged.

HIGH COURT | Landmark Judgements

19 Section 348 of BNSS

Background

- The petitioner, Anbu, was facing trial before the Additional District and Sessions Judge, Fast Track Court, Kumbakonam, in Sessions Case No. 187 of 2022, for an offence punishable under Section 302 of the Indian Penal Code, 1860.
- As per the prosecution case, the deceased, Venkatesan, was the Regional Manager of a company, and the petitioner, who was also associated with the same company, had been entrusted by the deceased with agricultural products worth Rs. 14,00,000 for sale.
- The prosecution alleged that the petitioner sold the products but failed to remit the sale proceeds, and that on 23 September 2021 the deceased, along with PW-1 to PW-3, met the petitioner and demanded return of either the products or the money, following which the petitioner sought two days' time.
- The prosecution further alleged that the petitioner thereafter took the deceased alone in his car, that the deceased contacted PW-1 by phone requesting money, that PW-1 sent small amounts through PhonePe, and that the deceased and PW-1 shared their respective locations.
- The prosecution's case was that the petitioner, with the intention of eliminating the deceased, caused his death by attacking him with a billhook and thereafter abandoned the body in water, following which a final report was filed against the petitioner.
- During trial, the prosecution examined fourteen witnesses, including PW-14, the Investigating

Case Details

Case Title:	Anbu v. The State of Tamil Nadu
Court	Madurai Bench of the Madras High Court
Citation:	Crl.O.P.(MD).No.1327 of 2026 | 2026 LiveLaw (Mad) 275
Bench	Justice L. Victoria Gowri

Issue Before the Court

- Whether the order allowing the prosecution to recall the Investigating Officer, PW-14, for marking additional documents after closure of prosecution evidence and examination of the accused, was legally sustainable.
- Whether the documents sought to be introduced through recall of PW-14 were truly essential to the just decision of the case, or merely an attempt by the prosecution to fill up lacunae exposed during cross-examination.
- What degree of judicial satisfaction and reasoning is required of a trial court before permitting recall of a witness at a late stage of trial under Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Officer, who was examined and cross-examined on 25 November 2024, after which the petitioner was questioned on the incriminating circumstances.

- After the trial had progressed to the stage of defence evidence and arguments, the prosecution filed an application under Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking to recall PW-14 for further examination and for marking additional documents, namely call detail records, tower location details, IMEI details, SIM address particulars, and bank account and transaction details relating to the deceased, the petitioner, PW-1, and the company.
- The Trial Court, by order dated 9 September 2025, allowed the application, holding that the documents were necessary to complete the chain of circumstances and that without them arriving at a final conclusion would be difficult.
- Aggrieved by this order, the petitioner approached the Madurai Bench of the Madras High Court seeking to set it aside.

- Whether permitting such recall would cause prejudice to the accused and infringe the right to a fair trial guaranteed under Article 21 of the Constitution.

Judgement of the Court

- The Court held that Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 311 of the Code of Criminal Procedure, 1973, contains a discretionary power to summon, examine, or recall any witness at any stage, and a mandatory duty to do so where the evidence appears essential to the just decision of the case, but held that the width of this power does not dilute the discipline governing its exercise.
- The Court held that the power is intended to aid the cause of justice and not to confer an unfair advantage on either party, change the nature of the case, cause prejudice to the accused, permit a disguised retrial, or fill up inherent lacunae in the prosecution's case.
- Relying on Supreme Court precedent, the Court reiterated that a court must satisfy itself that the evidence sought to be adduced is essential for the just decision of the case, that such evidence must be germane to the issue, and that the power must be exercised with care, caution, and circumspection, tangible reasons being required to show how a fair trial would suffer without recall.
- The Court reiterated the distinction between a bona fide inadvertent omission, which may in appropriate cases be corrected, and a deliberate attempt to strengthen a weak link after the defence has exposed it during cross-examination, which calls for heightened caution.
- Examining the impugned order, the Court found that the Trial Court had merely recorded the prosecution's case, the objection of the accused, and the text of the statutory provision before concluding that the documents were essential, without explaining which specific link in the chain was missing, how the proposed documents would supply that link, or why such material could not have been produced earlier despite due diligence.
- Examining the two categories of documents sought, namely call and location-based data intended to support the "last seen" circumstance, and bank records intended to establish motive, the Court held that while such material might be corroborative or relevant in a broad sense, the question under the provision was not mere relevance or usefulness but essentiality, a threshold requiring more than that the material may improve the prosecution's case.
- The Court observed that the prosecution had already led evidence through PW-1 to PW-3 regarding the meeting and movements of the petitioner and the deceased, that PW-14 had been

fully examined and cross-examined, and that the recall petition was filed only after the defence had exposed lacunae during cross-examination, placing the accused in a position of serious prejudice at a late stage of trial.

- The Court held that the phrase "at any stage" does not mean "at any stage without reasons," and that the later the stage at which recall is sought, the stronger and more tangible the judicial reasons required, particularly where recall is sought after closure of prosecution evidence, cross-examination of the Investigating Officer, and examination of the accused.
- The Court held that the right to a fair trial is a substantive guarantee under Article 21 of the Constitution, which cannot be diluted to give the prosecution an unlimited opportunity to repair its case after the defence has exposed its weaknesses, clarifying that a criminal trial is a solemn judicial search for truth that must proceed within the bounds of fairness, legality, and procedural discipline.
- Clarifying that it was not laying down an absolute rule against recall of an Investigating Officer after closure of prosecution evidence, and that each case must turn on its own facts, the Court held that where evidence is truly essential and its denial would result in failure of justice, the power must be exercised, but always upon recorded reasons rather than general observations.
- Finding that the Trial Court had failed to apply the test of essentiality in its proper legal sense, had not examined the indispensability of the documents, their effect on the charge, the prejudice to the accused, the stage of the trial, or the reason for non-production earlier, and had thereby failed to balance the prosecution's right to place relevant material against the accused's right to a fair and speedy trial, the Court held the impugned order mechanical and legally unsustainable, set it aside, and directed the Trial Court to proceed with the sessions case in accordance with law, uninfluenced by any observation on the merits of the main case.

Key Takeaways for CLAT Aspirants

Section 348, Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 311, Code of Criminal Procedure, 1973)

This provision empowers any court, at any stage of an inquiry, trial, or other proceeding, to summon a witness, examine any person present though not summoned, or recall and re-examine a person already examined, and mandates that the court do so where such evidence appears essential to the just decision of the case.

Discretionary and Mandatory Limbs of the Power to Recall Witnesses

The provision contains two distinct limbs: a discretionary power allowing the court to summon or recall witnesses at its discretion, and a mandatory duty compelling it to do so wherever the evidence in question is essential to arriving at a just decision, both subject to disciplined exercise.

Doctrine of "Essentiality" versus Mere "Usefulness" or "Relevance"

Courts require that evidence sought through recall of a witness at a late stage of trial be shown essential to the just decision of the case, a standard higher than mere relevance or usefulness; not every document capable of improving a party's case satisfies this threshold.

Prohibition Against Using Recall to Fill Lacunae in the Prosecution's Case

The power to recall a witness cannot be exercised as a device to enable a party, particularly the prosecution, to repair or supplement a case shown deficient during the ordinary course of trial, especially after the opposing side has exposed such weaknesses through cross-examination.

Distinction Between Inadvertent Omission and Deliberate Lacuna

Courts distinguish between a bona fide, inadvertent omission to bring material already forming part of the record before the court, which may be corrected without prejudice, and a deliberate attempt to introduce fresh material to strengthen a weak link after the opposing party has demonstrated the case's deficiency, which demands greater caution.

Heightened Judicial Scrutiny at a Late Stage of Trial

The phrase "at any stage" governing the power to recall witnesses does not mean the power may be exercised without reasons; the later in the trial that recall is sought, particularly after closure of prosecution evidence and examination of the accused, the stronger and more specific the judicial reasoning required to justify it.

Right to Fair Trial under Article 21 of the Constitution

The right to a fair trial, protected as part of the right to life and personal liberty under Article 21, extends to the accused's entitlement not to be subjected to prolonged or unfair prosecutorial tactics, including attempts to introduce fresh evidence after the defence has exposed weaknesses in the prosecution's case at an advanced stage of trial.

Doctrine of Complete Chain of Circumstances in Cases Based on Circumstantial Evidence

In a case resting on circumstantial evidence, every relied-upon circumstance must be independently proved, and all such circumstances must together form a complete and unbroken chain pointing exclusively to the guilt of the accused; the mere fact that a case rests on circumstantial evidence does not, by itself, justify recall of a witness to plug gaps in that chain.

Requirement of Reasoned Orders in Exercise of Discretionary Judicial Power

A court exercising a discretionary statutory power, such as the power to recall a witness, must record specific and tangible reasons demonstrating why the evidence sought is indispensable, rather than merely reciting the statutory provision and the parties' contentions before arriving at a conclusion.

Concept of "Last Seen" and "Motive" as Corroborative but Insufficient Circumstances

Evidence that the accused was last seen with the deceased, or evidence indicating motive such as a financial dispute, is relevant in a case of circumstantial evidence but cannot, by itself or even together, sustain a conviction unless supported by other incriminating circumstances forming part of a complete and unbroken chain pointing to guilt.

Practice Questions

1. After the defence, through cross-examination, has exposed weaknesses in the prosecution's case during the ordinary course of trial, the prosecution applies to recall a witness in order to repair and supplement the deficiency so revealed. The accused objects that recall cannot be used for this purpose. May the power to recall be exercised to enable the prosecution to repair the deficiency thus exposed?
(a) Yes, because the prosecution may recall a witness at any stage to strengthen a case shown to be deficient at trial.
(b) Yes, because the exposure of a weakness through cross-examination is itself a ground entitling the prosecution to recall.
(c) No, because the power to recall applies to the defence alone and can never be invoked by the prosecution in a trial.
(d) No, because recall cannot be used as a device to repair a case shown deficient during the ordinary course of trial.

2. In one case, a party seeks recall of a witness to bring before the court material already forming part of the record, omitted through a bona fide inadvertence. In another, a party seeks recall to introduce fresh material to strengthen a weak link after the opposing party has demonstrated the deficiency. Which of the following correctly states the legal position?
(a) The inadvertent omission may be corrected without prejudice, while the deliberate introduction of fresh material demands greater caution.
(b) Both situations are to be treated alike, since the stage at which recall is sought has no bearing upon the exercise of the power.
(c) The inadvertent omission demands greater caution, while the deliberate introduction of fresh material may be allowed without prejudice.
(d) Both situations must be refused outright, since recall of a witness is impermissible once the trial has advanced to any degree.

3. Consider the following statements regarding a case resting on circumstantial evidence:
i. Every relied-upon circumstance must be independently proved.
ii. All the circumstances must together form a complete and unbroken chain pointing exclusively to the guilt of the accused.
iii. The mere fact that a case rests on circumstantial evidence justifies the recall of a witness to plug gaps in the chain.
iv. A conviction may rest on a chain of circumstances that leaves gaps consistent with the innocence of the accused.
Which of the above statements are incorrect?
(a) Statements i and ii only
(b) Statements i and iv only
(c) Statements ii and iii only
(d) Statements iii and iv only

4. With respect to the standard governing the recall of a witness at a late stage of trial, which of the following correctly states the threshold to be satisfied?
(a) The evidence sought must be shown to be merely relevant to some issue arising in the course of the trial.
(b) The evidence sought must be shown capable of improving the case of the party applying for the recall.
(c) The evidence sought must be shown to be essential to the just decision of the case, and not merely useful.
(d) The evidence sought must be shown to be of some conceivable use to the party seeking the recall of the witness.

5. The provision governing the recall of witnesses is said to contain two distinct limbs. Which of the following correctly describes these two limbs?
(a) A discretionary power to summon or recall witnesses, and a mandatory duty to do so where the evidence is essential to a just decision.
(b) A mandatory duty to recall every witness examined earlier, and a discretionary power to decline recall where the court thinks fit.
(c) A power exercisable only before the closure of evidence, and a separate power exercisable only after judgment has been delivered.
(d) A power confined to summoning fresh witnesses, and a separate power confined to the re-examination of the accused alone.

HIGH COURT | Landmark Judgements

20 S.311 CrPC Meant to Elicit Truth, Not Favour Either Side

Background

- The petitioner was facing prosecution for offences under Sections 366, 363, 376, 344, and 346 of the Indian Penal Code, 1860, Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012, before the Special Judge, POCSO Act, Sawai Madhopur.
- In this prosecution, the age of the prosecutrix was a material question, since it determined the applicability of the POCSO Act to the alleged offence.
- The prosecution relied upon the prosecutrix's Class IV school admission form, which recorded her date of birth as 10 February 2001, to establish that she was a minor at the time of the alleged incident.
- The petitioner contended that other documents on record contradicted this date of birth: the Secondary School Certificate issued by the Board of Secondary Education recorded her date of birth as 10 February 2000, and her Class I admission record from another school, Upper Primary Aadarsh Vidhya Mandir, Chhan, recorded her date of birth as 5 July 1999, which, if accepted, would make her a major at the time of the alleged occurrence.
- On learning of the Class I school record, the petitioner filed an application under Sections 311 and 91 of the Code of Criminal Procedure, 1973 before the Trial Court, seeking to summon the principal of that school along with the original Class I admission record.

Case Details

Case Title:	C v. State of Rajasthan & Anr.
Court	Rajasthan High Court, Jaipur Bench
Citation:	S.B. Criminal Miscellaneous (Petition) No. 5961/2024 | Neutral Citation 2026:RJ-JP:21325 | 2026 LiveLaw (Raj) 263
Bench	Justice Anoop Kumar Dhand

Issue Before the Court

- Whether an application under Section 311 of the Code of Criminal Procedure, 1973 seeking to summon a witness and documentary evidence could be rejected merely on the ground that it was filed at the stage of final arguments.
- Whether, in view of contradictory documents on record regarding the prosecutrix's date of birth, it was essential to summon the Class I school record and the principal of the concerned school to determine her actual age.
- How the age of the prosecutrix ought to be determined under Section 94 of the Juvenile Justice (Care and

The Trial Court, by order dated 29 July 2024, rejected the application on the ground that it had been filed at the stage of final arguments and was unsupported by affidavits of other persons.

Protection of Children) Act, 2015, where reasonable grounds for doubt existed regarding such age.

- The respondents opposed the application before the High Court, contending that it had been filed only to delay the trial, and that the investigation had already collected the Class IV admission record reflecting the prosecutrix's date of birth as 10 February 2001.
- Aggrieved by the rejection of his application, the petitioner filed the present criminal miscellaneous petition before the Rajasthan High Court.

Judgement of the Court

- The Court held that the purpose of Section 311 of the Code of Criminal Procedure, 1973 is not to favour or disfavour either the prosecution or the accused, but to naturally unravel the truth so that the court may arrive at a just decision, and that this power may be exercised at any stage of an inquiry, trial, or other proceeding, with the stage of final arguments not operating as a bar to its invocation.
- Referring to the governing Supreme Court principle on the scope of Section 311, the Court reiterated that the provision empowers a court to summon a material witness or examine a person present at any stage of the proceeding, or recall and re-examine a person already examined, if such evidence appears essential for the court to arrive at a just decision, and that the court must satisfy itself of this essentiality.
- The Court examined the material on record and noted that two contradictory documents already existed regarding the prosecutrix's date of birth, namely the Class IV admission form reflecting 10 February 2001 and the Secondary School Certificate reflecting 10 February 2000, with the petitioner further asserting the existence of a Class I record reflecting an even earlier date of birth of 5 July 1999.
- Referring to Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015, the Court held that where reasonable grounds exist to doubt a person's age, it is to be determined on the basis of the date of birth certificate from the school, or the matriculation or equivalent certificate from the concerned examination board, if available, underscoring the evidentiary significance of authentic school records in age determination.
- The Court held that since the case pertained to an alleged offence committed against a minor, and since the earliest available school record was claimed to reflect a materially different date of birth from that relied upon by the prosecution, it was essential, to bring out the correct facts regarding the prosecutrix's actual date of birth, to summon the record of her admission in Class I from the school concerned.
- Allowing the petition, the Court set aside the Trial Court's order rejecting the application under Sections 311 and 91 of the Code of Criminal Procedure, 1973, and directed the Trial Court to summon the principal of the concerned school along with the prosecutrix's Class I school record, further directing that all possible efforts be made to summon the record and witness and record the statement expeditiously, and that the Trial Court not entertain unnecessary adjournment requests from either side, so as to ensure the trial is concluded as early as possible.

Key Takeaways for CLAT Aspirants

Section 311, Code of Criminal Procedure, 1973 (corresponding to Section 348, Bharatiya Nagarik Suraksha Sanhita, 2023)
This provision empowers a court, at any stage of an inquiry, trial, or other proceeding, to summon a witness, examine a person present though not summoned, or recall and re-examine a person already examined, with a mandatory duty to do so wherever such evidence appears essential to a just decision of the case.

Object of Section 311: Discovery of Truth, Not Advantage to Either Party
The overarching object of the power to summon or recall witnesses is to enable the court to discover the truth necessary for just adjudication, and the provision is to be applied even-handedly, without being read as inherently favouring either the prosecution or the defence.

Stage of Trial as Not an Absolute Bar to Invocation of Section 311
While courts exercise greater caution in permitting recall at a late stage of trial, such as the stage of final arguments, the mere fact that an application is filed late does not, by itself, disentitle a party from invoking the provision where the evidence sought is shown essential to a just decision.

Doctrine of Essentiality under Section 311
The touchstone for allowing an application to summon or recall a witness is not mere relevance or utility, but whether the proposed evidence is essential for the court to arrive at a just decision, a standard the court must independently satisfy itself of before exercising the power.

Section 94, Juvenile Justice (Care and Protection of Children) Act, 2015: Presumption and Determination of Age
This provision lays down the procedure for determining age where reasonable doubt exists, prioritising the date of birth certificate from the school first attended, or the matriculation or equivalent certificate from the concerned examination board, over other forms of evidence.

Significance of the Earliest School Record in Age Determination
As between multiple, conflicting school records, the record of the earliest school attended by a person is often accorded greater evidentiary weight in age determination, since it is less likely to have been created or altered for a purpose connected with a subsequent dispute.

Materiality of Age in Offences under the POCSO Act
Since the applicability of the Protection of Children from Sexual Offences Act, 2012 to a given case depends on the victim being a "child" as statutorily defined, accurate determination of the victim's age is a jurisdictional and substantive fact materially affecting both the charge and the applicable sentencing framework.

Section 91, Code of Criminal Procedure, 1973: Summons to Produce Document or Other Thing
This provision empowers a court or police officer to require production of any document or thing considered necessary or desirable for the purposes of an investigation, inquiry, trial, or other proceeding, and is frequently invoked alongside Section 311 to secure documentary records such as school admission forms.

Balancing Truth-Seeking with Protection of Victims in Sensitive Proceedings
While the power to summon or recall evidence serves the discovery of truth, courts remain conscious, particularly in cases involving victims of sexual offences, of the hardship caused by repeated proceedings or appearances, and must weigh this consideration in exercising such powers judiciously.

Judicial Directions for Expeditious Conclusion of Trial

Courts exercising supervisory or revisional powers over ongoing criminal trials may issue ancillary directions, such as directing the trial court to make all possible efforts to summon evidence promptly and to disallow unwarranted adjournment requests, ensuring that directions for producing further evidence do not themselves become a means of protracting the trial.

Practice Questions

1. A party applies under Section 311 to summon a witness at the late stage of final arguments, and the evidence sought is shown to be essential to a just decision of the case. The opposing side contends that the lateness of the application by itself defeats it. Is the party disentitled from invoking the provision merely because the application is filed at a late stage?
(a) Yes, because an application under Section 311 filed at the stage of final arguments is barred by the lateness alone.
(b) Yes, because the power under Section 311 ceases to be available to a party once the stage of final arguments is reached.
(c) No, because lateness alone does not disentitle a party where the evidence sought is shown essential to a just decision.
(d) No, because an application under Section 311 may be allowed at any stage without the court examining its essentiality.

2. In determining the age of a person, a court is confronted with several school records that conflict with one another. It is urged that the record of the earliest school attended should be preferred over the later records. Which of the following correctly states the legal position?
(a) The latest school record is to be preferred, since a later record supersedes every record created before it in point of time.
(b) All the conflicting school records are to be given equal weight, since the sequence of their creation is immaterial to age.
(c) Any one of the conflicting records may be chosen at the court's convenience, since no record enjoys greater weight than another.
(d) The record of the earliest school attended is often accorded greater weight, being less likely to have been created for the dispute.

3. Consider the following statements regarding the determination of age under Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015:
i. The provision lays down the procedure for determining age where reasonable doubt exists.
ii. The date of birth certificate from the school first attended is prioritised in the determination of age.
iii. The matriculation or equivalent certificate from the concerned examination board is prioritised over other forms of evidence.
iv. Other forms of evidence are to be preferred over the school and matriculation certificates in determining age.
Which of the above statements is incorrect?
(a) Statement ii only
(b) Statement iii only
(c) Statements ii and iii only
(d) Statement iv only

4. Which of the following correctly states the overarching object of the power to summon or recall

witnesses under Section 311?

(a) To enable the prosecution to secure additional evidence in support of the charge against the accused person.

(b) To enable the court to discover the truth necessary for just adjudication, applied even-handedly between the parties.

(c) To enable the defence to introduce fresh evidence in answer to the case set up against the accused person.

(d) To enable either party to prolong the proceedings by summoning further witnesses at successive stages of trial.

5. Under Section 91 of the Code of Criminal Procedure, 1973, a court or police officer is empowered to require which of the following?

(a) The production of any document or thing considered necessary or desirable for the purposes of a proceeding.

(b) The arrest of any person suspected of withholding a document material to the investigation of an offence.

(c) The recall and re-examination of a witness whose earlier evidence is considered essential to a just decision.

(d) The determination of the age of a victim by preferring the record of the earliest school attended by the victim.

VOICES Of 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 of VICTORIES

CHAITANYA GHOSH

AIR 2, AILET 2025

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.

ADITYA GAUTAM ANKHAD

AIR 4, CLAT 2025

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!

DHRUV KAMATH

AIR 6, AILET 2025

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 eitherof the top 5 NLUs.

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

VOICES Of VICTORIES

VIDISHA SINGH

AIR 10, AILET 2025

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 classesare 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 backfor more (I still do).

SAMYUKTHA KOVILAKATH

AIR 24 AILET 2025 & OXFORD

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. Married Daughter Cannot Be Excluded from Compassionate Appointment

1. Correct Answer: (a) No, because a rule that burdens daughters but not sons amounts to discrimination on the ground of sex.
Reference Line: "A rule that burdens daughters but not sons discriminates on the ground of sex and is constitutionally invalid."
Explanation: (a) Correct. Article 15(1) forbids discrimination on grounds only of sex, among others. A scheme permitting sons but barring daughters places a burden on citizens on the ground of sex alone, which the principle treats as constitutionally invalid.
(b) Incorrect. The principle does not state that the State can never classify; it condemns only discrimination on prohibited grounds such as sex. An absolute bar on all classification is not what Article 15(1) lays down.
(c) Incorrect. Nothing in the principle removes fair price shop allotment from the reach of the equality guarantees. The scheme remains subject to the prohibition on sex based discrimination.
(d) Incorrect. The distinction between sons and daughters is founded on sex, a prohibited ground, and cannot be defended as a permissible descent based classification under the principle.

2. Correct Answer: (b) The allotment is an exception to open competition granting immediate relief, and it is not a right of inheritance for the heirs.
Reference Line: "Its object is to provide immediate financial relief to the dependent family of a person who dies in harness, and it is neither a right of inheritance nor a reward for lineage."
Explanation:
(a) Incorrect. Treating the allotment as devolving upon the nearest male heir converts it into a right of inheritance, which the principle rejects. Such relief does not follow the ordinary rules of succession to an estate.
(b) Correct. The principle describes compassionate allotment as an exception to employment through open competition, whose object is immediate financial relief to the dependent family. It is expressly neither a right of inheritance nor a reward for lineage.
(c) Incorrect. The principle states the allotment is not a reward for lineage. Continuation of a family occupation by a descendant is not the basis on which such relief is granted.
(d) Incorrect. Compassionate allotment is described as an exception to open competition, not a species of it. No absolute preference for heirs within a competitive process is recognised by the principle.

3. Correct Answer: (a) Statement iv only
Reference Line: "A valid classification must satisfy two conditions: it must be founded on an intelligible differentia distinguishing those grouped together from those left out, and that differentia must bear a rational nexus to the object sought to be achieved by the statute."
Explanation:
(a) Correct. Statement iv is the only incorrect one because it drops the requirement of nexus. The principle requires both an intelligible differentia and a rational nexus with the statutory object, so a

classification resting on differentia alone fails.
(b) Incorrect. Statement i accurately reflects that Article 14 bars class legislation yet allows reasonable classification, so it cannot be the incorrect statement chosen here.
(c) Incorrect. Statements ii and iii both restate the two conditions of a valid classification faithfully, namely intelligible differentia and rational nexus, so neither is false.
(d) Incorrect. Statement i is a correct proposition, so a combination that labels statement i as incorrect cannot be right, even though statement iv is indeed incorrect.

4. Correct Answer: (c) Dependency is a pure question of fact to be established on evidence and cannot be presumed or denied on marital status.
Reference Line: "Dependency for the purpose of a welfare or compassionate scheme is a pure question of fact to be established on evidence in each case, such as a dependency certificate and No Objection Certificates from other adult family members."
Explanation:
(a) Incorrect. The principle forbids conclusive presumptions tied to marital status. Deeming unmarried children dependent and married children not so runs against the fact based enquiry mandated.
(b) Incorrect. Dependency is characterised as a question of fact, not a question of law. Settling it only by the wording of the scheme ignores the evidentiary enquiry the principle requires.
(c) Correct. The principle treats dependency as a pure question of fact proved by evidence in each case, such as a dependency certificate and no objection certificates. It cannot be presumed or denied on the basis of marital status.
(d) Incorrect. Residence alone cannot conclusively establish dependency, since the principle rejects assumptions about residence and requires proof by evidence such as certificates.

5. Correct Answer: (d) To certify that a case involves a substantial question of law of general importance needing decision by the Supreme Court.
Reference Line: "Article 134-A enables a High Court to grant a certificate that a case involves a substantial question of law of general importance which needs to be decided by the Supreme Court."
Explanation:
(d) Correct. The principle provides that Article 134-A allows a High Court to certify that a case raises a substantial question of law of general importance which the Supreme Court needs to decide. This certificate forms the procedural gateway for the appeal.
(b) Incorrect. The certificate concerns a substantial question of law, not a pure question of fact. Fresh re-appreciation of evidence is not the basis on which the High Court grants such a certificate.
(c) Incorrect. Article 134-A relates to a certificate for appeal to the Supreme Court, not to any transfer of the case to another High Court for re-hearing.
(a) Incorrect. The certificate opens the way to the Supreme Court rather than closing the matter, and it does not finally dispose of the appeal within the High Court.

2. Co-Heir Cannot Alienate Others' Shares as Karta After Intestate Succession

1. Correct Answer: (c) No, because legal necessity presupposes joint family property and cannot reach tenants-in-common shares.
Reference Line: "Since the doctrine presupposes the existence of joint family property and a valid kartaship, it cannot be invoked to justify alienation of property held by co-owners as tenants-in-common."
Explanation:
(a) Incorrect. Legal necessity operates over joint family property alone and confers no power to alienate property that co-owners hold as tenants-in-common. Extending it to the entire property misstates the scope of the doctrine.
(b) Incorrect. Not every family expense amounts to legal necessity, and even a valid necessity cannot attach to tenants-in-common property. The doctrine assumes joint family property, which is absent here.
(c) Correct. The doctrine presupposes joint family property and a valid kartaship. Since A and B hold as tenants-in-common with definite shares, legal necessity cannot be invoked to alienate B's share.
(d) Incorrect. A karta may validly alienate joint family property on the ground of legal necessity in appropriate cases. The obstacle here arises from the tenancy-in-common, not from an absolute prohibition on all alienation.

2. Correct Answer: (b) The son acquires no right by birth because property inherited under Section 8 is the separate property of the heir.
Reference Line: "Since such inheritance is individual and statutory, descendants of the heir do not acquire rights in the property by birth, unlike in a traditional Mitakshara coparcenary."
Explanation:
(a) Incorrect. Property inherited under Section 8 is treated as the separate property of the heir and not as ancestral coparcenary property. Its character carries no birthright for the heir's descendants.
(b) Correct. Inheritance under Section 8 is individual and statutory, so the house is X's separate property. His son accordingly acquires no right in it by birth.
(c) Incorrect. It is not the law that every property inherited by a Hindu male becomes joint family property. Section 8 inheritance is separate property, which negates any automatic right by birth.
(d) Incorrect. Survivorship has no role here, since Section 8 inheritance is individual and statutory. Such inheritance does not create a fresh coparcenary conferring rights by birth on the heir's descendants.

3. Correct Answer: (d) Statements ii and iv only
Reference Line: "Under a joint tenancy, ownership is unified and governed by the rule of survivorship, so that no co-owner holds a separate inheritable share while the joint tenancy subsists."
Explanation: (a) Incorrect. Statement i correctly describes a tenancy-in-common as conferring a distinct and separately inheritable share, and statement iii correctly describes a joint tenancy as governed by survivorship. Neither of these is false.

(b) Incorrect. Statements i and iii are both accurate, so a combination that labels them incorrect cannot stand, even though statement ii is indeed false.
(c) Incorrect. Statement iii is a correct proposition about survivorship in a joint tenancy, so it cannot figure among the incorrect statements, though statement iv is rightly false.
(d) Correct. Statement ii is false because a tenancy-in-common subsists even where possession remains joint, and statement iv is false because no co-owner holds a separate inheritable share while a joint tenancy subsists.

4. Correct Answer: (a) They take as tenants-in-common and per capita, and not as joint tenants or per stirpes, unless the Act otherwise provides.
Reference Line: "Where two or more heirs succeed together to the property of an intestate, Section 19 provides that they take the property as tenants-in-common and not as joint tenants, and that they take per capita rather than per stirpes, unless the Act otherwise provides."
Explanation:
(a) Correct. Section 19 provides that co-heirs take as tenants-in-common and per capita, and not as joint tenants or per stirpes, unless the Act otherwise provides. This states the mode of succession by multiple heirs.
(b) Incorrect. Co-heirs do not take as joint tenants, so survivorship does not govern their shares. They also take per capita and not per stirpes under Section 19.
(c) Incorrect. Although co-heirs do take as tenants-in-common, they take per capita and not per stirpes. Division strictly according to the branches of the family is not the rule Section 19 prescribes.
(d) Incorrect. Co-heirs do not hold as joint tenants, and their ownership is not unified. As tenants-in-common they hold separate and inheritable shares.

5. Correct Answer: (b) It is the rule by which the interest of a deceased joint tenant passes automatically to the surviving co-owners rather than his heirs.
Reference Line: "Survivorship is the rule under which, on the death of one joint tenant or coparcener, his interest passes automatically to the surviving co-owners rather than devolving upon his own heirs."
Explanation:
(a) Incorrect. Survivorship has no application to a tenancy-in-common, where succession follows the ordinary rules of inheritance. The interest of a tenant-in-common devolves upon his heirs and not upon the surviving co-owners.
(b) Correct. On the death of a joint tenant or coparcener, survivorship passes his interest automatically to the surviving co-owners rather than to his own heirs. This describes the nature of the doctrine.
(c) Incorrect. Devolution upon one's own heirs is the very outcome that survivorship displaces. For a coparcener, the interest passes to the surviving co-owners and does not follow ordinary inheritance.
(d) Incorrect. Survivorship passes the interest to the surviving co-owners, not to the State. Reversion to the State forms no part of this doctrine.

3. SC Explains Section 8 Principles on Minor's Property

1. Correct Answer: (c) No, because a natural guardian cannot transfer the minor's immovable property by sale without prior permission of the court.

Reference Line: "A natural guardian cannot, without the prior permission of the court, mortgage, charge, or transfer by sale, gift, exchange, or otherwise any part of the minor's immovable property, nor lease any part of it for a term exceeding five years or extending beyond one year after the minor attains majority."
Explanation:
(a) Incorrect. The guardian's own view of benefit does not dispense with the requirement of prior court permission for a sale. Section 8(2) makes the restriction operative irrespective of the guardian's assessment of advantage.
(b) Incorrect. The restriction is not confined to a mortgage; it covers transfer by sale, gift, exchange, and otherwise. A sale therefore attracts the requirement of prior permission just as a mortgage does.
(c) Correct. Section 8(2) forbids a natural guardian from transferring the minor's immovable property by sale without prior permission of the court. A sale effected without such permission is not a valid exercise of the guardian's power.
(d) Incorrect. The guardian is not wholly incompetent to deal with the minor's property, since the guardian may act with prior court permission. The bar operates on unpermitted alienation, not on every dealing with the estate.

2. Correct Answer: (b) The sale is voidable at the option of the minor and binds the minor's interest unless and until it is duly avoided.
Reference Line: "An alienation of a minor's immovable property made in contravention of Section 8 is not void from its inception but is voidable at the option of the minor, or of any person claiming through the minor, so that it continues to bind the minor's interest unless and until it is duly avoided."
Explanation:
(a) Incorrect. An alienation in contravention of Section 8 is not void from its inception. It continues to bind the minor's interest until duly avoided, so the purchaser is not left without any interest at all times.
(b) Correct. Such a sale is voidable at the option of the minor or of a person claiming through the minor. It continues to bind the minor's interest unless and until it is duly avoided.
(c) Incorrect. The sale is not valid and binding for all purposes, because it may be avoided at the option of the minor. Its continued operation is contingent upon its not being avoided.
(d) Incorrect. The transaction is voidable rather than void, and its standing does not depend upon later ratification through court permission. It remains effective until the minor avoids it.

3. Correct Answer: (a) Statement iv only
Reference Line: "Applications for court permission under Section 8 are governed by the procedure applicable to applications under Section 29 of the Guardians and Wards Act, 1890, including the powers and procedure specified in Section 31 of that Act and the right of the guardian to appeal against a refusal of permission."
Explanation:
(a) Correct. Statement iv is the only incorrect one, because the right to appeal lies against a refusal of permission. The principle provides for the guardian's appeal against a refusal, not against a grant.
(b) Incorrect. Statement ii correctly states that the powers and procedure under Section 31 of the Guardians and Wards Act, 1890, apply to such applications. It reflects the provision faithfully and is not false.
(c) Incorrect. Statement iii correctly states that the guardian may appeal against a refusal of permission. It

is an accurate proposition and is not the incorrect statement.
(d) Incorrect. Statement iii is accurate, so a combination that treats it as incorrect cannot be right, even though statement iv is indeed incorrect.

4. Correct Answer: (d) Permission may be granted only where the transaction is necessary for the minor or demonstrably for the minor's evident advantage.
Reference Line: "Court permission for alienation under Section 8(2) can be granted only where the transaction is shown to be necessary for the minor or demonstrably for the minor's evident advantage, a standard that must be applied purposively rather than on technical or speculative grounds."
Explanation:
(a) Incorrect. The standard is not the guardian's bona fide opinion but an objective one of necessity or evident advantage. The court applies this test itself rather than deferring to the guardian's view.
(b) Incorrect. The standard must be applied purposively and not on technical or speculative grounds. A merely possible future benefit falls short of the threshold of necessity or evident advantage.
(c) Incorrect. Mere convenience to the family does not satisfy the statutory standard, which looks to the necessity or evident advantage of the minor. Absence of harm is not the same as demonstrable advantage.
(d) Correct. Permission may be granted only where the transaction is necessary for the minor or demonstrably for the minor's evident advantage. This standard is to be applied purposively rather than on technical or speculative grounds.

5. Correct Answer: (c) It casts the State and its courts as the ultimate protector of persons incapable of safeguarding their own interests.
Reference Line: "This doctrine casts the State and its courts in the role of ultimate protector of persons, such as minors, who are legally incapable of safeguarding their own interests."
Explanation:
(a) Incorrect. The doctrine requires the court to act independently for the minor's welfare rather than to enforce or ratify arrangements agreed upon by adults. Mere ratification of such arrangements is inconsistent with its protective role.
(b) Incorrect. The doctrine does not vest ownership of the minor's estate in the State. It casts the State in a protective role, not as an owner of the minor's property during minority.
(c) Correct. The doctrine casts the State and its courts as the ultimate protector of persons, such as minors, who are legally incapable of safeguarding their own interests. It underlies the court's protective guardianship jurisdiction.
(d) Incorrect. The doctrine subjects dealings with the minor's estate to judicial protection rather than freeing the guardian from oversight. It does not confer unfettered discretion upon the natural guardian.

4. SC Clarifies Law on Approver's Evidence

1. Correct Answer: (b) No, because a conviction is not illegal merely because it rests on uncorroborated accomplice testimony.
Reference Line: "Section 133 provides that an accomplice is a competent witness against an accused person, and that a conviction is not illegal merely because it proceeds upon the uncorroborated

testimony of an accomplice."

Explanation:

(a) Incorrect. Section 133 recognises an accomplice as a competent witness against an accused, so the premise that he cannot sustain a conviction is unsound. His competence is established independent of corroboration.

(b) Correct. A conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice. Section 133 secures the competence of such testimony without insisting on corroboration as a condition of legality.

(c) Incorrect. Corroboration is not a rule of law under Section 133, which permits conviction on uncorroborated accomplice testimony. Requiring corroboration in every case misreads the provision as mandatory.

(d) Incorrect. Accomplice testimony is not conclusive proof of guilt, and the competence recognised by Section 133 does not elevate it to that status. The conviction is lawful for a different reason, namely the competence of the witness.

2. Correct Answer: (c) The evidence retains its evidentiary value and is not unreliable merely because it discloses his lesser participation.

Reference Line: "Testimony that discloses the approver's own participation in the offence, even if to a lesser degree than the other accused, retains its evidentiary value and is not to be treated as unreliable merely on this ground."

Explanation:

(a) Incorrect. An approver's testimony is expected to be inculpatory, implicating himself along with the other accused. It is not confined to implicating only the others, so this statement misstates the nature of such evidence.

(b) Incorrect. Testimony implicating the approver himself is inculpatory rather than exculpatory, since exculpatory testimony is that by which he seeks to absolve himself entirely. The label of exculpatory is therefore misplaced.

(c) Correct. Testimony disclosing the approver's own participation, even if to a lesser degree, retains its evidentiary value. It is not to be treated as unreliable merely because it admits his own involvement in the offence.

(d) Incorrect. The principle does not require an approver to confess to a role equal to that of the other accused. Disclosure of a lesser degree of participation does not deprive the testimony of its value.

3. Correct Answer: (a) Statements iii and iv only

Reference Line: "Where corroboration is considered necessary, it must ordinarily come from a source independent of the accomplice himself, and as a matter of principle, the testimony of one approver cannot ordinarily be used to corroborate the testimony of another approver."

Explanation:

(a) Correct. Statements iii and iv are the incorrect ones. Corroboration must ordinarily come from a source independent of the accomplice, so it cannot be furnished by his own testimony, nor can one approver ordinarily corroborate another.

(b) Incorrect. Statements i and ii are accurate restatements of the independent source rule, so they are not the incorrect statements. Statement i affirms the need for an independent source and statement ii

bars mutual corroboration between approvers.
(c) Incorrect. Statement ii is a correct proposition, so a combination that treats it as incorrect cannot be right, even though statement iii is indeed false.
(d) Incorrect. Statement i correctly requires corroboration from an independent source, so it cannot figure among the incorrect statements, though statement iv is rightly false.

4. Correct Answer: (d) It operates as a rule of prudence guiding caution and does not override the competence recognised by Section 133.
Reference Line: "This operates not as a rule of law overriding Section 133 but as a rule of prudence guiding courts to exercise caution before acting upon uncorroborated accomplice testimony."
Explanation:
(a) Incorrect. Illustration (b) does not operate as a rule of law overriding Section 133. It guides caution as a matter of prudence and does not forbid conviction where corroboration is absent.
(b) Incorrect. The illustration does not render accomplice testimony inadmissible for want of corroboration. Section 133 preserves the competence of such testimony regardless of corroboration.
(c) Incorrect. There is no mandatory legal command to reject uncorroborated accomplice testimony. The illustration counsels caution rather than imposing rejection as a requirement of law.
(d) Correct. Illustration (b) operates as a rule of prudence guiding courts to exercise caution before acting on uncorroborated accomplice testimony. It does not override the competence recognised by Section 133.

5. Correct Answer: (b) An accomplice who, on being granted a pardon in exchange for a full and true disclosure, is examined as a prosecution witness.
Reference Line: "An approver is an accomplice who, upon being granted a pardon by the competent authority in exchange for making a full and true disclosure of the circumstances of the offence, is examined as a prosecution witness."
Explanation:
(a) Incorrect. An approver is not an acquitted accused examined for the defence. He is an accomplice granted a pardon and examined as a prosecution witness, which reverses the description offered here.
(b) Correct. An approver is an accomplice who, upon being granted a pardon in exchange for a full and true disclosure of the circumstances of the offence, is examined as a prosecution witness. This states the meaning of the term.
(c) Incorrect. An approver is examined as a prosecution witness, so a description that exempts him from examination is inaccurate. Mere confession without a grant of pardon and examination does not answer to the term.
(d) Incorrect. An approver is an accomplice connected with the offence, not a witness unconnected with the crime. His disclosure follows a grant of pardon for his own participation.

5. SC Allows DNA Test Despite Acquittal in Rape Case

1. Correct Answer: (b) No, because the presumption is conclusive and rebuttable only by proof of non-access at the relevant time.
Reference Line: "Section 112 provides that birth during the continuance of a valid marriage between the

mother and any man raises a conclusive presumption that the child is the legitimate son of that man, rebuttable only by proof of non-access between the parties at the time the child could have been conceived."
Explanation:
(a) Incorrect. A mere denial of paternity does not rebut the presumption. Section 112 allows rebuttal only by proof of non-access between the parties at the relevant time, which is absent here.
(b) Correct. The presumption is conclusive and may be rebutted only by proof of non-access at the time the child could have been conceived. Absent such proof, the presumption of legitimacy stands.
(c) Incorrect. Birth during a valid marriage raises a conclusive presumption, not a weak one displaced by mere doubt. Only proof of non-access can rebut it, so bare doubt is insufficient.
(d) Incorrect. The presumption is not incapable of displacement, since it may be rebutted by proof of non-access at the relevant time. It is conclusive only in the absence of such proof.

2. Correct Answer: (d) The court may presume that the withheld evidence, if produced, would have been unfavourable to that party.
Reference Line: "Refusal to submit to a scientific test such as DNA profiling may accordingly attract an adverse inference against the refusing party."
Explanation:
(a) Incorrect. The refusal is not to be ignored, since illustration (h) to Section 114 permits an adverse inference. Declining the test may weigh against the refusing party rather than being disregarded.
(b) Incorrect. The refusal does not operate as conclusive proof of paternity. It permits a presumption that the withheld evidence was unfavourable, which differs from conclusive establishment of the fact asserted.
(c) Incorrect. The provision does not authorise compelling the test by force in this manner; it permits an adverse inference from refusal. Refusal therefore carries an evidentiary consequence rather than none.
(d) Correct. Under illustration (h) to Section 114, the court may presume that evidence withheld would, if produced, have been unfavourable to that party. Refusal to submit to DNA profiling may accordingly attract such an inference.

3. Correct Answer: (c) Statement iii only
Reference Line: "An acquittal in a criminal case therefore establishes only that the prosecution failed to meet the higher criminal standard, and does not amount to a conclusive finding negating a civil claim based on the same facts."
Explanation:
(a) Incorrect. Statement i is accurate, since a criminal trial requires proof beyond reasonable doubt. A combination that labels it incorrect cannot be right, though statement iii is indeed false.
(b) Incorrect. Statement iv correctly states that an acquittal shows only a failure to meet the higher criminal standard. It is an accurate proposition and not the incorrect statement.
(c) Correct. Statement iii alone is incorrect, because an acquittal does not conclusively negate a civil claim on the same facts. It establishes only that the prosecution failed to meet the criminal standard of proof.
(d) Incorrect. Statements ii and iv are both accurate, so a combination treating them as incorrect is wrong. The single false statement is iii, which neither of these two reflects.

4. Correct Answer: (c) It is permissible only where paternity is in issue, existing evidence is insufficient, and the test is indispensable to justice.
Reference Line: "It is permissible only where paternity is directly in issue, existing evidence is insufficient to resolve the controversy, and the test is indispensable in the interest of justice, subject to a due balancing of the interests and potential harm to all parties involved."
Explanation:
(a) Incorrect. Such a test is not to be ordered as a matter of course. The conditions of insufficiency of evidence and indispensability in the interest of justice must be satisfied before it may be granted.
(b) Incorrect. The mere desire of a party does not warrant the test, since the sufficiency of existing evidence is a governing condition. The court orders it only where existing evidence cannot resolve the controversy.
(c) Correct. The power may be exercised only where paternity is in issue, existing evidence is insufficient to resolve the controversy, and the test is indispensable in the interest of justice. A due balancing of the interests of all parties must also be observed.
(d) Incorrect. Courts do possess the power to order DNA tests in civil paternity disputes. The power is confined by conditions rather than being wholly absent in every case.

5. Correct Answer: (d) They are summary in character, meant for speedy relief, and do not conclusively adjudicate rights such as paternity.
Reference Line: "Proceedings for maintenance under Section 125 are summary in character, intended to provide speedy relief against destitution, and do not constitute a conclusive adjudication of civil rights such as paternity or inheritance, which require determination through a full-fledged civil trial."
Explanation:
(a) Incorrect. Section 125 proceedings do not constitute a conclusive adjudication of civil rights such as paternity or inheritance. Those rights require determination through a full-fledged civil trial.
(b) Incorrect. Such proceedings are summary in character and are not a full-fledged civil trial. Questions of paternity and inheritance are not finally settled within them.
(c) Incorrect. Maintenance proceedings under Section 125 are not a criminal trial governed by proof beyond reasonable doubt. They are summary proceedings meant to provide speedy relief against destitution.
(d) Correct. Proceedings under Section 125 are summary in character, intended to provide speedy relief against destitution, and do not conclusively adjudicate civil rights such as paternity. Such rights require a full-fledged civil trial.

6. Doctrine of Forum Non-Conveniens and Writ Jurisdiction under Article 226

1. Correct Answer: (b) Yes, because the High Court may issue writs to an authority located within its territorial limits.
Reference Line: "Article 226(1) empowers every High Court to issue writs, including habeas corpus, mandamus, prohibition, quo warranto, and certiorari, to any person or authority located within its territorial limits, for the enforcement of fundamental rights and for other purposes, thereby founding jurisdiction on the location of the respondent rather than on where the disputed events occurred."
Explanation:
(a) Incorrect. Under clause (1), jurisdiction is founded on the location of the respondent and not on where

the disputed events occurred. The petition is therefore maintainable despite the events arising outside the territory.
(b) Correct. A High Court may issue writs to a person or authority located within its territorial limits. Since jurisdiction under clause (1) rests on the situs of the respondent, the petition may be entertained.
(c) Incorrect. The location of the authority is far from irrelevant, for it is the very basis of jurisdiction under clause (1). The presence of the authority within the territory founds the High Court's power.
(d) Incorrect. Clause (1) does not empower a High Court to issue writs to any authority anywhere without limit. The authority must be located within the court's territorial limits for jurisdiction to attach on this basis.

2. Correct Answer: (b) The High Court has jurisdiction, since the cause of action arising in part within its territory founds an independent basis.
Reference Line: "Article 226(2) extends the writ jurisdiction of a High Court to authorities situated outside its territorial limits where the cause of action, wholly or in part, arises within its territory, thereby creating a second and independent basis of jurisdiction distinct from the situs of office under clause (1)."
Explanation:
(a) Incorrect. Jurisdiction is not confined to authorities located within the territory, since clause (2) extends it to outside authorities where the cause of action arises within the territory. The premise of this option is therefore unsound.
(b) Correct. Clause (2) extends jurisdiction to authorities situated outside the territory where the cause of action arises wholly or in part within it. This forms a second and independent basis of jurisdiction, so the petition is maintainable.
(c) Incorrect. Jurisdiction based on cause of action was not abolished by clause (1); rather, clause (2) creates it as an independent basis. The two clauses operate as distinct sources of jurisdiction.
(d) Incorrect. Clause (2) is satisfied where the cause of action arises wholly or in part within the territory. A part of the cause of action arising within the territory suffices, so the whole is not required.

3. Correct Answer: (a) Statement ii only
Reference Line: "The power under Article 226 is a constitutional right, distinct from a fundamental right, and cannot be suspended even during an emergency; it is exercised as a matter of course for the enforcement of fundamental rights and in a discretionary fashion when invoked for other legal rights."
Explanation:
(a) Correct. Statement ii alone is incorrect, since the power under Article 226 remains available even during an emergency and is not suspended in the way that the enforcement of a fundamental right can be. The other three statements correctly describe its nature and mode of exercise.
(b) Incorrect. Statement i correctly describes the power as a constitutional right distinct from a fundamental right, so it states an accurate proposition rather than the false one.
(c) Incorrect. Statements iii and iv correctly state that the power is exercised as a matter of course for fundamental rights and in a discretionary fashion for other legal rights, so neither of them is false.
(d) Incorrect. Statement i is accurate, so any option that labels it incorrect must be wrong, even though statement ii is indeed the false statement.

4. Correct Answer: (c) It permits a court that possesses jurisdiction to decline it where another available forum is more appropriate.
Reference Line: "This doctrine allows a court that otherwise possesses jurisdiction to decline to exercise it where another available forum is more appropriate for adjudicating the dispute, having regard to private interest factors such as convenience of parties and location of evidence, and public interest factors such as the administrative burden on the court."
Explanation:
(a) Incorrect. The doctrine does not compel the transfer of every dispute to the forum nearest the parties' residence. It permits a court to decline jurisdiction only where another forum is more appropriate on the relevant factors.
(b) Incorrect. A mere objection by the respondent does not require the court to decline jurisdiction. The doctrine turns on the greater appropriateness of another available forum, assessed on private and public interest factors.
(c) Correct. The doctrine allows a court that otherwise possesses jurisdiction to decline to exercise it where another available forum is more appropriate. This assessment has regard to private interest factors and public interest factors.
(d) Incorrect. The doctrine presupposes a court that already possesses jurisdiction and may decline it, not one that lacks jurisdiction and assumes it. Convenience cannot confer jurisdiction where none exists.

5. Correct Answer: (d) That the authority vested with the power to enforce the quashing order be properly impleaded before the court.
Reference Line: "A writ of certiorari lies to quash an order of a subordinate authority, and the doctrine of necessary parties requires that the authority actually vested with the power to enforce or give effect to the quashing order, rather than merely the officer who passed the impugned order, be properly impleaded before the court."
Explanation:
(a) Incorrect. Impleading only the officer who passed the impugned order does not satisfy the doctrine. The authority vested with the power to enforce the quashing order is a necessary party and cannot be treated as unnecessary.
(b) Incorrect. The doctrine does not require the impleadment of every person remotely connected with the subject matter. It focuses on the authority competent to give effect to the quashing order.
(c) Incorrect. A writ of certiorari does not operate without reference to the parties before the court. The doctrine of necessary parties requires the impleadment of the enforcing authority, so parties are far from irrelevant.
(d) Correct. The doctrine requires that the authority actually vested with the power to enforce or give effect to the quashing order be properly impleaded. Impleading merely the officer who passed the impugned order does not suffice.

7. Revocation of Probate Governed by Article 137 of Limitation Act

1. Correct Answer: (c) Yes, because the court may revoke the grant for just cause such as the discovery of a later valid Will.
Reference Line: "Section 263 empowers the court that granted probate or letters of administration to

revoke or annul the grant for just cause, such as procedural defects, subsequently discovered facts, or the discovery of a later valid Will, thereby providing a mechanism to correct or set aside a grant already made."
Explanation:
(a) Incorrect. A grant of probate is not beyond disturbance, since Section 263 empowers the granting court to revoke it for just cause. The discovery of a later valid Will falls within such just cause.
(b) Incorrect. The discovery of a later Will is expressly among the grounds contemplated for revocation. It is a recognised just cause and not an excluded circumstance.
(c) Correct. The court that made the grant may revoke or annul it for just cause, including the discovery of a later valid Will. The application is therefore maintainable on this ground.
(d) Incorrect. Revocation is not available as of right without cause, since Section 263 requires just cause to be shown. The existence of the later valid Will supplies that cause here, rather than the applicant's mere interest.

2. Correct Answer: (d) Article 137 applies, prescribing three years running from the date on which the right to apply accrued.
Reference Line: "It prescribes a limitation period of three years, running from the date on which the right to apply accrues."
Explanation:
(a) Incorrect. The absence of a period in the Indian Succession Act does not leave the application free of limitation. The legislative gap is filled by the general law of limitation, which supplies the governing period.
(b) Incorrect. No period of twelve years running from the original grant applies to such an application. The residuary provision fixes three years, computed from the accrual of the right to apply rather than from the grant.
(c) Incorrect. It is not the position that revocation may be sought at any time free of limitation. The residuary provision of the Limitation Act supplies a definite period for the application.
(d) Correct. Article 137 is the residuary provision that applies where no period is otherwise provided, prescribing three years from the date the right to apply accrues. It fills the gap left by the Indian Succession Act for such an application.

3. Correct Answer: (a) Statement ii only
Reference Line: "Constructive notice is an equitable deeming fiction under which a person is treated as having knowledge of a fact, even without actual awareness, where the circumstances are such that a reasonably prudent person would have discovered the fact upon due inquiry."
Explanation:
(a) Correct. Statement ii alone is incorrect, since constructive notice does not require direct and factual knowledge. It is a deeming fiction that operates even without actual awareness, which the other statements accurately capture.
(b) Incorrect. Statement iii correctly states that constructive notice may be imputed where a prudent person would have discovered the fact upon due inquiry. It reflects the principle faithfully and is not false.
(c) Incorrect. Statement i correctly describes constructive notice as an equitable deeming fiction, so a

combination that labels it incorrect cannot be right, even though statement ii is indeed false.
(d) Incorrect. Statement iv correctly distinguishes actual notice as involving direct and factual knowledge, so it is not false. The single incorrect statement is ii, which this combination does not isolate.

4. Correct Answer: (c) The party is expected to make reasonable inquiry, and failure to do so cannot postpone the running of limitation.
Reference Line: "A party who receives a notice issued by a court or quasi-judicial authority is expected, at a minimum, to make reasonable efforts to ascertain why the notice was issued and what action, if any, is required in response."
Explanation:
(a) Incorrect. The party is not free of any obligation to inquire, since reasonable efforts to ascertain the purpose of the notice are expected. Inaction bears upon limitation rather than being irrelevant to it.
(b) Incorrect. The party is not entitled to await a further communication before inquiring. The obligation to make reasonable efforts arises upon receipt of the notice itself.
(c) Correct. The party is expected to make reasonable efforts to ascertain why the notice was issued and what response is required. Failure to make such inquiry cannot later be relied upon to postpone the commencement of limitation.
(d) Incorrect. The obligation is to make reasonable inquiry into the notice, not necessarily to comply with it at once. Inquiry into its purpose is what the principle requires and is not treated as insufficient.

5. Correct Answer: (a) It is the process of updating revenue records to reflect a change in ownership, and it does not by itself confer title.
Reference Line: "Mutation refers to the process of updating revenue records to reflect a change in ownership or title to immovable property, typically following inheritance, transfer, or grant of probate."
Explanation:
(a) Correct. Mutation is the process of updating revenue records to reflect a change in ownership or title, typically following inheritance, transfer, or grant of probate. Mutation entries do not by themselves confer or extinguish title.
(b) Incorrect. Mutation does not by itself confer or extinguish title to immovable property. It updates the revenue records without determining the underlying ownership.
(c) Incorrect. Mutation is not a mode of testamentary succession by which ownership passes on death. It merely records a change in the revenue records following such events.
(d) Incorrect. Mutation is not a judicial adjudication conclusively determining title. Its entries record changes without settling the ownership of the parties.

8. Constructive Res Judicata Bars Negligently Omitted Grounds

1. Correct Answer: (b) No, because relief not claimed from a single cause of action is deemed to have been relinquished.
Reference Line: "Order II Rule 2 requires a plaintiff to include the whole of the claim arising from a cause of action in a single suit, failing which any relief not claimed is deemed relinquished."
Explanation:
(a) Incorrect. A plaintiff may not split reliefs arising from one cause of action across separate suits at his convenience. Order II Rule 2 requires the whole claim from that cause of action to be included in a single

suit.
(b) Correct. Where a plaintiff omits a relief arising from a single cause of action without leave, that relief is deemed relinquished. He cannot recover it through a subsequent suit.
(c) Incorrect. Omission of a relief does affect the right to claim it later, since the unclaimed relief is deemed relinquished. The premise that the omission never has such an effect is unsound.
(d) Incorrect. The rule does not bar every second suit against the same defendant; it bars splitting of a claim arising from a single cause of action. Distinct causes of action may still be separately pursued.

2. Correct Answer: (b) The ground is barred, since the doctrine operates irrespective of whether the omission was deliberate or by inadvertence.
Reference Line: "The bar of constructive res judicata operates irrespective of whether the omission to raise a ground in earlier proceedings was deliberate or resulted from negligence, inadvertence, or accident, reflecting the principle that litigants bear the consequences of failing to exercise reasonable diligence in presenting their case fully at the appropriate stage."
Explanation:
(a) Incorrect. The bar is not confined to deliberate omissions, since it operates irrespective of the nature of the omission. Inadvertence does not take the ground outside the reach of the doctrine.
(b) Correct. The bar of constructive res judicata operates irrespective of whether the omission was deliberate or resulted from negligence, inadvertence, or accident. The litigant bears the consequence of not presenting his case fully at the proper stage.
(c) Incorrect. An accidental omission is not always excused, for the doctrine applies regardless of how the omission came about. Accident is expressly among the circumstances that do not save the ground.
(d) Incorrect. The bar does not depend upon proof of a dishonest or fraudulent intention. It applies even to negligent, inadvertent, or accidental omissions, so no such intention need be shown.

3. Correct Answer: (a) Statement iv only
Reference Line: "The doctrine of constructive res judicata applies not only to ordinary civil suits but also to writ proceedings invoking the jurisdiction of courts under Articles 226 and 32 of the Constitution, thereby extending principles of finality and diligence to the enforcement of fundamental and other legal rights as well."
Explanation:
(a) Correct. Statement iv alone is incorrect, because the doctrine does apply to proceedings invoking the writ jurisdiction of the courts. The remaining statements accurately extend it to civil suits and to writ proceedings under Articles 226 and 32.
(b) Incorrect. Statement ii correctly states that the doctrine applies to writ proceedings under Article 226. It reflects the principle faithfully and is not the incorrect statement.
(c) Incorrect. Statements ii and iii both correctly apply the doctrine to writ proceedings under Articles 226 and 32 respectively. Neither of them is false.
(d) Incorrect. Statement i correctly applies the doctrine to ordinary civil suits, so a combination that labels it incorrect cannot be right, even though statement iv is indeed false.

4. Correct Answer: (b) It deems a matter that might or ought to have been made a ground of attack or defence to have been in issue.

Reference Line: "Explanation IV extends the principle of res judicata by deeming any matter that might or ought to have been made a ground of attack or defence in a former suit to have been directly and substantially in issue in that suit, thereby barring its agitation in subsequent proceedings even though it was never actually raised or decided earlier."
Explanation:
(a) Incorrect. Explanation IV is not confined to matters actually raised and decided; it reaches matters that might or ought to have been raised. Confining it to matters actually adjudicated defeats its extending purpose.
(b) Correct. Explanation IV deems any matter that might or ought to have been made a ground of attack or defence in a former suit to have been in issue in that suit. Its agitation in subsequent proceedings is thereby barred though never actually raised or decided.
(c) Incorrect. The Explanation is not limited to matters expressly pleaded but left undecided. It extends to grounds that were never actually raised, provided they might and ought to have been raised.
(d) Incorrect. The Explanation does not permit a fresh trial of grounds not actually adjudicated; it bars them where they might and ought to have been raised. It forecloses, rather than allows, their subsequent agitation.

5. Correct Answer: (a) Upon the maxim that a person should not be vexed twice for the same cause and that litigation must attain finality.
Reference Line: "The doctrines of res judicata and constructive res judicata rest on the public policy maxim that a person should not be vexed twice over for the same cause, and that there must be finality to litigation, so as to protect both litigants and the judicial system from the burden of repeated proceedings on matters that could have been conclusively resolved earlier."
Explanation:
(a) Correct. The doctrines rest on the public policy maxim that a person should not be vexed twice over for the same cause and that there must be finality to litigation. This protects both litigants and the judicial system from repeated proceedings.
(b) Incorrect. The doctrines do not entitle a litigant to repeated trials of the same cause; they exist to prevent exactly that. Their object is finality rather than the multiplication of trials.
(c) Incorrect. The public policy basis concerns finality and freedom from repeated vexation, not the placing of any burden of proof upon the court. This option misstates the rationale of the doctrines.
(d) Incorrect. The doctrines do not aim to enlarge litigation so that grounds may be tried repeatedly. Their purpose is to confine litigants to a single, complete adjudication of the cause.

9. SC Examines Aadhaar's Use as Citizenship Proof

1. Correct Answer: (b) No, because Aadhaar may be furnished to establish identity but does not extend to proof of age or residence.
Reference Line: "This provision permits Aadhaar to be furnished by an applicant for the purpose of establishing identity in connection with an application for inclusion of name in the electoral roll, but does not extend to using Aadhaar as proof of age or ordinary residence, which are separately required qualifications for registration as an elector."
Explanation:

(a) Incorrect. Aadhaar may be furnished only to establish identity, not every qualification for registration. Age and ordinary residence are separately required qualifications that Aadhaar does not prove.
(b) Correct. Section 23(4) permits Aadhaar to be furnished for establishing identity in connection with inclusion in the electoral roll. It does not extend to proof of age or ordinary residence, which are separately required qualifications.
(c) Incorrect. Furnishing Aadhaar does not dispense with the separate proof of age and residence. Those qualifications must still be established independently of the Aadhaar number.
(d) Incorrect. Aadhaar is not barred for every purpose connected with the electoral roll, since it may be furnished to establish identity. The limitation concerns its use as proof of age or residence, not its use altogether.

2. Correct Answer: (b) The practice is rendered ultra vires the statute and may be declared void and inoperative by the court.
Reference Line: "Where an executive or administrative practice exceeds or contradicts the scope permitted by the parent statute under which it purports to operate, such practice is rendered ultra vires the statute and can be declared void and inoperative by a competent court."
Explanation:
(a) Incorrect. The practice does not remain valid pending an amendment of the parent statute. Exceeding or contradicting the statute renders it ultra vires at once, and no amendment is needed to impugn it.
(b) Correct. A practice that exceeds or contradicts the scope permitted by the parent statute is rendered ultra vires that statute. A competent court may accordingly declare it void and inoperative.
(c) Incorrect. Good faith does not save a practice that exceeds the power conferred by the statute. The vice lies in the excess of power itself, regardless of the authority's state of mind.
(d) Incorrect. The practice does not bind the parties permanently beyond the reach of the court. A competent court retains the power to declare an ultra vires practice void and inoperative.

3. Correct Answer: (b) Statements ii and iv only
Reference Line: "Domicile refers to the country or place that a person treats as their permanent home and with which they have the closest legal connection, and is a concept distinct from mere residence or physical presence."
Explanation:
(a) Incorrect. Statement i correctly describes domicile as the place treated as one's permanent home, and statement iii correctly requires proof of actual residence and intention to remain. Neither of these is false.
(b) Correct. Statement ii is false because domicile is distinct from mere residence or physical presence, and statement iv is false because domicile is not established merely by holding an identity document.
(c) Incorrect. Statement i is a correct description of domicile, so a combination treating it as incorrect cannot stand, though statement iv is rightly false.
(d) Incorrect. Statement iii correctly states the requirement of actual residence coupled with the intention to remain permanently, so it is not false. The false statements are ii and iv, which this combination does not isolate.

4. Correct Answer: (c) It does not confer any right of, or serve as proof of, citizenship or domicile of the

number holder.
Reference Line: "Section 9 expressly clarifies that the Aadhaar number, or the authentication thereof, does not confer any right of, or serve as proof of, citizenship or domicile of the Aadhaar number holder."
Explanation:
(a) Incorrect. Aadhaar is not conclusive proof of citizenship, since Section 9 expressly denies it any such evidentiary value. Its value is statutorily limited to identity alone.
(b) Incorrect. Section 9 does not confer a right of domicile upon the holder; it denies Aadhaar any role as proof of domicile. The provision withholds evidentiary value on both citizenship and domicile.
(c) Correct. Section 9 clarifies that the Aadhaar number, or its authentication, does not confer any right of, or serve as proof of, citizenship or domicile of the holder. Its evidentiary value is limited to identity.
(d) Incorrect. Authentication of Aadhaar does not turn it into proof of citizenship or domicile. Section 9 excludes such use whether or not authentication has been carried out.

5. Correct Answer: (c) It is a preliminary procedural step calling for the respondents' response and is not an adjudication on merits.
Reference Line: "The issuance of notice by a court to the respondents in a matter is a preliminary procedural step calling for their response, and does not amount to an adjudication or expression of opinion on the merits of the case."
Explanation:
(a) Incorrect. The issuance of notice is not a final adjudication of the rights and contentions of the parties. Final determination follows only after both sides are heard and a reasoned judgment is delivered.
(b) Incorrect. The issuance of notice does not express the court's opinion on the merits. It is a preliminary step calling for a response and carries no view on the outcome of the case.
(c) Correct. The issuance of notice to the respondents is a preliminary procedural step calling for their response. It does not amount to an adjudication or an expression of opinion on the merits of the case.
(d) Incorrect. The notice does not conclude the proceedings against the respondents. It merely calls for their response, with final determination reserved until after both sides are heard

10. SC Issues Directions to Odisha Government for Welfare of Visually Impaired Man and His Elderly Mother

1. Correct Answer: (b) Yes, because Article 47 regards raising the standard of living and improving public health as primary State duties.
Reference Line: "Article 47 casts a duty on the State to regard the raising of the level of nutrition and the standard of living of its people, and the improvement of public health, as among its primary duties, reinforcing the State's obligation to ensure basic amenities to citizens living in poverty."
Explanation:
(a) Incorrect. Article 47 is not confined to the regulation of intoxicating substances. It casts a duty on the State to regard the raising of the standard of living and the improvement of public health as among its primary duties.
(b) Correct. Article 47 requires the State to regard the raising of the level of nutrition and the standard of living, and the improvement of public health, as among its primary duties. It thus reinforces the State's obligation to ensure basic amenities to the poor.

(c) Incorrect. The raising of the standard of living is not left to the individual citizen, since Article 47 places this among the primary duties of the State. The provision casts the obligation upon the State rather than the citizen.
(d) Incorrect. Article 47 is a directive principle casting a duty on the State, not a provision vesting an at once enforceable right in every citizen. It reinforces the State's obligation rather than creating an immediate individual entitlement.

2. Correct Answer: (a) Article 142 empowers the Court to pass such order as is necessary for doing complete justice in the matter.
Reference Line: "Article 142 empowers the Supreme Court to pass such decree or order as is necessary for doing complete justice in any cause or matter pending before it."
Explanation:
(a) Correct. Article 142 empowers the Supreme Court to pass such decree or order as is necessary for doing complete justice in a matter pending before it. This enables detailed, continuing directions beyond the specific relief originally sought.
(b) Incorrect. The exercise of the power under Article 142 does not depend upon the express consent of the parties. It is founded on the object of doing complete justice, not on the agreement of those before the Court.
(c) Incorrect. The Court is not confined to the specific relief originally sought, since Article 142 enables directions going beyond the original prayer. The power exists precisely to travel beyond the relief first claimed where complete justice so requires.
(d) Incorrect. No fresh and separate petition is required for the Court to issue such directions. Article 142 permits the relief within the matter already pending before the Court.

3. Correct Answer: (a) Statement iv only
Reference Line: "Suo motu jurisdiction permits a constitutional court to take cognizance of a matter on its own initiative, without a formal petition, typically upon receiving information such as media reports disclosing a violation of fundamental rights or a matter of significant public concern, particularly where the affected persons are unable to approach the court themselves."
Explanation:
(a) Correct. Statement iv alone is incorrect, because suo motu jurisdiction is exercised without a formal petition. The remaining statements accurately describe cognizance on the court's own initiative, its triggers, and its aptness where the affected persons cannot approach the court.
(b) Incorrect. Statement ii correctly states that such jurisdiction may be exercised upon information such as media reports disclosing a violation of fundamental rights. It reflects the principle faithfully and is not false.
(c) Incorrect. Statements i and iii are both accurate, describing cognizance on the court's own initiative and its aptness where affected persons cannot approach the court. Neither of them is false.
(d) Incorrect. Statement ii is a correct proposition, so a combination that labels it incorrect cannot be right, even though statement iv is indeed the false one.

4. Correct Answer: (c) A technique by which a court retains seisin, issues periodic directions, and monitors implementation over time.

Reference Line: "Continuing mandamus is a judicial technique whereby a court, instead of disposing of a matter through a single order, retains seisin over the case and issues periodic directions, calls for compliance and status reports, and monitors implementation over time, ensuring that its directions are actually translated into effective relief rather than remaining merely declaratory."

Explanation:

(a) Incorrect. Continuing mandamus is not the disposal of a matter through a single order followed by no further seisin. The court retains seisin over the case rather than parting with it after one order.

(b) Incorrect. The doctrine does not involve delegating the monitoring of the order entirely to the executive. The court itself calls for compliance and status reports and monitors implementation over time.

(c) Correct. Under continuing mandamus the court retains seisin over the case, issues periodic directions, and monitors implementation over time. This ensures that its directions are translated into effective relief rather than remaining merely declaratory.

(d) Incorrect. The doctrine goes beyond a mere declaration of rights left to the goodwill of the State. The court monitors compliance so that its directions yield effective relief rather than remaining declaratory.

5. Correct Answer: (a) In cases of old age, sickness, disablement, and other cases of undeserved want, within its economic capacity.

Reference Line: "Article 41 directs the State, within the limits of its economic capacity and development, to make effective provision for securing the right to public assistance in cases of old age, sickness, disablement, and other cases of undeserved want, forming the constitutional basis for pension and disability welfare schemes."

Explanation:

(a) Correct. Article 41 directs the State, within the limits of its economic capacity and development, to make effective provision for public assistance in cases of old age, sickness, disablement, and other cases of undeserved want. This forms the constitutional basis for pension and disability welfare schemes.

(b) Incorrect. Article 41 concerns public assistance in cases of undeserved want, not losses from voluntary commercial ventures for private gain. Such commercial risk falls outside the circumstances it contemplates.

(c) Incorrect. The provision is not confined to persons holding public office. It addresses cases of old age, sickness, disablement, and undeserved want among citizens generally.

(d) Incorrect. Article 41 operates within the limits of the State's economic capacity and development, not unconditionally. It does not cast an obligation divorced from the State's economic capacity.

11. No Vested Right by Mere Inclusion in Revised Select List

1. Correct Answer: (a) Yes, because the recruiting authority possesses an independent power to verify whether such substantive conditions are actually satisfied.

Reference Line: "A recruiting authority such as a Public Service Commission possesses an independent power to verify whether the substantive conditions underlying an eligibility certificate, such as the medium of instruction at an institution, are actually satisfied, unless the terms of the recruitment notification confine verification to a specific mode or authority."

Explanation:

(a) Correct. A recruiting authority such as a Public Service Commission possesses an independent power to verify whether the substantive conditions underlying an eligibility certificate are actually satisfied. Since the notification does not confine verification to a specific mode or authority, the Commission may undertake it.
(b) Incorrect. An eligibility certificate is not beyond verification, for the authority retains an independent power to examine whether its substantive conditions are met. Production of the certificate does not oust that power.
(c) Incorrect. The power in question is one of verifying substantive conditions, not a power to reject candidates at absolute discretion without reasons. The principle confers a verification power, not an unreasoned discretion.
(d) Incorrect. The power to verify the substantive conditions is not confined to the issuing institution. The recruiting authority itself holds an independent power to verify unless the notification confines it to a specific mode or authority.

2. Correct Answer: (b) Inclusion in the select list confers eligibility to be considered, and appointment remains subject to conditions such as vacancies.
Reference Line: "Inclusion in a select list only confers an eligibility to be considered for appointment; it does not entitle the candidate to a right of appointment, since appointment remains subject to availability of vacancies, satisfaction of eligibility conditions, and completion of the selection process in accordance with law."
Explanation:
(a) Incorrect. Inclusion in the select list does not entitle the candidate to appointment as a matter of right. It confers only an eligibility to be considered, with appointment remaining subject to further conditions.
(b) Correct. Inclusion in a select list confers only an eligibility to be considered for appointment. Appointment remains subject to the availability of vacancies, satisfaction of eligibility conditions, and completion of the selection process in accordance with law.
(c) Incorrect. Mere inclusion in the select list does not create a vested right immune to the absence of vacancies. Appointment stays subject to the availability of vacancies among other conditions.
(d) Incorrect. Inclusion in the select list does not oblige the authority to create a vacancy for the listed candidate. Appointment depends on the availability of vacancies rather than on a duty to bring them into existence.

3. Correct Answer: (b) Statements iii and iv only
Reference Line: "Mere inclusion of a candidate's name in a select list, whether provisional or revised, does not by itself satisfy the conditions necessary for a right to appointment to vest."
Explanation:
(a) Incorrect. Statement i correctly defines a vested right as fixed, complete, and presently enforceable, and statement ii correctly distinguishes it from a mere expectation or contingent claim. Neither of these is false.
(b) Correct. Statement iii is false because mere inclusion in a select list does not satisfy the conditions for a right to appointment to vest, and statement iv is false because this holds whether the list is provisional or revised.

(c) Incorrect. Statement i correctly defines a vested right, so a combination that labels it incorrect cannot stand, although statement iv is rightly false.
(d) Incorrect. Statement ii correctly distinguishes a vested right from a mere expectation, so it is not false. The false statements are iii and iv, which this combination does not isolate.

4. Correct Answer: (c) It protects a reasonable expectation arising from established practice but does not create a right where it remains contingent.
Reference Line: "This doctrine protects a reasonable expectation arising from an established practice or representation that a particular procedure will be followed, but it does not elevate such expectation into an enforceable right where the expectation is contingent upon future events or administrative decisions still pending fulfilment."
Explanation:
(a) Incorrect. The doctrine does not elevate every expectation into an enforceable right. Where the expectation is contingent upon future events or pending administrative decisions, it does not harden into a right.
(b) Incorrect. A candidate's subjective expectation of a favourable outcome does not confer an enforceable right to appointment. The doctrine protects reasonable expectations from established practice, not mere subjective hopes.
(c) Correct. The doctrine protects a reasonable expectation arising from an established practice or representation that a particular procedure will be followed. It does not create an enforceable right where the expectation remains contingent upon future events or pending administrative decisions.
(d) Incorrect. The doctrine does not oblige the State to fulfil any assurance regardless of its terms. An expectation contingent upon future events or pending decisions is not elevated into an enforceable right.

5. Correct Answer: (b) It requires that all similarly situated candidates be given an equal and fair opportunity to compete in the selection process.
Reference Line: "This principle requires that all similarly situated candidates be given an equal and fair opportunity to compete in a selection process."
Explanation:
(a) Incorrect. The doctrine does not confine competition to the highest ranked candidates. It requires that all similarly situated candidates be given an equal and fair opportunity to compete.
(b) Correct. The doctrine of level playing field requires that all similarly situated candidates be given an equal and fair opportunity to compete in a selection process. A fresh process restoring the opportunity of a class unfairly excluded is consistent with this principle.
(c) Incorrect. The doctrine does not require that a published list be treated as final so as to foreclose correction of unfair exclusion. It supports restoring the opportunity of candidates unfairly excluded for reasons beyond their control.
(d) Incorrect. The doctrine addresses candidates unfairly excluded due to circumstances beyond their control, not candidates excluded by their own default. Restoration is contemplated for those excluded through no fault of their own.

12. Courts Cannot Compel Plaintiff to Accept Compensation in Lieu of Injunction

1. Correct Answer: (b) No, because the High Court cannot modify the decree without first framing and

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Assam News

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NEW DELHI

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BUREAUCRATS INDIA

Date: December 18, 2025

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Hindustan Times

Date: December 31, 2025

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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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Against this backdrop, students trained at Nishant Prakash Law Classes (NPLC) posted a strong, widely dis-...

Arshnoor

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answering a substantial question of law.
Reference Line: "The High Court is not permitted to interfere with concurrent findings of fact or to modify a decree without first framing and answering such a question, since jurisdiction in second appeal is fundamentally distinct from and narrower than jurisdiction in first appeal."
Explanation:
(a) Incorrect. The jurisdiction in second appeal is not the same as in first appeal, being fundamentally distinct from and narrower than it. The High Court cannot exercise the wide first appellate jurisdiction in a second appeal.
(b) Correct. The High Court may not interfere with concurrent findings of fact or modify a decree without first framing and answering a substantial question of law. Its jurisdiction in second appeal is narrower than in first appeal, so the course adopted was impermissible.
(c) Incorrect. Concurrent findings of fact are not open to free reappreciation in second appeal. The High Court cannot interfere with them without framing and answering a substantial question of law.
(d) Incorrect. A second appeal does lie to the High Court, but only on a substantial question of law. The bar is on modifying the decree without framing such a question, not on the maintainability of a second appeal altogether.

2. Correct Answer: (c) The Executing Court cannot proceed, since a decree ceases to be executable the moment it is set aside by a superior court.
Reference Line: "A decree ceases to be executable the moment it is set aside by a superior court, and any direction requiring an executing authority to undertake an exercise, such as assessment of value or receipt of payment, in the absence of such a decree, is unsupported by law and renders the exercise a nullity."
Explanation:
(a) Incorrect. A decree does not remain executable after it is set aside. It ceases to be executable the moment a superior court sets it aside, so no valuation can proceed upon it.
(b) Incorrect. Setting aside a decree does not merely suspend its executability while leaving it intact. The decree ceases to be executable altogether, leaving no foundation for the exercise.
(c) Correct. A decree ceases to be executable the moment it is set aside by a superior court. Any exercise such as valuation undertaken in the absence of a subsisting decree is unsupported by law and a nullity.
(d) Incorrect. The Executing Court is not to proceed with the valuation and await a reviving order. With the decree set aside, no foundation remains for the exercise, which would be a nullity.

3. Correct Answer: (a) Statement iii only
Reference Line: "A temporary injunction restrains a party from doing a specified act on a temporary basis and may be granted at any stage of the suit, remaining operative until the disposal of the suit or further orders, upon the plaintiff establishing a prima facie case, the likelihood of irreparable injury, and that the balance of convenience lies in their favour."
Explanation:
(a) Correct. Statement iii alone is incorrect, because a temporary injunction is not granted by a final decree after a full trial; that describes a perpetual injunction. The remaining statements accurately describe the temporary and conditional character of the relief.
(b) Incorrect. Statement ii correctly states that a temporary injunction may be granted at any stage of the

suit and remains operative until its disposal or further orders. It reflects the provision faithfully and is not false.
(c) Incorrect. Statement i correctly describes a temporary injunction as restraining a party on a temporary basis, so a combination that labels it incorrect cannot be right, even though statement iii is indeed false.
(d) Incorrect. Statement iv correctly states the requirements of a prima facie case, irreparable injury, and balance of convenience, so it is not false. The single incorrect statement is iii, which this combination does not isolate.

4. Correct Answer: (b) A relief that compels the performance of a positive act to prevent the breach of an obligation between the parties.
Reference Line: "A mandatory injunction is a preventive relief that compels the performance of a positive act to prevent the breach of an obligation, and may be granted where it is necessary to compel the performance of certain acts to prevent the breach of an obligation, distinguishing it from a perpetual injunction which merely restrains a party from acting."
Explanation:
(a) Incorrect. A mandatory injunction is not confined to restraining a party from acting; that describes an injunction which merely restrains. It compels the performance of a positive act to prevent the breach of an obligation.
(b) Correct. A mandatory injunction is a preventive relief that compels the performance of a positive act to prevent the breach of an obligation. This distinguishes it from a perpetual injunction which merely restrains a party from acting.
(c) Incorrect. Availability only by a final decree after a full trial, permanently restraining the defendant, describes a perpetual injunction. A mandatory injunction instead compels a positive act to prevent a breach.
(d) Incorrect. Operation on a temporary basis until the disposal of the suit describes a temporary injunction. A mandatory injunction compels the performance of a positive act rather than operating merely as interim relief.

5. Correct Answer: (a) Attachment of the disobeying party's property and, in appropriate cases, civil imprisonment not exceeding three months.
Reference Line: "Violation of an injunction order can result in attachment of the disobeying party's property and, in appropriate cases, civil imprisonment for a period not exceeding three months, underscoring the binding and enforceable character of injunction orders passed by a court."
Explanation:
(a) Correct. Violation of an injunction order can result in attachment of the disobeying party's property and, in appropriate cases, civil imprisonment for a period not exceeding three months. This underscores the binding and enforceable character of injunction orders.
(b) Incorrect. The consequence is attachment of property and possible civil imprisonment, not dismissal of the suit with permanent forfeiture of the disputed property. The provision does not contemplate forfeiture of the property in dispute.
(c) Incorrect. The provision does not transfer the disobeying party's property to the opposite party absolutely. It provides for attachment of property and, in appropriate cases, civil imprisonment, not an

outright transfer.
(d) Incorrect. The provision does provide for attachment of the disobeying party's property, so the denial of any power of attachment is inaccurate. Its consequences are attachment and possible civil imprisonment, not a fine recoverable as land revenue.

13. Regulations Cannot Restrict Legislature's Power to Amend Statutes

1. Correct Answer: (b) Yes, because what can be achieved by subordinate legislation can equally be overridden by amending the parent Act.
Reference Line: "What can be achieved by subordinate legislation can equally be achieved, and overridden, by a subsequent amendment to the parent Act by the competent legislature, since existing subordinate legislation cannot fetter the legislature's plenary power to amend the enabling statute."
Explanation:
(a) Incorrect. Existing subordinate legislation cannot fetter the legislature's plenary power to amend the enabling statute. The regulations do not stand in the way of an amendment to the parent Act.
(b) Correct. What can be achieved by subordinate legislation can equally be overridden by a subsequent amendment to the parent Act by the competent legislature. Existing subordinate legislation cannot fetter the legislature's plenary power to amend the enabling statute.
(c) Incorrect. Subordinate legislation does not acquire the same force as the parent Act; it is derivative and subordinate to it. It can be overridden by an amendment to the parent Act.
(d) Incorrect. The legislature is not confined to repealing subordinate legislation and barred from amending the parent statute. It may amend the parent Act so as to override existing subordinate legislation.

2. Correct Answer: (b) The saving does not apply, since the rule is inconsistent with the newly re-enacted statutory provision governing the matter.
Reference Line: "However, this saving does not apply where the subordinate instrument is inconsistent with the newly re-enacted statutory provision."
Explanation:
(a) Incorrect. Section 24 does not preserve every rule without exception. The saving is subject to the condition that the rule is not inconsistent with the re-enacted provisions, which is not satisfied here.
(b) Correct. The saving under Section 24 does not apply where the subordinate instrument is inconsistent with the newly re-enacted statutory provision. The inconsistent rule therefore does not continue in force to that extent.
(c) Incorrect. A subordinate instrument does not override an inconsistent re-enacted statute. Where the rule is inconsistent with the re-enacted provision, the saving does not operate in its favour.
(d) Incorrect. Section 24 does not save nothing upon repeal and re-enactment; it continues rules to the extent they are not inconsistent with the re-enacted provisions. It is the inconsistency, not the mere repeal, that excludes the saving here.

3. Correct Answer: (b) Statements iii and iv only
Reference Line: "Where two provisions of a statute appear to conflict, courts must, as far as possible, construe them so that both are given effect rather than treating one as rendered a dead letter."
Explanation:

(a) Incorrect. Statement i correctly requires that both provisions be given effect, and statement ii correctly requires courts to avoid a head-on clash and reconcile the provisions. Neither of these is false.
(b) Correct. Statement iii is false because the doctrine avoids treating one provision as a dead letter, and statement iv is false because reconciliation does not depend upon the consent of the parties.
(c) Incorrect. Statement i correctly states the requirement of giving effect to both provisions, so a combination that labels it incorrect cannot stand, though statement iv is rightly false.
(d) Incorrect. Statement ii correctly requires the avoidance of a head-on clash and reconciliation wherever possible, so it is not false. The false statements are iii and iv, which this combination does not isolate.

4. Correct Answer: (c) Every statute is presumed prospective unless retrospective effect is given expressly or by necessary implication.
Reference Line: "Every statute, including an amending provision, is presumed to be prospective in operation unless retrospective effect is given expressly or arises by necessary implication from the language used."
Explanation:
(a) Incorrect. The presumption is one of prospective operation, not retrospective operation. A statute is presumed prospective unless retrospective effect is given expressly or by necessary implication.
(b) Incorrect. The mere use of the word "substitute" does not make the substituted provision relate back to the original enactment. Such relation back requires express words or necessary implication.
(c) Correct. Every statute, including an amending provision, is presumed prospective in operation. Retrospective effect arises only where it is given expressly or by necessary implication from the language used.
(d) Incorrect. An amending provision is not always retrospective, since it too is presumed prospective. It does not relate back to the earlier Act merely because it is an amendment.

5. Correct Answer: (a) Futurity rather than the past or present, assisting in determining whether a reference includes existing instruments.
Reference Line: "As a rule of construction, the words "may be," when used without express reference to time, ordinarily indicate futurity rather than the past or present."
Explanation:
(a) Correct. The words "may be," used without express reference to time, ordinarily indicate futurity rather than the past or present. This convention assists in determining whether a statutory reference to future action includes or excludes existing instruments.
(b) Incorrect. The words do not indicate the past alone, nor do they invariably exclude future action. As a rule of construction they ordinarily point to futurity rather than the past.
(c) Incorrect. The words are not confined to the present or to instruments existing at the moment of enactment. Used without reference to time, they ordinarily indicate futurity.
(d) Incorrect. In this context the words concern the point of time indicated, ordinarily futurity, rather than a discretion carrying no reference to time. The rule of construction treats them as pointing to the future.

14. Readiness and Willingness Must Be Proved from Agreement Date

1. Correct Answer: (b) Yes, because failure to plead and prove readiness and willingness to perform disentitles the plaintiff to the relief.
Reference Line: "Failure to satisfy this requirement disentitles the plaintiff to the relief."
Explanation:
(a) Incorrect. The existence of a valid and subsisting agreement is not by itself sufficient for specific performance. The plaintiff must also plead and prove readiness and willingness to perform the essential terms.
(b) Correct. Section 16(c) requires the plaintiff to plead and prove that he has performed, or has always been ready and willing to perform, the essential terms to be performed by him. Failure to satisfy this requirement disentitles him to the relief.
(c) Incorrect. Readiness and willingness are not shown only at the stage of executing the decree. The requirement concerns the plaintiff's performance or continuing readiness of the essential terms of the contract.
(d) Incorrect. A plaintiff is not required in every suit to deposit the entire consideration in court. The requirement is to plead and prove readiness and willingness, not to make such a deposit.

2. Correct Answer: (b) The documents cannot retroactively establish readiness, as they do not relate to the relevant period of performance.
Reference Line: "Financial documents created long after the institution of the suit cannot retroactively establish readiness at an earlier point in time."
Explanation:
(a) Incorrect. A plaintiff need not physically deposit the sale consideration in court to prove readiness, so that is not why the documents fail. They fail because they do not relate to the relevant period of performance.
(b) Correct. Financial documents created long after the institution of the suit cannot retroactively establish readiness at an earlier point in time. Evidence of readiness must be referable to the relevant period of performance.
(c) Incorrect. Financial capacity shown by such documents is not presumed to subsist for all periods. Readiness must be proved by evidence referable to the relevant period rather than assumed throughout.
(d) Incorrect. A plaintiff is not free of the need to lead any evidence of financial readiness. He must adduce reliable evidence referable to the relevant period, though not a physical deposit in court.

3. Correct Answer: (b) Statements ii and iv only
Reference Line: "Courts have generally held that time is not of the essence in agreements for the sale of immovable property unless expressly so stipulated."
Explanation:
(a) Incorrect. Statement i correctly states that time is not ordinarily of the essence unless expressly stipulated, and statement iii correctly states that time-limits remain significant in assessing conduct and delay. Neither of these is false.
(b) Correct. Statement ii is false because time-limits are not wholly irrelevant but remain significant in assessing conduct, and statement iv is false because time is not invariably of the essence in every such agreement.
(c) Incorrect. Statement i correctly states the general position on time not being of the essence, so a

combination that labels it incorrect cannot stand, though statement iv is rightly false.
(d) Incorrect. Statement iii correctly states that time-limits remain significant in assessing the reasonableness of conduct and delay, so it is not false. The false statements are ii and iv, which this combination does not isolate.

4. Correct Answer: (c) It is a continuing obligation to be demonstrated from the date of execution of the agreement up to the decree.
Reference Line: "The requirement of readiness and willingness under Section 16(c) is not a one-time threshold but a continuing obligation that must be demonstrated by the plaintiff from the date of execution of the agreement right up to the date of the decree, assessed through his conduct and the surrounding circumstances at each relevant stage."
Explanation:
(a) Incorrect. The requirement is not a one-time threshold satisfied only at the date of execution of the agreement. It is a continuing obligation extending up to the date of the decree.
(b) Incorrect. Readiness and willingness are not established only at the date of institution of the suit. The obligation runs continuously from execution of the agreement up to the decree.
(c) Correct. The requirement is a continuing obligation to be demonstrated from the date of execution of the agreement right up to the date of the decree. It is assessed through the plaintiff's conduct and the surrounding circumstances at each relevant stage.
(d) Incorrect. The requirement is not satisfied by the mere assertion of readiness and willingness in the plaint. It is a continuing obligation demonstrated through conduct up to the date of the decree.

5. Correct Answer: (a) Readiness refers to the plaintiff's financial capacity to perform, while willingness relates to his conduct and intention to perform.
Reference Line: "Readiness refers to the plaintiff's financial capacity to perform the contract, including his ability to pay the balance consideration, while willingness relates to his conduct and intention to actually carry out his contractual obligations."
Explanation:
(a) Correct. Readiness refers to the plaintiff's financial capacity to perform the contract, including his ability to pay the balance consideration. Willingness relates to his conduct and intention to actually carry out his contractual obligations.
(b) Incorrect. The meanings are reversed here, since readiness concerns financial capacity and willingness concerns conduct and intention. Attributing intention to readiness and capacity to willingness misstates the distinction.
(c) Incorrect. Readiness and willingness are not identical in meaning, since they are distinct elements. Readiness concerns financial capacity while willingness concerns conduct and intention, and both must be independently established.
(d) Incorrect. Readiness does not refer to the plaintiff's conduct in approaching the court, nor does willingness refer to the defendant's readiness. Readiness concerns the plaintiff's financial capacity and willingness his intention to perform.

15. Long Gap Without Similar Offence Relevant in Sentencing

1. Correct Answer: (b) Yes, because the fraudulent use of a document known to be forged is punished as if

the user had forged it himself.
Reference Line: "This provision punishes the fraudulent or dishonest use of a document known or believed to be forged, as if it were genuine, in the same manner as if the person had forged the document himself, thereby extending liability to persons who deploy a forged instrument even where they did not personally create the forgery."
Explanation:
(a) Incorrect. Liability does not attach only to the person who created the forged document. Section 471 extends liability to one who fraudulently uses a document known to be forged, even without having created the forgery.
(b) Correct. The fraudulent or dishonest use of a document known or believed to be forged is punished in the same manner as if the user had forged it himself. Liability extends to persons who deploy a forged instrument even where they did not personally create the forgery.
(c) Incorrect. The use of a forged document is not free of punishment; it is punished in the same manner as the forgery itself. Section 471 attaches liability to such use rather than leaving it unpunished.
(d) Incorrect. Liability under Section 471 is not fastened on mere possession irrespective of knowledge. It requires the fraudulent or dishonest use of a document known or believed to be forged.

2. Correct Answer: (b) The court may confine its examination to the sentence and leave the finding of conviction undisturbed.
Reference Line: "An appellate or superior court may confine the scope of its examination strictly to the question of sentence while leaving the underlying finding of conviction undisturbed, particularly where notice in the appeal has been issued in limited terms, thereby allowing correction of a disproportionate sentence without reopening the correctness of the conviction itself."
Explanation:
(a) Incorrect. An alteration of sentence does not necessarily reopen the conviction. The court may confine its examination to the sentence while leaving the finding of conviction undisturbed.
(b) Correct. An appellate or superior court may confine the scope of its examination strictly to the question of sentence, leaving the underlying finding of conviction undisturbed. This is so particularly where notice in the appeal has been issued in limited terms.
(c) Incorrect. The court need not reopen the correctness of the conviction before moderating the sentence. It may correct a disproportionate sentence without disturbing the conviction.
(d) Incorrect. A sentence is not beyond appellate scrutiny, since the court may examine and moderate a disproportionate sentence. The finding of conviction may remain undisturbed while the sentence is corrected.

3. Correct Answer: (b) Statements iii and iv only
Reference Line: "While courts of first instance and appellate courts possess discretion in awarding and reviewing sentences under the framework governing criminal trials and appeals, such discretion must be exercised judicially, guided by settled sentencing principles such as proportionality and individualisation, rather than being exercised in an arbitrary or mechanical manner."
Explanation:
(a) Incorrect. Statement i correctly recognises the discretion of courts of first instance and appellate courts, and statement ii correctly requires that it be exercised judicially and guided by settled principles.

Neither of these is false.
(b) Correct. Statement iii is false because the discretion may not be exercised arbitrarily or mechanically, and statement iv is false because the discretion is not unfettered but is answerable to settled sentencing principles.
(c) Incorrect. Statement i correctly recognises the sentencing discretion of the courts, so a combination that labels it incorrect cannot stand, though statement iv is rightly false.
(d) Incorrect. Statement ii correctly requires that the discretion be exercised judicially and guided by settled principles, so it is not false. The false statements are iii and iv, which this combination does not isolate.

4. Correct Answer: (b) It requires that the severity of the sentence correspond to the gravity of the offence and the offender's culpability.
Reference Line: "Proportionality requires that the severity of a sentence correspond to the gravity of the offence and the degree of culpability of the offender, ensuring that punishment is neither excessive in relation to the wrong committed nor divorced from the totality of facts, circumstances, and consequences of the offence."
Explanation:
(a) Incorrect. Proportionality does not require the sentence to be fixed solely by the maximum punishment prescribed. It requires the severity of the sentence to correspond to the gravity of the offence and the offender's culpability.
(b) Correct. Proportionality requires that the severity of a sentence correspond to the gravity of the offence and the degree of culpability of the offender. It ensures that punishment is neither excessive in relation to the wrong nor divorced from the totality of facts and circumstances.
(c) Incorrect. Proportionality does not require an identical sentence for every offender convicted of the same offence. It calls for the sentence to correspond to the gravity of the offence and the individual offender's culpability.
(d) Incorrect. Proportionality is not determined only by the antecedents of the offender apart from the offence. It relates the severity of the sentence to the gravity of the offence together with the offender's culpability.

5. Correct Answer: (a) The retributive theory emphasises punishment as just deserts for the wrong, while the reformative theory emphasises rehabilitation of the offender.
Reference Line: "Sentencing jurisprudence recognises multiple theories of punishment, including the retributive theory, which emphasises punishment as just deserts for the wrong committed, and the reformative theory, which emphasises rehabilitation of the offender."
Explanation:
(a) Correct. The retributive theory emphasises punishment as just deserts for the wrong committed, while the reformative theory emphasises rehabilitation of the offender. These are recognised among the theories of punishment in sentencing jurisprudence.
(b) Incorrect. The descriptions are reversed here, since it is the retributive theory that emphasises just deserts and the reformative theory that emphasises rehabilitation. Attributing rehabilitation to the retributive theory misstates the distinction.
(c) Incorrect. Both theories do not emphasise just deserts alone, since the reformative theory emphasises

rehabilitation. They differ in their underlying object, not merely in the severity of punishment.
(d) Incorrect. Both theories do not emphasise rehabilitation alone, since the retributive theory emphasises just deserts. They differ in their underlying object, not merely in the duration of the sentence.

16. Last Seen Together Alone Insufficient Without Complete Chain Pointing to Guilt

1. Correct Answer: (c) No, because last seen together evidence is treated as weak and cannot alone sustain a conviction without corroboration.
Reference Line: "It is treated as weak evidence and cannot alone sustain a conviction without corroboration."
Explanation:
(a) Incorrect. Last seen together evidence is not the strongest species of circumstantial evidence; it is treated as weak. It cannot alone sustain a conviction without corroboration.
(b) Incorrect. Proof that the accused was last seen with the deceased does not conclusively establish his guilt. It only shifts an evidentiary onus and remains weak evidence requiring corroboration.
(c) Correct. Last seen together evidence is treated as weak evidence and cannot alone sustain a conviction without corroboration. A conviction resting solely on it, with no corroborating circumstance, is therefore unsustainable.
(d) Incorrect. Last seen together evidence is not wholly inadmissible, since it is a recognised species of circumstantial evidence. Its limitation is that it is weak and needs corroboration, not that it can never be relied upon.

2. Correct Answer: (b) The earlier statement cannot by itself be used as substantive evidence of the facts stated therein by the witness.
Reference Line: "A witness who resiles from an earlier statement and is declared hostile may still be examined for corroborative value, but a prior statement recorded under Section 161 of the Code of Criminal Procedure, 1973 cannot by itself be used as substantive evidence of the facts stated therein."
Explanation:
(a) Incorrect. A hostile witness is not treated as fully reliable, and his earlier statement cannot be used by itself as substantive proof. The Section 161 statement lacks such substantive value on its own.
(b) Correct. A prior statement recorded under Section 161 cannot by itself be used as substantive evidence of the facts stated therein. Though a hostile witness may still be examined for corroborative value, the earlier statement does not become substantive proof.
(c) Incorrect. The entire testimony of a witness declared hostile need not be discarded, since he may still be examined for corroborative value. A hostile witness is not wholly incompetent.
(d) Incorrect. The earlier statement does not become conclusive proof of guilt upon the witness being declared hostile. A Section 161 statement cannot by itself serve as substantive evidence of the facts stated.

3. Correct Answer: (a) Statement iv only
Reference Line: "Where direct evidence is unavailable, courts may convict on circumstantial evidence, provided the circumstances relied upon are fully established and form a complete, unbroken chain pointing exclusively to the guilt of the accused, excluding every other reasonable hypothesis."

Explanation:
(a) Correct. Statement iv alone is incorrect, because a conviction on circumstantial evidence cannot rest on circumstances leaving open another reasonable hypothesis of innocence. The chain must exclude every other reasonable hypothesis, as the remaining statements accurately reflect.
(b) Incorrect. Statement ii correctly requires that the circumstances be fully established and form a complete, unbroken chain. It reflects the principle faithfully and is not the incorrect statement.
(c) Incorrect. Statements ii and iii both accurately state the requirements of a fully established, unbroken chain pointing exclusively to guilt. Neither of them is false.
(d) Incorrect. Statement i correctly states that courts may convict on circumstantial evidence where direct evidence is unavailable, so a combination that labels it incorrect cannot be right, even though statement iv is indeed false.

4. Correct Answer: (c) An unproved or merely rumour-based motive significantly weakens the prosecution's chain of circumstances and its case.
Reference Line: "While motive need not be proved in every criminal case, in cases resting purely on circumstantial evidence, an unproved or merely rumour-based motive significantly weakens the prosecution's chain of circumstances and the credibility of its case."
Explanation:
(a) Incorrect. Motive need not be proved in every criminal case, so the premise that a conviction can never be recorded without proof of motive is unsound. Its significance is heightened in circumstantial cases rather than being universal.
(b) Incorrect. Motive is not wholly irrelevant in a case resting on circumstantial evidence. An unproved or rumour-based motive significantly weakens the prosecution's chain of circumstances and its case.
(c) Correct. In cases resting purely on circumstantial evidence, an unproved or merely rumour-based motive significantly weakens the prosecution's chain of circumstances and the credibility of its case. Motive thus assumes importance in such cases though it need not be proved in every case.
(d) Incorrect. A rumour-based motive does not strengthen the prosecution's case, nor does suspicion complete the chain of circumstances. Such a motive weakens the chain rather than reinforcing it.

5. Correct Answer: (a) Sharad Birdhichand Sarda v. State of Maharashtra, laying down five golden principles for circumstantial evidence cases.
Reference Line: "This landmark decision lays down five golden principles for cases resting on circumstantial evidence: the circumstances must be fully established, must be consistent only with guilt, must be conclusive, must exclude every other hypothesis, and must form a complete chain leaving no reasonable ground for innocence."
Explanation:
(a) Correct. Sharad Birdhichand Sarda v. State of Maharashtra lays down five golden principles for cases resting on circumstantial evidence. These require the circumstances to be fully established, consistent only with guilt, conclusive, exclusive of every other hypothesis, and to form a complete chain.
(b) Incorrect. The decision lays down the golden principles for circumstantial evidence, not a rule that motive need not be proved in any case. The five principles concern the character of the chain of circumstances.
(c) Incorrect. The decision is associated with the golden principles for circumstantial evidence, not with

the standard for using a Section 161 statement as substantive proof. That question falls outside these principles.
(d) Incorrect. The decision does not lay down that last seen together evidence alone can sustain a conviction. Its five golden principles govern the requirements of the chain of circumstantial evidence.

17. Parents' Support Doesn't Relieve Husband of Maintenance Duty

1. Correct Answer: (b) No, because the bar is attracted only upon proof of adultery, and mere suspicion or unproven allegation does not suffice.
Reference Line: "the bar is attracted only upon proof of adultery, and mere suspicion or unproven allegation does not suffice."
Explanation:
(a) Incorrect. A mere allegation of adultery does not attract the statutory bar. The bar operates only upon proof of adultery, so an unproven allegation cannot defeat the wife's claim.
(b) Correct. The bar under Section 125(4) is attracted only upon proof of adultery, and mere suspicion or unproven allegation does not suffice. The wife is therefore not disentitled on the husband's allegation alone.
(c) Incorrect. The burden does not lie on the wife to disprove the imputed adultery before maintenance can be awarded. The bar depends upon proof of adultery, and an unproven allegation does not shift such a burden onto her.
(d) Incorrect. The statutory bar is not inapplicable to a wife altogether, since it may be invoked upon proof of adultery among other grounds. Its non-application here follows from the absence of proof, not from any blanket exclusion.

2. Correct Answer: (d) The parental support cannot be equated with the wife's independent income, and the husband's statutory obligation continues.
Reference Line: "Financial assistance from a wife's parents during distress is an act of familial support and cannot be equated with the wife's own independent income; a husband cannot rely on such third-party support to escape his personal and statutory obligation to maintain his wife."
Explanation:
(a) Incorrect. Parental support does not amount to the wife's independent income, and the husband is not relieved of his obligation. Such familial support cannot be equated with income earned by the wife herself.
(b) Incorrect. Third-party support does not answer the husband's personal duty or reduce his obligation to a token amount. His statutory obligation to maintain his wife continues notwithstanding such assistance.
(c) Incorrect. Financial help received by the wife does not extinguish the husband's obligation, since parental support is not her independent income. The husband cannot escape his statutory duty by pointing to such assistance.
(d) Correct. Financial assistance from a wife's parents during distress is familial support and cannot be equated with her own independent income. The husband cannot rely on such third-party support to escape his personal and statutory obligation to maintain her.

3. Correct Answer: (b) Statements ii and iv only

Reference Line: "Maintenance proceedings are summary in character and are not intended to be converted into a full trial of every allegation and counter-allegation of matrimonial misconduct such as cruelty or adultery; the applicable standard of proof is distinct from, and lower than, proof beyond reasonable doubt."
Explanation:
(a) Incorrect. Statement i correctly describes maintenance proceedings as summary in character, and statement iii correctly states that the applicable standard is distinct from and lower than proof beyond reasonable doubt. Neither of these is false.
(b) Correct. Statement ii is false because maintenance proceedings are not intended to be converted into a full trial of every allegation of misconduct, and statement iv is false because the applicable standard is lower than proof beyond reasonable doubt.
(c) Incorrect. Statement i correctly describes the summary character of the proceedings, so a combination that labels it incorrect cannot stand, though statement iv is rightly false.
(d) Incorrect. Statement iii correctly states that the standard of proof is distinct from and lower than proof beyond reasonable doubt, so it is not false. The false statements are ii and iv, which this combination does not isolate.

4. Correct Answer: (c) The court may draw an adverse inference, presuming the withheld material would have been unfavourable to that party.
Reference Line: "Where a party fails to disclose material financial particulars within their exclusive knowledge, such as income, assets, or property records, a court may draw an adverse inference against that party, presuming the withheld material would have been unfavourable to them."
Explanation:
(a) Incorrect. The party's silence is not treated as proof that no income, assets, or property records exist. It permits an adverse inference that the withheld material would have been unfavourable, not a finding that nothing exists.
(b) Incorrect. The court is not bound to call for independent evidence and disregard the failure to disclose. It may act upon that failure by drawing an adverse inference against the non-disclosing party.
(c) Correct. Where a party fails to disclose material financial particulars within their exclusive knowledge, the court may draw an adverse inference against that party. It may presume that the withheld material would have been unfavourable to them.
(d) Incorrect. The court does not relieve the party of the obligation to disclose merely because the particulars lie within their exclusive knowledge. That exclusive knowledge is the very reason an adverse inference may be drawn upon non-disclosure.

5. Correct Answer: (a) They are rooted in social justice, aimed at preventing vagrancy and destitution of dependents unable to support themselves.
Reference Line: "Maintenance provisions under criminal procedure law are rooted in social justice, aimed at preventing vagrancy and destitution of dependents unable to support themselves, and are interpreted purposively to secure a dignified standard of living rather than construed narrowly."
Explanation:
(a) Correct. Maintenance provisions under criminal procedure law are rooted in social justice and aimed at preventing vagrancy and destitution of dependents unable to support themselves. They are interpreted

purposively to secure a dignified standard of living rather than construed narrowly.
(b) Incorrect. These provisions are not aimed at adjudicating matrimonial guilt or apportioning blame between the spouses. Their object is to prevent destitution of dependents rather than to determine fault for the breakdown of the marriage.
(c) Incorrect. The object is not to penalise the defaulting spouse through a punitive levy unconnected with the dependents' needs. Maintenance is a welfare measure to prevent destitution, not a punishment.
(d) Incorrect. These provisions are not aimed at partitioning matrimonial property upon dissolution of the marriage. Their object is to secure maintenance so as to prevent vagrancy and destitution of dependents.

18. No Voice Sample, No S.65B Certificate

1. Correct Answer: (d) No, because proof of demand is indispensable, and recovery of tainted notes alone cannot sustain a conviction.
Reference Line: "Proof of demand of illegal gratification is an essential and indispensable requirement for conviction under the Act; mere recovery of tainted currency notes from the accused, without independent proof that the money was demanded and voluntarily accepted as a bribe, cannot sustain a conviction."
Explanation:
(a) Incorrect. Recovery of tainted currency notes does not by itself complete the offence under the Act. Proof of demand of illegal gratification is an essential and indispensable requirement that mere recovery cannot supply.
(b) Incorrect. The recovery of tainted money does not dispense with proof of demand. Demand remains an indispensable ingredient, and its absence cannot be cured by recovery alone.
(c) Incorrect. Recovery of tainted currency notes is not wholly inadmissible in a prosecution under the Act. Its limitation is that it cannot by itself sustain a conviction absent proof of demand, not that it is inadmissible.
(d) Correct. Proof of demand of illegal gratification is an essential and indispensable requirement for conviction under the Act. Mere recovery of tainted notes, without independent proof that the money was demanded and voluntarily accepted as a bribe, cannot sustain a conviction.

2. Correct Answer: (a) The presumption cannot be drawn, since the foundational fact of acceptance pursuant to a demand remains unestablished.
Reference Line: "The Act permits a presumption to be drawn against the accused, but only once the prosecution has first proved acceptance of gratification pursuant to a demand; where demand itself is unestablished, the foundational fact necessary to invoke this presumption is absent."
Explanation:
(a) Correct. The Act permits the presumption only once the prosecution has proved acceptance of gratification pursuant to a demand. Where demand itself is unestablished, the foundational fact necessary to invoke the presumption is absent, so it cannot be drawn.
(b) Incorrect. The presumption cannot be drawn irrespective of proof of demand or acceptance. It arises only once acceptance of gratification pursuant to a demand has first been proved.
(c) Incorrect. The presumption does not arise automatically upon the mere institution of a prosecution. It requires the foundational fact of acceptance pursuant to a demand to be established first.

(d) Incorrect. Proof that the accused is a public servant does not by itself permit the presumption. The foundational fact of acceptance pursuant to a demand must be established before it can be invoked.

3. Correct Answer: (d) Statement iv only
Reference Line: "Courts require that the speaker's voice be duly identified, the accuracy of the recording proved by satisfactory evidence, every possibility of tampering or erasure excluded, the recording be relevant under the law of evidence, the material be carefully sealed and kept in safe custody, and the voice be clearly audible without distortion."
Explanation:
(a) Incorrect. Statement ii correctly requires that every possibility of tampering or erasure be excluded. It reflects the conditions of admissibility faithfully and is not the incorrect statement.
(b) Incorrect. Statements ii and iii both accurately state the conditions of excluding tampering and of sealing and safe custody. Neither of them is false, so this combination cannot be right.
(c) Incorrect. Statement i correctly requires identification of the voice and proof of accuracy, so a combination that labels it incorrect cannot be right, even though statement iv is indeed false.
(d) Correct. Statement iv alone is incorrect, because a tape-recorded conversation is not admissible where the possibility of tampering or erasure remains open. Every such possibility must be excluded, as the remaining statements accurately reflect.

4. Correct Answer: (b) The record is inadmissible without a certificate identifying it and certifying compliance with the specified conditions.
Reference Line: "This provision mandates a certificate accompanying any electronic record sought to be admitted in evidence, identifying the record and the manner and device of its production, and certifying compliance with specified conditions; without it, an electronic record such as a voice recording is inadmissible."
Explanation:
(a) Incorrect. An electronic record is not admissible without the mandated certificate merely upon an assertion of genuineness on oath. The certificate identifying the record and certifying compliance with the specified conditions is required.
(b) Correct. Section 65-B mandates a certificate accompanying the electronic record, identifying it and certifying compliance with the specified conditions. Without such a certificate, an electronic record such as a voice recording is inadmissible.
(c) Incorrect. Identification of the voice by a witness does not render the certifying requirement merely directory. The certificate is mandated, and without it the electronic record is inadmissible.
(d) Incorrect. The taking of possession by the investigating agency does not dispense with the certificate. Admissibility depends upon the mandated certificate, irrespective of who holds the record.

5. Correct Answer: (c) They must be construed strictly, and every essential ingredient must be established by cogent and reliable evidence.
Reference Line: "Penal statutes, including special legislation such as the Prevention of Corruption Act, 1988, must be construed strictly, and every essential ingredient of the offence must be established by cogent and reliable evidence; evidentiary lacunae must be resolved in favour of the accused."
Explanation:

(a) Incorrect. Penal statutes are not construed liberally in favour of the prosecution. They are construed strictly, with every essential ingredient requiring proof by cogent and reliable evidence.
(b) Incorrect. Evidentiary lacunae are not resolved against the accused to secure a conviction. Under strict construction such lacunae must be resolved in favour of the accused.
(c) Correct. Penal statutes such as the Prevention of Corruption Act, 1988 must be construed strictly, and every essential ingredient of the offence must be established by cogent and reliable evidence. Evidentiary lacunae must be resolved in favour of the accused.
(d) Incorrect. Proof of a single ingredient does not suffice to establish the whole offence. Strict construction requires that every essential ingredient be established by cogent and reliable evidence.

19. Section 348 of BNSS

1. Correct Answer: (d) No, because recall cannot be used as a device to repair a case shown deficient during the ordinary course of trial.
Reference Line: "The power to recall a witness cannot be exercised as a device to enable a party, particularly the prosecution, to repair or supplement a case shown deficient during the ordinary course of trial, especially after the opposing side has exposed such weaknesses through cross-examination."
Explanation:
(a) Incorrect. The prosecution may not recall a witness to strengthen a case shown to be deficient at trial. The power cannot be used as a device to repair or supplement such a deficiency.
(b) Incorrect. The exposure of a weakness through cross-examination does not entitle the prosecution to recall. It is precisely after such exposure that recall to repair the deficiency is impermissible.
(c) Incorrect. The power to recall is not confined to the defence alone, since the court may summon or recall witnesses generally. The bar here rests on the use of recall to repair a deficient case, not on the identity of the party.
(d) Correct. The power to recall cannot be exercised as a device to repair or supplement a case shown deficient during the ordinary course of trial. This is especially so after the opposing side has exposed the weaknesses through cross-examination.

2. Correct Answer: (a) The inadvertent omission may be corrected without prejudice, while the deliberate introduction of fresh material demands greater caution.
Reference Line: "Courts distinguish between a bona fide, inadvertent omission to bring material already forming part of the record before the court, which may be corrected without prejudice, and a deliberate attempt to introduce fresh material to strengthen a weak link after the opposing party has demonstrated the case's deficiency, which demands greater caution."
Explanation:
(a) Correct. A bona fide, inadvertent omission to bring material already on the record may be corrected without prejudice. A deliberate attempt to introduce fresh material to strengthen a weak link after the deficiency has been demonstrated demands greater caution.
(b) Incorrect. The two situations are not treated alike, since courts distinguish between them. The stage at which recall is sought, and the nature of the omission, bear upon the exercise of the power.
(c) Incorrect. The treatment is reversed here, since it is the inadvertent omission that may be corrected without prejudice and the deliberate introduction of fresh material that demands greater caution. This option inverts the distinction.

(d) Incorrect. Both situations need not be refused outright, since an inadvertent omission of material already on the record may be corrected. Recall is not impermissible merely because the trial has advanced to some degree.

3. Correct Answer: (d) Statements iii and iv only
Reference Line: "In a case resting on circumstantial evidence, every relied-upon circumstance must be independently proved, and all such circumstances must together form a complete and unbroken chain pointing exclusively to the guilt of the accused; the mere fact that a case rests on circumstantial evidence does not, by itself, justify recall of a witness to plug gaps in that chain."
Explanation:
(a) Incorrect. Statement i correctly requires that every relied-upon circumstance be independently proved, and statement ii correctly requires a complete and unbroken chain pointing exclusively to guilt. Neither of these is false.
(b) Incorrect. Statement i correctly states the requirement of independent proof of each circumstance, so a combination that labels it incorrect cannot stand, though statement iv is rightly false.
(c) Incorrect. Statement ii correctly requires a complete and unbroken chain pointing exclusively to guilt, so it is not false. The false statements are iii and iv, which this combination does not isolate.
(d) Correct. Statement iii is false because the mere fact that a case rests on circumstantial evidence does not justify recall of a witness to plug gaps in the chain, and statement iv is false because a chain leaving gaps consistent with innocence cannot sustain a conviction.

4. Correct Answer: (c) The evidence sought must be shown to be essential to the just decision of the case, and not merely useful.
Reference Line: "Courts require that evidence sought through recall of a witness at a late stage of trial be shown essential to the just decision of the case, a standard higher than mere relevance or usefulness; not every document capable of improving a party's case satisfies this threshold."
Explanation:
(a) Incorrect. The threshold is not mere relevance to some issue in the trial. The evidence must be shown essential to the just decision of the case, a standard higher than mere relevance.
(b) Incorrect. Capacity to improve the case of the applying party does not satisfy the threshold. Not every document capable of improving a party's case is essential to the just decision of the case.
(c) Correct. The evidence sought through recall at a late stage must be shown essential to the just decision of the case, a standard higher than mere relevance or usefulness. Not every document capable of improving a party's case satisfies this threshold.
(d) Incorrect. Some conceivable use to the party seeking recall falls short of the required standard. The evidence must be essential to the just decision of the case, not merely of some possible use.

5. Correct Answer: (a) A discretionary power to summon or recall witnesses, and a mandatory duty to do so where the evidence is essential to a just decision.
Reference Line: "The provision contains two distinct limbs: a discretionary power allowing the court to summon or recall witnesses at its discretion, and a mandatory duty compelling it to do so wherever the evidence in question is essential to arriving at a just decision, both subject to disciplined exercise."
Explanation:

(a) Correct. The provision contains a discretionary power allowing the court to summon or recall witnesses at its discretion, and a mandatory duty compelling it to do so wherever the evidence is essential to arriving at a just decision. Both limbs are subject to disciplined exercise.
(b) Incorrect. The provision does not impose a mandatory duty to recall every witness examined earlier coupled with a discretion to decline. The mandatory limb operates where the evidence is essential to a just decision, not as a duty to recall all witnesses.
(c) Incorrect. The two limbs are not divided between a power before the closure of evidence and a power only after judgment. The power is exercisable at any stage, comprising a discretionary limb and a mandatory limb.
(d) Incorrect. The limbs are not confined to summoning fresh witnesses and re-examining the accused alone. They consist of a discretionary power to summon or recall witnesses and a mandatory duty where the evidence is essential to a just decision.

20. S.311 CrPC Meant to Elicit Truth, Not Favour Either Side

1. Correct Answer: (c) No, because lateness alone does not disentitle a party where the evidence sought is shown essential to a just decision.
Reference Line: "While courts exercise greater caution in permitting recall at a late stage of trial, such as the stage of final arguments, the mere fact that an application is filed late does not, by itself, disentitle a party from invoking the provision where the evidence sought is shown essential to a just decision."
Explanation:
(a) Incorrect. An application at the stage of final arguments is not barred by lateness alone. Where the evidence sought is essential to a just decision, the lateness of the application does not by itself defeat it.
(b) Incorrect. The power under Section 311 does not cease to be available once the stage of final arguments is reached. It may be invoked at a late stage, subject to greater caution, where the evidence is essential to a just decision.
(c) Correct. The mere fact that an application is filed late does not by itself disentitle a party from invoking the provision, where the evidence sought is shown essential to a just decision. Courts exercise greater caution at a late stage but lateness alone is not a bar.
(d) Incorrect. An application under Section 311 is not to be allowed at any stage without regard to essentiality. The evidence sought must be shown essential to a just decision, which the court must satisfy itself of.

2. Correct Answer: (d) The record of the earliest school attended is often accorded greater weight, being less likely to have been created for the dispute.
Reference Line: "As between multiple, conflicting school records, the record of the earliest school attended by a person is often accorded greater evidentiary weight in age determination, since it is less likely to have been created or altered for a purpose connected with a subsequent dispute."
Explanation:
(a) Incorrect. The latest school record is not to be preferred merely because it is later in time. As between conflicting records, greater weight is often accorded to the record of the earliest school attended.
(b) Incorrect. The conflicting records are not given equal weight, since the sequence of their creation bears upon their reliability. The earliest school record is often accorded greater weight in age

determination.
(c) Incorrect. The court does not choose among the records at mere convenience, since one record may enjoy greater weight. The record of the earliest school attended is often accorded greater evidentiary weight.
(d) Correct. As between multiple conflicting school records, the record of the earliest school attended is often accorded greater evidentiary weight. It is less likely to have been created or altered for a purpose connected with a subsequent dispute.

3. Correct Answer: (d) Statement iv only
Reference Line: "This provision lays down the procedure for determining age where reasonable doubt exists, prioritising the date of birth certificate from the school first attended, or the matriculation or equivalent certificate from the concerned examination board, over other forms of evidence."
Explanation:
(a) Incorrect. Statement ii correctly states that the date of birth certificate from the school first attended is prioritised. It reflects the procedure faithfully and is not the incorrect statement.
(b) Incorrect. Statement iii correctly states that the matriculation or equivalent certificate is prioritised over other forms of evidence. It accurately reflects the provision and is not false.
(c) Incorrect. Statements ii and iii both accurately state the prioritised forms of evidence under the provision. Neither of them is false, so this combination cannot be right.
(d) Correct. Statement iv alone is incorrect, because other forms of evidence are not to be preferred over the school and matriculation certificates. The provision prioritises those certificates over other forms of evidence, as the remaining statements reflect.

4. Correct Answer: (b) To enable the court to discover the truth necessary for just adjudication, applied even-handedly between the parties.
Reference Line: "The overarching object of the power to summon or recall witnesses is to enable the court to discover the truth necessary for just adjudication, and the provision is to be applied even-handedly, without being read as inherently favouring either the prosecution or the defence."
Explanation:
(a) Incorrect. The object is not to enable the prosecution to secure additional evidence in support of the charge. The provision is applied even-handedly and is not read as inherently favouring the prosecution.
(b) Correct. The overarching object of the power is to enable the court to discover the truth necessary for just adjudication. The provision is applied even-handedly, without being read as inherently favouring either the prosecution or the defence.
(c) Incorrect. The object is not confined to enabling the defence to introduce fresh evidence. The provision serves the discovery of truth and is applied even-handedly, favouring neither side inherently.
(d) Incorrect. The object is not to enable either party to prolong the proceedings. The power serves the discovery of the truth necessary for just adjudication, not the protraction of the trial.

5. Correct Answer: (a) The production of any document or thing considered necessary or desirable for the purposes of a proceeding.
Reference Line: "This provision empowers a court or police officer to require production of any document or thing considered necessary or desirable for the purposes of an investigation, inquiry, trial,

or other proceeding, and is frequently invoked alongside Section 311 to secure documentary records such as school admission forms."
Explanation:
(a) Correct. Section 91 empowers a court or police officer to require the production of any document or thing considered necessary or desirable for the purposes of an investigation, inquiry, trial, or other proceeding. It is frequently invoked alongside Section 311 to secure documentary records such as school admission forms.
(b) Incorrect. Section 91 concerns the production of documents or things, not the arrest of a person suspected of withholding a document. It empowers a requirement to produce, not a power of arrest.
(c) Incorrect. The recall and re-examination of a witness falls under Section 311, not Section 91. Section 91 empowers the production of any document or thing necessary or desirable for a proceeding.
(d) Incorrect. The determination of age by preferring the earliest school record is not the subject of Section 91. That provision empowers the production of any document or thing necessary or desirable for a proceeding.

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