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SEPTEMBER 2026

Legal Tathya

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This Issue Includes:

**Res Judicata Bars Subsequent Impleadment Application
Supreme Court Judgments Are Retrospective Unless Expressly Made
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**'Industry' Definition Given in Bangalore Water Supply Case Must Govern
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2

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

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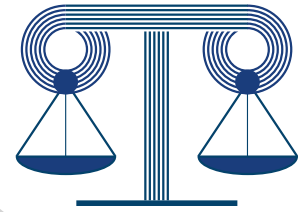
NISHANT PRAKASH
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SUPREME COURT

Landmark Judgements



1 Res Judicata Bars Subsequent Impleadment Application

Background

- The dispute concerned property left behind by one Girdhari Lal, with the original plaintiff Bhagwan Dai (since deceased) and Respondent No. 1 Shakuntla Devi both being his widows; the trial court dismissed Bhagwan Dai's declaratory suit and disbelieved the Appellant Sanjiv Kumar's claim of being her adopted son, while the First Appellate Court partly reversed those findings, upheld the adoption, recognised Bhagwan Dai's ownership over the tenanted portion of property No. 4677 under Section 14(1) of the Hindu Succession Act, 1956, and restrained Respondent Nos. 1 and 2 from alienating that particular property.
- Respondent Nos. 1 and 2 filed Regular Second Appeal No. 1795 of 1990 before the High Court of Punjab and Haryana on 24 August 1990, and the Appellant filed cross-objections No. 20-C of 1990 praying that the entire suit be decreed; during the pendency of the litigation, Respondent Nos. 3 and 4 purchased property No. 4677/A through a registered sale deed dated 28 June 1990, thereby acquiring an interest pendente lite.
- In 1999 the subsequent purchasers sought impleadment under Order I Rule 10 of the Code of Civil Procedure, 1908 in the main appeal alone, omitting the cross-objections in which the property purchased by them was actually in dispute, and that application was dismissed on 19 May 2000 on the reasoning that the purchase was made in defiance of the injunction against the prior owners and that an assignee in such circumstances could not be

Case Details

- Case Title:** Sanjiv Kumar v. Shakuntla Devi and Others Court
- Citation:** SLP (C) No. 1052 of 2025 | 2026 LiveLaw (SC) 726
- Bench:** Justice Sanjay Karol and Justice Augustine George Masih

Issue Before the Court

- Whether the doctrine of res judicata would apply to an earlier decision rendered on merits but founded upon an erroneous consideration of facts.
- Whether there could be a bar of res judicata upon a subsequent application under Order XXII Rule 10 of the CPC seeking impleadment in the main appeal, when an earlier application seeking the same relief under Order I Rule 10 of the CPC had been dismissed on merits.
- Whether the scope and operation of Order I Rule 10 and Order XXII Rule 10 of the CPC are so distinct that rejection under one can never bar an application under the other.
- Whether the application under Order XXII Rule 10 of the CPC seeking impleadment in the cross-objections could be allowed at that stage, no earlier impleadment application

impleaded on account of lis pendens.

- Both the main appeal and the cross-objections were dismissed for non-prosecution on 2 February 2018; the Appellant secured restoration of the cross-objections on 19 July 2019, while the prior owners took no steps to restore the main appeal despite requests, prompting the purchasers to move fresh applications for condonation of delay of 2109 days under Section 5 of the Limitation Act, 1963, for restoration of the second appeal under Order XLI Rule 19 of the CPC, and for impleadment in both proceedings under Order XXII Rule 10 of the CPC, alleging collusion between the Appellant and the prior owners.
- By the impugned order dated 13 November 2024 the High Court found that the 2000 order rested on a factual misconception, since the injunction covered only property No. 4677 and not property No. 4677/A, rejected the plea of fraud, held that an erroneous decision does not operate as res judicata, and accordingly condoned the delay, restored the main appeal and allowed impleadment in both the main appeal and the cross-objections, against which the Appellant approached the Supreme Court contending that the order of 19 May 2000 operated as res judicata and that an erroneous decision which has attained finality still binds the parties.

having been filed in those proceedings.

- Whether the High Court was justified in condoning the delay of 2109 days and restoring the main appeal at the instance of the subsequent purchasers.

Judgement of the Court

- Reading Section 11 of the CPC, the Court reiterated that res judicata operates at subsequent stages of the same proceeding where the issue has already been decided at an earlier stage, that a judicial decision binds whether right or wrong, and that an error of law or fact cannot be impeached otherwise than in appeal unless it relates to jurisdiction, subject to the requirement that there must be a conscious adjudication carrying an expression of opinion on the merits.
- Applying this, the Court held that the earlier Order I Rule 10 application had been decided on merits and therefore bound the parties despite resting on an erroneous appreciation of facts; the authority relied upon by the High Court was held inapplicable as no statutory prohibition or direction had been disregarded and no want of jurisdiction was pleaded, and the Court accordingly declined to concur with the High Court's reasoning.
- Comparing the provisions, the Court noted that Order I Rule 10 governs addition or striking out of parties necessary or proper to the proceeding ab initio, while Order XXII Rule 10 read with Section 146 is a specific enabling provision triggered by the factual event of assignment, creation or devolution of interest, requiring only prima facie satisfaction of devolution without a detailed inquiry into title and applying at every stage including appeals, so that as a general rule dismissal of an Order I Rule 10 application does not bar a later application under Order XXII Rule 10.
- The Court nevertheless held that the relief sought under both provisions is identical, namely bringing a person on record, and laid down that where the Order I Rule 10 application was rejected on merits after the court actually examined the transferee's claim, the genuineness and bona fides of the transfer and the nature of the interest, and that order was neither appealed nor reviewed, a second application on the same transfer, interest and facts is barred; the bar would not operate where the earlier rejection was on a technical or procedural ground, where there is a fresh devolution after the rejection, or where the earlier order has not attained finality.

- On the facts the purchasers had earlier sought identical relief on the very same registered sale deed, so the two remedies were not different causes of action but different procedural doors to the same relief, rendering the subsequent application an impermissible re-agitation of a settled issue; if they considered the 2000 order erroneous the remedy was to challenge it, and since they asserted no claim to the subject matter of the main appeal they could neither be impleaded therein nor could the main appeal be restored.
- As regards the cross-objections, the Court held that res judicata could not apply since the earlier application was confined to the main appeal, and that the dismissal for non-prosecution, the failure of the prior owners to seek restoration, the selective revival of the cross-objections and the possibility of collusion amounted to a material change in circumstances giving rise to a fresh cause of action which was neither directly and substantially in issue earlier nor one which might and ought to have been raised; relying on the principle that a transferee pendente lite may suffer prejudice where the transferor loses interest or colludes, it upheld the impleadment in the cross-objections, set aside the impugned order in part insofar as it restored the main appeal and impleaded the purchasers therein, and partly allowed the appeal with no order as to costs.

Key Takeaway for CLAT Aspirant

- **Res Judicata:** Section 11, Code of Civil Procedure, 1908 Res judicata means a matter already adjudged, and Section 11 bars a court from trying any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, litigating under the same title, before a court competent to try the subsequent suit, and has been heard and finally decided. Its five ingredients must be cumulatively satisfied, and it rests on the maxims nemo debet bis vexari pro una et eadem causa, interest reipublicae ut sit finis litium, and res judicata pro veritate occipitur.
- **Constructive Res Judicata:** Explanation IV to Section 11 Explanation IV deems any matter which might and ought to have been made a ground of attack or defence in the former proceeding to have been directly and substantially in issue therein. It bars not merely what was actually decided but also what a diligent litigant could and should have raised, preventing piecemeal litigation. Its converse is equally significant: a cause that could not possibly have been raised earlier, because the circumstances giving rise to it did not then exist, falls outside its sweep.
- **Res Judicata at Successive Stages of the Same Proceeding:** The doctrine is not confined to successive suits and operates at later stages of one and the same litigation, a principle described as interlocutory res judicata. An issue conclusively decided on an interlocutory application binds the parties and a coordinate bench at subsequent stages, so a litigant cannot secure a second look at the same question merely because the proceeding is still alive.
- **Binding Force of an Erroneous Decision and its Exceptions:** A judicial decision binds whether it is right or wrong, and an error of law or fact by a judicial or quasi-judicial authority cannot be impeached except through appeal, review or revision. The recognised exceptions are want of jurisdiction, fraud or collusion, and orders passed in disregard of a statutory prohibition or direction. Mere factual error is not an exception, and the correct remedy against a wrong order is to challenge it, not to file a fresh application seeking the same relief.
- **Order I Rule 10, CPC:** Joinder, Addition and Striking Out of Parties The provision empowers a court, at any stage and even without an application, to strike out the name of a party improperly joined and to

- add any person who ought to have been joined or whose presence is necessary to enable the court effectually and completely to adjudicate upon all questions involved. It embodies the general power of joinder and applies to necessary and proper parties to the proceeding ab initio, resting on the tests of necessity and effective adjudication.
- **Order XXII Rule 10 read with Section 146, CPC:** Devolution of Interest Pendente Lite Where there is an assignment, creation or devolution of interest during the pendency of a suit or appeal, the proceeding may, by leave of the court, be continued by or against the person upon whom the interest has devolved. The power is triggered by a factual event rather than by a mere desire to join, requires only prima facie satisfaction of devolution, and applies to appeals by virtue of Order XXII Rule 11. Section 146 supplements it by allowing any proceeding or application to be taken by or against a person claiming under a party, save where expressly provided otherwise.
- **Overlapping Remedies and the Bar on Re-agitation by Switching Provisions:** Although Order I Rule 10 and Order XXII Rule 10 govern distinct legal situations, the relief they yield may be identical, namely bringing a person on record. Where two provisions operate as different procedural doors to the same relief on the same facts, the underlying issue is one and the same, and a settled issue cannot be re-agitated merely by invoking a different statutory provision or by engaging different counsel to file the fresh application.
- **Doctrine of Lis Pendens:** Section 52, Transfer of Property Act, 1882 During the pendency of a suit in which a right to immovable property is directly and specifically in question, the property cannot be transferred so as to affect the rights of any other party under the decree that may be made. A transfer hit by lis pendens is not void, but the transferee takes subject to the outcome of the litigation, which is precisely why such a purchaser has a real stake in the proceeding and a corresponding interest in being brought on record.
- **Transferee Pendente Lite, Collusion and the Right to be Heard:** A transferee pendente lite is vitally interested in the litigation to the extent of the interest acquired and stands exposed to prejudice where the transferor loses interest in prosecuting or defending the proceeding or colludes with the opposite party. Procedural law therefore permits such a transferee to be impleaded and heard on merits so that an acquired right is not extinguished by the inaction or bad faith of the predecessor in interest.
- **Fresh Cause of Action, Cross-Objections and Restoration:** A cause of action is the bundle of facts a party must prove to obtain relief, and events occurring after an earlier adjudication may generate a distinct cause not previously in issue. Cross-objections under Order XLI Rule 22 of the CPC are a substantive proceeding capable of being heard on merits independently of the fate of the main appeal, while restoration of an appeal dismissed for default under Order XLI Rule 19 and condonation of delay under Section 5 of the Limitation Act, 1963 are discretionary remedies ordinarily available to the party who prosecuted the proceeding, and not to a stranger with no claim to its subject matter.



Practice Questions

1. In an earlier suit between Rohan and Meera, Meera had a ground of defence based on facts already existing and known to her. The ground was available and ought to have been raised to resist Rohan's claim, but she omitted it. After the court finally decides the former suit against her, Meera begins a fresh proceeding relying only on that omitted ground. How should the later proceeding be treated?
 - (a) It is maintainable because an omitted defence remains outside the earlier adjudication.
 - (b) It is maintainable because the defence became an independent ground after the former suit.
 - (c) It is barred because the omitted ground might and ought to have been raised earlier.
 - (d) It is barred only if the earlier court had actually decided the omitted ground.

2. During the pendency of an appeal, Arjun assigns the interest involved in the proceeding to Kavya. Kavya places material before the court showing the assignment and seeks leave to continue the appeal in respect of the devolved interest. Which position is most consistent with the applicable provision?
 - (a) Kavya may continue merely on her desire to join, without establishing devolution of interest.
 - (b) The court may permit Kavya to continue on prima facie satisfaction that the interest devolved.
 - (c) Kavya acquires an automatic right to continue the appeal immediately upon the assignment.
 - (d) Devolution during an appeal cannot attract Rule 10 because it operates only during a suit.

3. Consider the following statements:
 - i. Section 11 requires the relevant matter to have been in issue in the former suit as well as the subsequent proceeding.
 - ii. The former suit must involve the same parties litigating under the same title.
 - iii. Competence of the court deciding the former suit is immaterial once a final decision has been given.
 - iv. The bar may operate even where the relevant matter was never heard and finally decided.Which of the above statements correctly describe the operation of res judicata?
 - (a) Statements i and ii only
 - (b) Statements i, ii and iii only
 - (c) Statements ii and iv only
 - (d) Statements iii and iv only

4. Analyze the situations below and determine which situation would most clearly fall within Section 52 of the Transfer of Property Act, 1882.
 - (a) Before litigation begins, Aarav transfers a house that later becomes the subject of a suit.
 - (b) While a money dispute is pending, Nisha transfers land having no connection with that dispute.
 - (c) During a pending suit concerning a vehicle, Vikram transfers that vehicle to Priya.
 - (d) During a pending suit over rights in a plot, Rohan transfers that plot to Meera.

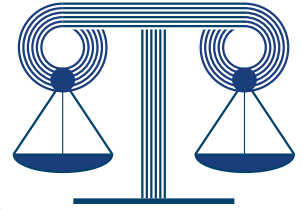
5. Which of the following is expressly recognised as an exception to the binding force of an earlier judicial or quasi-judicial decision?

- (a) A mere factual error in the earlier order
- (b) Want of jurisdiction in the earlier decision
- (c) An error of law in the earlier reasoning
- (d) A fresh application seeking the same relief



SUPREME COURT

Landmark Judgements



2 Specific Performance Can Be Denied if There is Long Delay

Background

- By an Agreement to Sell dated 1 April 2004, the appellant agreed to sell his property at Udhagamandalam to Plaintiff No. 1 for ₹2,25,00,000, and on the same day executed a General Power of Attorney in favour of her husband, Plaintiff No. 2.
- The sale was to be completed within sixty days of the setting aside of an ex parte preliminary decree in a pending partition suit, and time was made the essence of the contract; the trial court found that ₹85,00,000 was paid as advance, though two cheques issued towards it were dishonoured for insufficiency of funds.
- Using the Power of Attorney, Plaintiff No. 2 entered into a sub-agreement selling the property to a third party; the appellant thereafter revoked the Power of Attorney and terminated the agreement, prompting the plaintiffs to sue on 13 September 2005 for specific performance or, alternatively, refund with interest.
- Both sides lodged criminal complaints, that of Plaintiff No. 2 expressly asking the police to recover ₹85,00,000 from the appellant; the plaintiffs relied on a Memorandum of Understanding for sale of their Chennai flats as the source of the balance consideration, the sale deed thereunder being executed only in May 2006.
- The trial court decreed only refund of ₹85,00,000 with interest and a charge over the property under Section 55(6)(b) of the Transfer of Property Act, 1882, refusing specific performance for want of

Case Details

Case Title:	V.N.A.S. Chandran v. S. Venila and Others
Citation:	Civil Appeal Nos. 7825-7828 of 2013 2026 INSC 776
Bench	Justice Prashant Kumar Mishra and Justice N.V. Anjaria

Issue Before the Court

- Whether a respondent supporting a decree may assail a finding adverse to him without filing cross-objections under Order XLI Rule 22 of the Code of Civil Procedure, 1908.
- Whether the suit was maintainable without a prayer for a declaration that the unilateral termination of the agreement was invalid.
- Whether the plaintiffs proved continuous readiness and willingness as required by Section 16(c) of the Specific Relief Act, 1963.
- Whether the conduct of the plaintiffs disentitled them to the equitable relief of specific performance.

clean hands; the Madras High Court reversed that refusal, relying on a demand draft of ₹1,40,00,000 produced at the close of the appellate hearing in 2011, and decreed specific performance.

- Whether the lapse of over two decades and hardship to the defendant independently justified refusal of relief under Section 20 of the Specific Relief Act, 1963.

Judgement of the Court

- The Court affirmed that a respondent who merely supports the decree in his favour and seeks no additional relief may impugn an adverse finding without filing cross-objections; the appellant was therefore entitled to attack the finding on readiness and willingness.
- On maintainability, since the agreement conferred no right of unilateral termination, the termination was mere repudiation, and the plaintiffs could treat the contract as subsisting and sue without seeking a declaration; the trial court had in any case framed and decided an issue on the validity of the termination.
- The plaintiffs were required to show availability of funds continuously from soon after the agreement till execution of the decree, and the High Court erred in inferring readiness merely from the absence of a specific averment in the written statement, especially as the appellant had deposed that the plaintiffs failed to meet the demand for the balance.
- The evidence negated readiness: the Memorandum of Understanding appeared neither in the reply notice nor in the plaint and showed no transfer of money, the sale of the plaintiffs' own properties took place after the suit was filed, two cheques stood dishonoured, and a demand draft produced in 2011 could not retrospectively establish continuous financial capacity.
- On conduct, a retaliatory motive was held no excuse for lodging a complaint seeking recovery of the advance while simultaneously claiming specific performance, and the plaintiffs had taken irreconcilable stands on whether their rights stood assigned to the third party; Plaintiff No. 1, who never entered the witness box, could not disown her husband's conduct.
- Holding that specific performance under the unamended Act is discretionary under Section 20, with conduct and hardship to the defendant being relevant, the Court found enforcement inequitable after two decades, the appellant being of advanced age and Plaintiff No. 2 having died; it restored the trial court's decree and permitted withdrawal of the deposited amount with interest.

Key Takeaway for CLAT Aspirant

- **Specific Performance as a Discretionary Remedy:** Specific performance compels actual performance of a contract instead of awarding damages. Under the Specific Relief Act, 1963 as it stood before the 2018 amendment, Section 20 made the relief discretionary, so a valid agreement alone did not entitle a party to a decree.
- **Section 10 and the Post-2018 Shift:** Section 10 now provides that specific performance shall be enforced subject to Sections 11(2), 14 and 16, replacing discretion with a mandatory rule. Agreements predating the amendment continue to be governed by the older discretionary regime.
- **Section 16(c) Continuous Readiness and Willingness:** The plaintiff must plead and prove that he has always been ready and willing to perform his part of the contract. This continuity from the date of agreement till the decree is a condition precedent, and its absence defeats the suit even if the defendant is in breach.

- **Readiness Distinguished from Willingness:** Readiness refers to financial capacity to perform; willingness refers to conduct and intention. Both must coexist throughout, and funds arranged years later cannot retrospectively supply the continuity the statute requires.
- **Section 20 Conduct, Hardship and Delay:** Discretion under Section 20 turns on the conduct of the parties and circumstances outside the contract. Hardship to the defendant is a recognised ground of refusal, and long lapse of time, especially where parties have aged or died during the litigation, weighs against enforcement.
- **Clean Hands Doctrine:** Equitable relief is denied to a litigant who suppresses material documents or takes contradictory positions in parallel proceedings. Seeking recovery of the advance in one forum while claiming enforcement of the same contract in another amounts to approbation and reprobation.
- **Order XLI Rule 22, CPC Cross-Objections:** A respondent may file cross-objections against a part of the decree adverse to him, but where he merely supports the decree and claims no relief beyond it, he may attack an adverse finding without cross-objections. The test is whether additional relief is sought.
- **Repudiation and the Need for Declaratory Relief:** Where a contract confers a right of termination and that right is exercised, a cloud arises and a declaration is necessary before seeking specific performance. Where no such right exists, unilateral termination is mere repudiation and the aggrieved party may sue on the contract as subsisting.
- **Section 55(6)(b), Transfer of Property Act, 1882:** A buyer who has paid part of the purchase money is entitled to a charge on the property for that amount with interest where the sale fails through the seller's default. This underpins the alternative relief of refund with a charge when specific performance is refused.
- **Time as the Essence and Agency under a Power of Attorney:** A clause making time the essence indicates the parties' intention, though courts examine whether performance depended on contingencies beyond the purchaser's control. An attorney must act within the authority conferred and in the principal's interest, and misuse justifies revocation; a party who does not enter the witness box cannot disown averments made on her behalf.



Practice Questions

1. Aarav enters into an agreement to purchase property from Meera. Although he intends to complete the transaction, he lacks the financial capacity to perform for a substantial period after the agreement. Several years later, he arranges the necessary funds and seeks specific performance after Meera refuses to complete the sale. How should Aarav's claim be assessed under Section 16(c)?

- (a) The suit succeeds because later availability of funds cures the earlier deficiency.
- (b) Meera's breach makes Aarav's earlier lack of financial capacity irrelevant.
- (c) The suit fails because readiness and willingness had to continue throughout.
- (d) Relief is barred only if Aarav also lacked willingness when filing the suit.

2. A trial court passes a decree entirely in Priya's favour but records an adverse finding against her on one issue. The opposing party appeals. Priya wishes to support the decree as it stands and challenge only that adverse finding, without seeking any additional relief. What procedural course is available to her?

- (a) Cross-objections are necessary whenever any finding in the decree is adverse.
- (b) Priya may attack the adverse finding without filing cross-objections.
- (c) She must seek modification of the decree before questioning the finding.
- (d) An adverse finding cannot be challenged by a respondent who won the decree.

3. Consider the following statements:

- i. Current Section 10 provides that specific performance shall be enforced subject to specified provisions.
- ii. Sections 11(2), 14 and 16 operate as qualifications to the present rule of enforcement.
- iii. Current Section 10 makes specific performance independent of Sections 14 and 16.
- iv. The present provision retains the earlier discretionary rule without any change.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which one most clearly requires declaratory relief before specific performance can be sought.

- (a) The contract grants a termination right, and the seller invokes that clause before the suit.
- (b) No termination right exists, but the seller nevertheless issues a unilateral cancellation.
- (c) The seller has no termination right and later refuses to complete the agreed performance.
- (d) The buyer treats the agreement as subsisting after an unauthorised repudiation by the seller.

5. Where a buyer has paid part of the purchase money but the sale fails through the seller's default, which consequence follows under Section 55(6)(b) of the Transfer of Property Act, 1882?

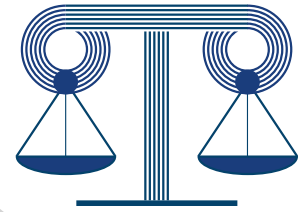
- (a) Ownership passes to the buyer notwithstanding failure of the sale.

- (b) Only the principal amount is recoverable, without interest or a charge.
- (c) Damages may be claimed, but no security attaches to the property.
- (d) The buyer has a charge for the paid amount together with interest.



SUPREME COURT

Landmark Judgements



3 Supreme Court Judgments are Retrospective Unless Expressly Made Prospective

Background

- By an interim order dated 11 August 1995 in the TMA Pai Foundation litigation, the Supreme Court created a subvention scheme under which the Central Government paid ₹5,000 per annum per student to eligible professional colleges, until completion of the course or five years, whichever was earlier, the scheme being expressly subject to the final outcome of that case.
- The same interim order referred the matter to a larger Bench, and the eleven-Judge Bench, by its final decision dated 31 October 2002, overruled the scheme framed in Unni Krishnan, J.P. v. State of Andhra Pradesh, except insofar as it held primary education to be a fundamental right, declaring the scheme unconstitutional while affirming the bar on capitation fee and profiteering.
- The Central Government thereafter issued a communication dated 13 May 2005 denying the subvention amount from the academic year 2002-03 onwards, which the respondent college challenged before the High Court of Karnataka.
- The Single Bench quashed that communication and issued mandamus directing payment of subvention for students admitted up to 2002-03 for the full five-year course, holding that a vested right had accrued and reading the clarificatory order dated 1 April 2003 as having made the eleven-Judge Bench decision prospective, while denying the benefit for admissions from 2003-04; the Division Bench upheld this order.
- Aggrieved by the direction extending the benefit to

Case Details

Case Title: Government of India & Anr. v. Sri Devraj Urs Medical College

Citation: Civil Appeal No. 10669 of 2010 with Civil Appeal arising out of SLP (C) No. 9079 of 2011 | 2026 INSC 799

Bench Justice Dipankar Datta and Justice Sheel Nagu

Issue Before the Court

- Whether the final decision of the eleven-Judge Bench in TMA Pai Foundation rendered the orders of the Single Bench and Division Bench of the High Court liable to be interfered with.
- Whether a decision of the Supreme Court operates retrospectively where it does not expressly declare itself to be prospective.
- Whether the clarificatory order dated 1 April 2003, directing status quo, conferred prospective operation on the eleven-Judge Bench decision so as to preserve the subvention scheme for existing beneficiaries.
- Whether the Central Government

the 2002-03 batch for the entire course, the Union and the State Governments appealed to the Supreme Court, contending that the prospective protection was confined to statutory provisions requiring modification and did not save the executive subvention scheme.

- was obliged to release the subvention amount for the entire five-year course in one go for students admitted in 2002-03.
- Whether relief could be granted to the respondent college in the absence of pleadings and supporting material on its fee revenue and expenditure.

Judgement of the Court

- The Court noted that the college furnished no data on the fees charged and expenses incurred for the relevant years, and following the rule that a point of law resting on facts must be pleaded and proved with evidence annexed to the writ petition or counter-affidavit, it declined to adjudicate that aspect and proceeded on the assumption that fees were being charged.
- Since the subvention scheme flowed from an interim order expressly made subject to the final outcome, the Court held that the final decision of 31 October 2002 impliedly declared the scheme unconstitutional, so it could not survive as though it had created an indefeasible right.
- On prospectivity, the Court held that unless a decision expressly provides for prospective application, all its decisions are retrospective, the law declared by a court having retrospective effect if not specifically stated otherwise.
- Reading the clarificatory order of 1 April 2003 along with the relevant paragraph of the final judgment, the Court found that it nowhere expressly made the ruling prospective; its protection extended only to statutory enactments and regulations that had to be brought in conformity with the ratio, and not to executive schemes contrary to it.
- The subvention scheme, being an executive arrangement, therefore died its own death on 31 October 2002, and the High Court erred in extending its benefit to the 2002-03 batch for the full five years once the scheme stood struck down.
- The Court further held that the scheme obligated annual payment to each eligible college and not lump sum payment for the entire course, and accordingly set aside the High Court's direction for payment over the full five years for the 2002-03 admittees while upholding the denial of subvention beyond that year, partly allowing the appeal.

Key Takeaway for CLAT Aspirant

- **Article 141 Law Declared by the Supreme Court:** Article 141 provides that the law declared by the Supreme Court is binding on all courts within the territory of India. What binds is the ratio decidendi, that is, the legal principle on which the decision rests, and not obiter dicta or the facts of the case.
- **Retrospective Operation of Judgments- Declaratory Theory:** A judgment ordinarily declares what the law always was rather than creating new law, so it relates back to the origin of the provision or right in question. A statutory provision or scheme struck down as unconstitutional is therefore treated as void from inception and not merely from the date of the ruling.
- **Prospective Overruling:** By way of exception, the Supreme Court may mould relief and confine a ruling to future operation so as to avoid unsettling concluded transactions and to prevent administrative chaos or undue hardship. The burden lies on the Court to say so expressly, and in the

absence of an express declaration, retrospectivity is presumed.

- **Interim Orders and Absence of Vested Rights:** An interim order operates only during the pendency of the proceeding and is subject to the final outcome. Benefits received under it are provisional, and no vested or indefeasible right accrues from a scheme that is expressly made subject to the final decision.
- **Doctrine of Ultra Vires and Executive Schemes:** An executive scheme or instruction has no independent life once its source or underlying principle is declared unconstitutional; it lapses automatically without any separate order of repeal. Statutory enactments, by contrast, may be saved to the limited extent of being brought into conformity with the declared law.
- **Article 32 and Article 226 Pleading and Proof in Writ Proceedings:** In writ proceedings under Article 226 or Article 32, unlike pleadings under the Code of Civil Procedure, not only the facts but also the evidence in support must be pleaded and annexed. Where a point ostensibly of law depends on facts and no material is placed, the court will not entertain it.
- **Writ of Mandamus and Existence of a Legal Right:** Mandamus lies to compel performance of a public duty, but only where the petitioner establishes a corresponding legal right. Once the scheme creating the entitlement stands invalidated, no enforceable right survives and mandamus cannot issue.
- **Binding Force of Larger Bench Decisions:** A decision of a larger Bench prevails over that of a smaller Bench, and a Constitution Bench under Article 145(3) is constituted for substantial questions of law involving interpretation of the Constitution. A later clarificatory order of a smaller Bench cannot dilute or restrict the ratio laid down by a larger Bench.
- **Capitation Fee, Profiteering and Reasonable Surplus:** Charging capitation fee and profiteering by educational institutions is impermissible, though a reasonable surplus for expansion and augmentation of facilities is not profiteering. Regulatory authorities remain entitled to curb exorbitant fees by enactment or regulation.
- **Article 19(1)(g) and Article 30 Autonomy of Educational Institutions:** The right to establish and administer an educational institution is traceable to the freedom of occupation under Article 19(1)(g) for citizens generally, and to Article 30 for minority institutions. This autonomy in fee fixation and admissions, subject to reasonable regulation in the interest of merit and transparency, formed the constitutional backdrop against which the earlier scheme was invalidated.



Practice Questions

1. Priya receives benefits under an executive scheme pursuant to an interim court order which expressly states that the benefits will remain subject to the final outcome of the case. The scheme is later invalidated in the final judgment. Priya argues that the benefits received during the interim period created an indefeasible right in her favour. Which position is legally sustainable?
 - (a) Priya acquires a vested right because the benefits were actually received before final judgment.
 - (b) The interim order becomes final for benefits already granted during the pendency of proceedings.
 - (c) No indefeasible right arises because benefits under the interim order remained subject to the final outcome.
 - (d) Priya retains the benefits because every interim order creates substantive rights once implemented.

2. A State Government issues an executive scheme based entirely on a legal principle later declared unconstitutional by the Supreme Court. No separate notification formally repealing the scheme is issued. A beneficiary argues that the scheme continues until expressly withdrawn. Which position best reflects the applicable principle?
 - (a) The scheme continues because executive instructions survive until formally repealed.
 - (b) Only the legislature can terminate an executive scheme based on an unconstitutional principle.
 - (c) The scheme remains valid for existing beneficiaries despite invalidation of its legal foundation.
 - (d) The scheme lapses automatically once its underlying constitutional basis is invalidated.

3. Consider the following statements:
 - i. In writ proceedings, facts relied upon by the petitioner must be pleaded.
 - ii. Evidence supporting those facts must also be placed before the writ court.
 - iii. A factual issue may be decided as a pure question of law even when no supporting material is produced.
 - iv. Pleading requirements under Articles 32 and 226 are identical to ordinary CPC pleadings in this respect.Which of the above statements are correct?
 - (a) Statements i and ii only
 - (b) Statements ii, iii and iv only
 - (c) Statements i, iii and iv only
 - (d) Statements i, ii and iii only

4. Analyze the situations below and determine which most clearly violates the rule governing the binding force of larger Bench decisions.
 - (a) A three-Judge Bench applies the ratio earlier laid down by a five-Judge Bench.
 - (b) A smaller Bench issues a clarification that restricts the ratio settled by a larger Bench.
 - (c) A Constitution Bench decides a substantial question involving constitutional interpretation.
 - (d) A lower court follows the ratio of the Supreme Court rather than the factual details of the case.

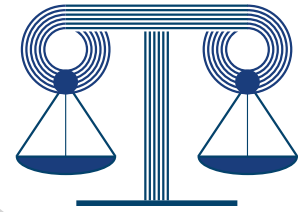
5. Which provision protects the freedom of occupation relied upon by citizens generally to establish and administer educational institutions?

- (a) Article 30
- (b) Article 32
- (c) Article 19(1)(g)
- (d) Article 141



SUPREME COURT

Landmark Judgements



4

Washed-Off Theory Not Applicable While Assessing Suitability for Retention in Service

Background

- The appellant joined the Central Industrial Security Force as an Assistant Sub-Inspector on 28 June 1982 and was promoted twice, to Sub-Inspector in 1990 and to Inspector in 2003.
- On attaining the age of fifty years, his case was placed before the Internal Screening Committee for assessment under Rule 56(j) of the Fundamental Rules, which found him unfit for retention in service; the Review Committee affirmed this view on 6 June 2010, and he was compulsorily retired, his representation being rejected thereafter.
- His Annual Confidential Reports showed gradings fluctuating between Average, Good and Very Good from 1983 to 1999, followed by Very Good gradings from 2000 to 2003 on the strength of which he earned his second promotion, but his performance thereafter declined from Good to Average in the last two years preceding the retirement order.
- After his promotion in 2003 he was also visited with a minor penalty of censure for furnishing a false reason to obtain leave, was warned on four occasions for negligence in duty and cautioned twice for a lethargic attitude.
- The Delhi High Court dismissed his writ petition, holding that his efficiency had slackened in the last two years of the period under review and that the Committee's decision was neither arbitrary nor unreasonable, whereupon he appealed to the Supreme Court contending that adverse material preceding his promotion could not have been considered.

Case Details

- Case Title:** Sushil Sharma v. Union of India and Others
- Citation:** Civil Appeal No. 8634 of 2012 | 2026 INSC 809
- Bench** Justice Prashant Kumar Mishra and Justice Shree Chandrashekhar

Issue Before the Court

- Whether the washed-off theory, under which adverse entries preceding a promotion are treated as wiped off, applies while assessing an employee's suitability for retention in service.
- Whether the competent authority is entitled to consider the entire service record, including adverse material predating a promotion, in an assessment under Rule 56(j) of the Fundamental Rules.
- Whether the order of compulsory retirement suffered from arbitrariness, perversity or mala fides warranting interference in judicial review.

Judgement of the Court

- The Court restated that the object of compulsory retirement is to weed out dead wood and maintain efficiency and integrity in public service, that such an order is not punitive and carries no stigma or imputation of misconduct, and that it rests on the subjective satisfaction of the employer in public interest, with the rule of audi alteram partem having no application.
- Such an order is nevertheless not immune from judicial scrutiny, though the court does not sit as an appellate authority and may interfere only where the order is mala fide, based on no evidence, or arbitrary and perverse.
- The decision must be taken on the entire service record, weighing both favourable and adverse remarks while attaching greater importance to performance in the immediately preceding years, and an order is not invalidated merely because uncommunicated adverse remarks formed part of the material considered.
- On the central contention, the Court held that the washed-off theory operates only in matters of further promotion, where entries preceding a promotion lose relevance, and has no application where suitability for continued retention is being assessed, since such an assessment is by its nature based on the entire service record.
- Applying this, the Committee was justified in considering the entire record including adverse material preceding the promotion, and the appellant's gradings had declined from Good to Average in the two years immediately preceding the order, coupled with a censure, four warnings and two cautions after his last promotion.
- Noting that a decline in the standard of work in the recent past furnishes sufficient material even where the earlier record was good, and that members of a disciplined and uniformed force entrusted with vital security functions are expected to maintain consistently high standards of efficiency and discipline, the Court found no infirmity in the decision and dismissed the appeal.

Key Takeaway for CLAT Aspirant

- **Rule 56(j), Fundamental Rules; Compulsory Retirement in Public Interest:** The provision empowers the appropriate authority to retire a government servant prematurely, in public interest, after he attains a prescribed age, by giving three months' notice or pay in lieu thereof. It is an administrative measure to maintain efficiency in public service and not a disciplinary proceeding.
- **Compulsory Retirement Distinguished from Dismissal or Removal:** Compulsory retirement is non-punitive, casts no stigma and involves no imputation of misconduct, and the employee retains his pensionary and retiral benefits. Dismissal or removal, by contrast, is a penalty imposed after a disciplinary inquiry and entails forfeiture of service benefits.
- **Article 311(2) and the Non-Application of its Safeguards:** Article 311(2) requires an inquiry with a reasonable opportunity of being heard before a civil servant is dismissed, removed or reduced in rank. Since compulsory retirement in public interest is none of these three, the constitutional safeguard is not attracted, though a colourable exercise of power to punish under this guise is impermissible.
- **Natural Justice- Audi Alteram Partem and its Exclusion:** The rule that no one shall be condemned unheard does not apply to an order of compulsory retirement, since the exercise is an assessment of

- overall suitability rather than an adjudication of guilt. This illustrates that the requirements of natural justice are flexible and vary with the nature of the power exercised.
- **Subjective Satisfaction and the Scope of Judicial Review:** Where a statute vests a decision in the subjective satisfaction of the authority, the scope of review is extremely narrow. A court does not sit in appeal over the assessment and may interfere only on grounds of mala fides, absence of any material, arbitrariness or perversity, or where relevant material has been overlooked.
- **Article 14 and the Bar on Arbitrariness in State Action:** Every administrative decision affecting service rights must satisfy the test of non-arbitrariness under Article 14. Retiring an employee solely on stale adverse entries while ignoring exemplary recent performance would be a clear instance of arbitrary exercise of power.
- **Washed-Off Theory and its Limited Field of Operation:** The doctrine treats adverse entries preceding a promotion as wiped off, on the reasoning that the promotion itself embodies a fresh assessment of merit. It governs consideration for further promotion alone and does not extend to retention or premature retirement, where the entire record is by definition the subject of scrutiny.
- **Entire Service Record with Weightage to the Recent Past:** The assessment must take in the whole career, both favourable and adverse remarks, while according due credence to the immediately preceding years. Old adverse entries relating to integrity, however, may by themselves justify premature retirement, integrity being a distinct and continuing consideration.
- **Uncommunicated Adverse Remarks and Annual Confidential Reports:** Annual Confidential Reports are the primary material for such assessments, and reliance on uncommunicated adverse remarks does not by itself vitiate an order of compulsory retirement. This stands in contrast to promotion and disciplinary matters, where communication of adverse entries assumes greater significance.
- **Article 226 and Article 32 Writ Jurisdiction in Service Matters:** A compulsorily retired employee may invoke the writ jurisdiction of a High Court under Article 226 or of the Supreme Court under Article 32, and administrative tribunals constituted under Article 323A also exercise jurisdiction over service disputes. The review in each forum remains confined to legality and fairness of the decision-making process rather than the correctness of the assessment itself.



Practice Questions

1. Vikram is compulsorily retired after the competent authority examines his Annual Confidential Reports and relies partly on adverse remarks that were never communicated to him. He challenges the order solely on the ground that those remarks were uncommunicated. How should this objection be assessed?
 - (a) The order is invalid because uncommunicated remarks cannot be considered for retirement.
 - (b) Non-communication alone does not vitiate an order of compulsory retirement.
 - (c) Reliance on such remarks converts the retirement into a disciplinary penalty.
 - (d) The authority may consider only those adverse remarks previously communicated to Vikram.

2. Neha has favourable recent service reports, but an old adverse entry in her record raises concerns regarding integrity. The authority considers that integrity entry sufficient to justify her premature retirement. Can the entry be disregarded merely because it is old?
 - (a) Yes, favourable recent performance wipes out every earlier integrity-related entry.
 - (b) Yes, old adverse material can never carry decisive weight in a retirement decision.
 - (c) No, an old adverse entry concerning integrity may itself justify premature retirement.
 - (d) No, but only where the same entry earlier resulted in a disciplinary penalty.

3. Consider the following statements:
 - i. Dismissal is one of the service consequences covered by Article 311(2).
 - ii. Removal is also one of the service consequences covered by Article 311(2).
 - iii. Reduction in rank is also covered by Article 311(2).
 - iv. Compulsory retirement in public interest is one of the three service consequences specified in Article 311(2).
 Which of the above statements are correct?
 - (a) Statements i and iv only
 - (b) Statements i, ii and iii only
 - (c) Statements ii, iii and iv only
 - (d) Statements i and ii only

4. Analyze the situations below and determine which situation would least likely justify judicial interference with an order of compulsory retirement under Rule 56(j) of the Fundamental Rules.
 - (a) Rohan is retired despite the authority having no service material supporting its assessment.
 - (b) Meera is retired solely on stale adverse entries despite exemplary recent performance.
 - (c) Arjun is retired after his entire service record, including an adverse integrity entry, is considered.
 - (d) Kavya is retired after relevant favourable material in her service record is completely overlooked.

5. Which provision empowers the appropriate authority to compulsorily retire a government servant in public interest?
 - (a) Rule 56(j)

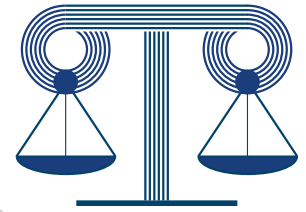


- (b) Article 311(2)
- (c) Article 323A
- (d) Article 226



SUPREME COURT

Landmark Judgements



5 Sale Deed Not Invalid for Non-Payment of Consideration

Background

- The original plaintiffs, a son and his mother, executed two sale deeds dated 10 March 1975 in favour of the original defendant, the total consideration for each property being ₹7,000, of which ₹2,500 was paid at execution while ₹4,500 was retained by the defendant under the recitals of the deeds to settle the plaintiffs' outstanding dues to financial institutions and government departments.
- When the defendant failed to satisfy those dues, he executed two further agreements in 1975 and 1976, undertaking in one to hand over the retained ₹4,500 and in the other to repay all the loans; the plaintiffs filed suit only in 1984, seeking a declaration that the sale deeds were void and inoperative, cancellation of the deeds, a declaration of ownership and a permanent injunction.
- The trial court found the transaction to be a concluded sale, noted that no condition in the sale deeds provided for cancellation on failure to pay the balance, held that the defendant had to pay the balance with interest from 10 March 1975 to perfect his title, and dismissed the suit; possession was left undisturbed as no counter claim had been raised, and the First Appellate Court affirmed this.
- In second appeal the Bombay High Court held that the deeds obliged the defendant to clear the plaintiffs' dues, found the concurrent view on absence of conditional reconveyance to be wrong, noted that no evidence of payment had been produced, and decreed the suit declaring the

Case Details

- Case Title:** Raziya Begum & Ors. v. Nafisa Begum Abdul Hamid & Ors.
- Citation:** Civil Appeal No. 7225 of 2011 | 2026 INSC 814
- Bench** Justice J.B. Pardiwala and Justice K. Vinod Chandran

Issue Before the Court

- Whether a registered sale deed becomes void or inoperative merely because the balance sale consideration promised therein remains unpaid.
- Whether the appropriate remedy of a vendor on non-payment of the balance consideration is cancellation of the sale deed or a suit for recovery of money.
- Whether the plaintiffs were entitled to a declaration of ownership and a permanent injunction on the strength of such non-payment.
- Whether the High Court, in second appeal under Section 100 of the CPC, was justified in reversing the concurrent findings of the trial court and the First Appellate Court.

- plaintiffs owners and the sale deeds inoperative, with a direction for repayment of ₹5,000 with nine per cent interest.
- The legal heirs of the original defendant appealed to the Supreme Court, while the plaintiffs' heirs contended that the High Court had disturbed no finding of fact and had merely given legal effect to existing findings within its jurisdiction under Section 100 of the Code of Civil Procedure, 1908.

Judgement of the Court

- Under Section 54 of the Transfer of Property Act, 1882, a sale is a transfer of ownership in exchange for a price paid, promised, or part paid and part promised, and the expression itself shows that actual payment of the whole price at the time of execution is not a sine qua non for completion of the sale.
- Where the document is executed and registered in respect of property of the requisite value, the sale is complete and title passes to the transferee even on part payment, the real test being the intention of the parties as gathered from the recitals, conduct and evidence on record.
- Non-payment of the remaining part of the price does not invalidate a registered sale deed, and the vendor's remedy lies in a suit for recovery of the balance consideration rather than in cancellation of the deed.
- On the facts, the recitals showed that ₹4,500 was retained by the defendant to clear the plaintiffs' dues, and the subsequent agreements only reaffirmed that obligation; no clause provided that failure to pay would result in cancellation or reconveyance.
- A sale deed executed with full knowledge that only part consideration had passed cannot be rendered void merely because the promise of the balance, itself incorporated in the deed, was not honoured, and the plaintiffs, having attempted cancellation instead of suing for recovery, could not succeed, the sale having become final and the delay in approaching the court in 1984 raising a question of limitation.
- The Court accordingly allowed the appeal, reversed the High Court's judgment and restored the trial court's decree as affirmed in first appeal, holding that the appellants must pay the balance with interest from 10 March 1975 at the rate charged on the plaintiffs by their creditors and may thereafter seek possession, while declining to disturb the plaintiffs' possession.

Key Takeaway for CLAT Aspirant

- **Section 54, Transfer of Property Act, 1882- Definition of Sale:** Sale is the transfer of ownership in exchange for a price paid, promised, or part paid and part promised. All rights and interests of the transferor must pass to the transferee, since retention of any part of the interest would prevent the transaction from being a sale.
- **Price as an Essential Ingredient:** Price is an indispensable element of a sale, distinguishing it from a gift or exchange. The statutory language permits the price to be paid before, at, or after the transfer, in lump sum or instalments, so a promise of future payment is as valid a consideration as immediate payment.
- **Mode of Transfer and Registration:** Tangible immovable property of the value of one hundred

- rupees and upwards, and any reversion or intangible thing, can be transferred only by a registered instrument, while property of lesser value may be transferred by a registered instrument or by delivery of possession. Registration is thus the mode of conveyance for most immovable property sales.
- **Passing of Title on Registration Despite Part Payment:** Once a sale deed is executed and registered, title passes to the transferee even where only part of the price has been paid. Non-payment of the balance does not undo the transfer, since payment of the full price is not a condition precedent to completion of the sale.
- **Intention of the Parties as the Real Test:** Whether a transaction amounts to a sale depends on whether the parties intended to transfer ownership and intended the price to be paid in praesenti or in future. This intention is gathered from the recitals of the deed, the conduct of the parties and the evidence on record.
- **Remedy for Non-Payment- Recovery, Not Cancellation:** The vendor's remedy against a defaulting purchaser is a suit for recovery of the balance consideration, and cancellation of the sale deed is not available for non-payment alone. The position would differ only where the deed itself stipulates cancellation or reconveyance as the consequence of default.
- **Section 55(4)(b), Transfer of Property Act, 1882- Unpaid Vendor's Lien:** Where ownership has passed to the buyer before payment of the whole price, the seller is entitled to a charge on the property, in the hands of the buyer or a transferee without consideration or with notice, for the unpaid amount together with interest. This statutory lien is the vendor's security in place of any right to undo the sale.
- **Cancellation of Instruments- Sections 31 and 34, Specific Relief Act, 1963:** A person against whom a written instrument is void or voidable and who apprehends serious injury may sue to have it adjudged void and cancelled, and a person entitled to a legal character or right to property may seek a declaration of title. These are discretionary equitable remedies and cannot be invoked to escape a concluded transfer merely because a monetary obligation remains unfulfilled.
- **Section 100, CPC- Scope of Second Appeal:** A second appeal lies to the High Court only on a substantial question of law, which must be formulated at the time of admission. The High Court cannot reappreciate evidence or disturb concurrent findings of fact, and an erroneous legal conclusion drawn from established facts is liable to be set aside in further appeal.
- **Limitation and Diligence in Asserting Rights:** The Limitation Act, 1963 prescribes fixed periods within which suits for recovery of money, for cancellation of instruments and for declaration must be instituted, and a right not asserted within time becomes unenforceable. Prolonged inaction after the cause of action arises weakens a claim to discretionary relief and lends finality to the transaction.



Practice Questions

1. Meera executes and registers a sale deed transferring a house to Arjun. Arjun pays part of the agreed price but fails to pay the balance. The deed contains no clause providing for cancellation or reconveyance on default. Meera seeks cancellation of the sale solely because the balance remains unpaid. Which position is legally sustainable?

- (a) Meera may cancel the deed because full payment is essential for transfer of title.
- (b) Title remains with Meera until Arjun pays the entire agreed consideration.
- (c) Title has passed, and Meera's remedy is recovery of the unpaid balance.
- (d) Registration becomes ineffective where any part of the sale price remains unpaid.

2. Kavya sells land to Rohan, and ownership passes before the entire price is paid. Rohan later transfers the property without consideration to Priya. Kavya seeks security over the land for the unpaid amount with interest. Which position is consistent with Section 55(4)(b) of the Transfer of Property Act, 1882?

- (a) Kavya loses every claim against the property once ownership passes to Rohan.
- (b) Kavya may claim a charge because Priya received the property without consideration.
- (c) The charge is available only against Rohan and cannot follow the property further.
- (d) Kavya may recover the unpaid amount but cannot claim interest or a charge.

3. Consider the following statements:

- i. A second appeal under Section 100 CPC lies only on a substantial question of law.
- ii. The substantial question of law must be formulated at the time of admission.
- iii. A second appeal may be entertained even when no substantial question of law arises.
- iv. The High Court need not formulate the substantial question of law at the stage of admission.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which situation would least likely constitute a sale under Section 54 of the Transfer of Property Act, 1882.

- (a) Priya transfers land to Rohan for ₹12 lakh, with payment promised after registration.
- (b) Meera conveys a flat to Aarav for ₹20 lakh, half paid and half payable later.
- (c) Vikram transfers a plot to Kavya in return for another parcel of land, with no monetary price.
- (d) Nisha conveys a shop to Arjun for ₹8 lakh paid when the transfer is completed.

5. Which provisions of the Specific Relief Act, 1963 are identified with cancellation of instruments and declaratory relief?

- (a) Sections 10 and 20

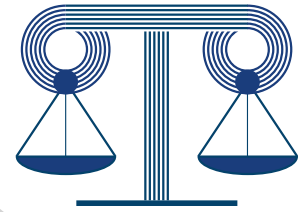


- (b) Sections 31 and 34
- (c) Sections 54 and 55
- (d) Sections 96 and 100



SUPREME COURT

Landmark Judgements

**6**

Judicial Review Cannot Replace Expert Assessment in Exam Disputes

Background

- The respondents filed a writ petition before the High Court of Judicature at Allahabad questioning the results of the Combined State/Upper Subordinate Services (General Recruitment) Examination, 2016 and the corresponding Special Recruitment Examination, 2016 conducted by the Uttar Pradesh Public Service Commission, objecting to certain questions as ambiguous or inaccurate.
- By its judgment dated 9 December 2016 the High Court allowed the petition and directed the Commission to re-evaluate the answer scripts of all candidates in the preliminary examination by deleting questions 25, 66 and 92 and awarding full marks for question 44 to candidates who had opted for option (b) or (c).
- The High Court further directed that candidates qualifying on re-evaluation be permitted to appear in a fresh main examination, that the result of the main examination already held not be declared until then, that interviews be conducted from a merit list drawn from both main examinations, and that the candidature of those who ceased to qualify on re-evaluation stand cancelled.
- While noting the statutory scheme of the Uttar Pradesh State Public Service Commission (Regulation of Procedure) Act, 1985 and the Commission's procedure for the provisional answer key and objections, the High Court expressed displeasure at the discrepancies in the question paper and answer key despite expert involvement at every stage, and recommended

Case Details

- Case Title:** U.P. Public Service Commission through its Chairman & Anr. v. Sunil Kumar Singh & Ors.
- Citation:** Civil Appeal No. 4970 of 2017 | 2026 LiveLaw (SC) 784
- Bench** Justice Dipankar Datta and Justice Sheel Nagu

Issue Before the Court

- Whether a court exercising the power of judicial review can itself scrutinise disputed examination questions and answer keys and direct their deletion or the award of full marks.
- Whether the High Court exceeded the permissible limits of judicial review by substituting its own assessment for that of subject experts in an academic field.
- Whether the consequential directions regarding re-evaluation, a fresh main examination, withholding of results and cancellation of candidature were sustainable in law.

enhancement of the remuneration paid to experts.

- The Commission appealed to the Supreme Court contending that the directions ran contrary to settled law; the operation of the impugned order had been stayed on 7 April 2017 when leave was granted, so the directions were never implemented, and the respondents entered no appearance at the hearing.

Judgement of the Court

- The Court reiterated the settled principle that where a statute, rule or regulation governing an examination permits re-evaluation or scrutiny of an answer sheet as a matter of right, the examining authority may allow it.
- Where such provisions do not permit re-evaluation, as distinct from prohibiting it, a court may permit re-evaluation or scrutiny only in rare and exceptional cases and only where a material error is demonstrated very clearly, without any inferential process of reasoning or rationalisation.
- A court should not itself re-evaluate or scrutinise answer sheets, as it possesses no expertise in the field, academic matters being best left to academics; it must presume the correctness of the key answers, and in the event of doubt the benefit must go to the examining authority and not to the candidate.
- Applying these principles, the Court held that the High Court had examined the so-called dubious questions across different disciplines as if it were an expert of experts, thereby exceeding the jurisdiction of a judicial review court in interfering with the decision of experts in the academic field.
- The Court underscored that judicial review in such matters is directed at the legality of the decision-making process and not at a reassessment of academic determinations on merits, so the directions issued were indefensible.
- Noting that the impugned order had been stayed and never implemented, and that fresh examinations must have been held in the intervening nine years with the respondents evidently having lost interest, the Court set aside the impugned order and allowed the appeal.

Key Takeaway for CLAT Aspirant

- **Judicial Review- Meaning and Constitutional Basis:** Judicial review is the power of courts to examine the legality of legislative and executive action for conformity with the Constitution. It draws support from Article 13, which renders laws inconsistent with fundamental rights void, and from Articles 32 and 226, which make the Supreme Court and High Courts the guarantors of those rights; it is recognised as part of the basic structure of the Constitution.
- **Legality of Process Distinguished from Merits of Decision:** Judicial review is concerned with the manner in which a decision is reached and not with the correctness of the decision itself. A court sits in review, not in appeal, and cannot substitute its own conclusion for that of the authority statutorily entrusted with the decision.
- **Grounds of Judicial Review of Administrative Action:** Administrative action is reviewable on the grounds of illegality, irrationality and procedural impropriety, along with mala fides, absence of jurisdiction and violation of natural justice. Absent such a vice, an administrative determination stands

even if the court might have decided differently.

- **Deference to Expert Bodies in Academic Matters:** Courts lack the specialised competence to evaluate academic questions and answer keys, and such matters are best left to academics. Interference is permissible only where a material error is demonstrated clearly and without any process of inference or rationalisation, and even then only in rare cases.
- **Presumption of Correctness of the Answer Key:** The key answers framed by an examining authority carry a presumption of correctness, and the burden lies wholly on the candidate to displace it. Where a genuine doubt persists, the benefit goes to the examining authority rather than to the candidate, so as to protect the integrity and finality of the selection process.
- **Article 315 and 320 Public Service Commissions:** Article 315 provides for a Public Service Commission for the Union and for each State, and Article 320 entrusts them with the duty of conducting examinations for appointments to the public services. Article 316 governs appointment and tenure of members and Article 317 their removal, the scheme being designed to secure the independence and impartiality of these bodies.
- **Articles 14 and 16 Equality and Fairness in Public Employment:** Article 14 guarantees equality before law and Article 16 guarantees equality of opportunity in matters of public employment. Articles 14 and 16 require fairness and non-arbitrariness in public recruitment; courts must also consider the effect of relief upon the selection process and other candidates.
- **Article 226 and Article 136 Writ and Appellate Jurisdiction:** Article 226 confers wide power on High Courts to issue writs for enforcement of fundamental rights and for any other purpose, while Article 136 vests discretionary power in the Supreme Court to grant special leave against any order of any court or tribunal. The width of these powers does not enlarge the permissible grounds of interference in expert determinations.
- **Statutory Scheme and the Objection Mechanism in Recruitment:** Where a statute or set of regulations prescribes a procedure for publication of a provisional answer key, invitation of objections and their consideration by experts, that internal mechanism is the primary remedy for aggrieved candidates. A court will ordinarily not go behind a determination arrived at through the prescribed procedure.
- **Delay, Laches and Finality of Selection Processes:** Relief in service and recruitment matters is discretionary, and inordinate delay in prosecuting a challenge weighs against interference. Once subsequent selection cycles have been completed and third-party rights have crystallised, courts are reluctant to unsettle a concluded process, finality being essential to orderly public administration.



Practice Questions

1. A recruitment authority publishes a provisional answer key under its regulations, invites objections, and has those objections examined by experts before issuing the final key. Rohan did not raise any objection during the prescribed period but later approaches the High Court challenging an answer already considered through that process. Which position best accords with the applicable principle?
 - (a) Rohan may bypass the prescribed objection process and seek fresh judicial evaluation of the answer.
 - (b) The court should ordinarily respect the determination reached through the prescribed expert procedure.
 - (c) Failure to object is irrelevant because every disputed answer must be independently examined by the court.
 - (d) The final key loses its effect once a candidate raises an academic disagreement before the High Court.

2. During a public recruitment process, two candidates standing on the same footing are treated differently without any fair or non-arbitrary basis, affecting their opportunity for appointment. Which constitutional position best applies?
 - (a) The recruitment decision is insulated because equality principles do not govern selection procedures.
 - (b) Only Article 14 applies because Article 16 has no connection with public employment.
 - (c) Articles 14 and 16 require fairness and non-arbitrariness in the recruitment process.
 - (d) Article 16 permits unequal treatment whenever the recruiting authority considers it convenient.

3. Consider the following statements:
 - i. Administrative action may be reviewed for illegality and irrationality.
 - ii. Procedural impropriety is a recognised ground of judicial review.
 - iii. A court may interfere merely because it would have reached a different conclusion.
 - iv. Absence of jurisdiction may justify judicial review of administrative action.Which of the above statements are correct?
 - (a) Statements i and iii only
 - (b) Statements ii and iv only
 - (c) Statements i, ii and iv only
 - (d) Statements i, iii and iv only

4. Analyze the situations below and determine which situation would most clearly justify judicial interference with an expert body's answer key.
 - (a) Aarav prefers another answer but cannot demonstrate any identifiable error in the official key.
 - (b) Meera relies on an interpretation requiring several inferential steps to challenge the expert answer.
 - (c) Vikram shows a material error in the key that is evident without inference or rationalisation.
 - (d) Nisha argues that her preferred academic view should replace the examining authority's chosen answer.

5. Which Article entrusts Public Service Commissions with conducting examinations for public service appointments?

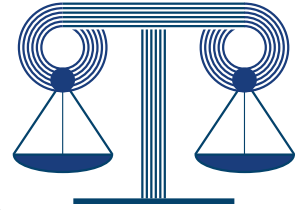


- (a) Article 315
- (b) Article 316
- (c) Article 317
- (d) Article 320



SUPREME COURT

Landmark Judgements



7 Enquiry Necessary Before Dismissal for Suppression of Criminal Antecedents

Background

- The appellant was appointed as Technician (Process) by the Fertilizers and Chemicals Travancore Ltd. on 5 May 2021 on consolidated pay for an initial tenure of two years, and at the time of joining submitted an attestation form declaring that no criminal case was pending against him.
- On verification sought from the District Magistrate, it was disclosed by letter dated 22 March 2022 that a Non-Cognizable Report dated 3 April 2019 stood registered against him under Sections 323 and 504 of the Indian Penal Code, 1860, whereupon a show cause notice was issued on 30 April 2022 calling upon him to explain why his services should not be terminated for furnishing false information.
- The appellant replied that he had acted bona fide and had no knowledge of the report, having received no summons and never been arrested, relying on a certificate of the Superintendent of Police dated 9 July 2020 recording no adverse entry against him, and later on a certificate confirming that his name had been deleted from the array of accused as no evidence was found.
- Dissatisfied with the replies, the employer issued a termination letter on 5 August 2023 cancelling his appointment, without enquiring into the truth of the alleged suppression or recording why his continuation in service was not feasible.
- The Kerala High Court declined interference, the Single Judge holding that the plea of ignorance raised a disputed question of fact requiring proof

Case Details

- Case Title:** Shatrughn Yadav v. The Fertilizers and Chemicals Travancore Ltd. (F.A.C.T.) and Others
- Citation:** SLP (Civil) No. 7197 of 2026 | 2026 LiveLaw (SC) 789
- Bench** Justice Sanjay Karol and Justice Augustine George Masih

Issue Before the Court

- Whether the writ petition was maintainable despite the availability of an alternative remedy and the alleged existence of disputed questions of fact.
- Whether a candidate can be held guilty of suppression of criminal antecedents where the antecedent was not within his knowledge at the time of making the declaration.
- What enquiry an employer must undertake before terminating an employee on the ground of suppression of information regarding criminal antecedents.
- Whether the termination of the appellant was permissible in law in the given facts and circumstances.

and the Division Bench concurring; before the Supreme Court the employer additionally contended that the appellant ought to have exhausted the remedy under the Industrial Disputes Act, 1947 and that he was on probation when terminated.

Judgement of the Court

- On maintainability, the Court held that the existence of an alternative remedy is not an absolute bar to the exercise of writ jurisdiction, particularly where the challenge is directed at the legality of the termination order itself.
- On the settled position, the Court held that an order of termination must not be mechanical but must have regard to the form of suppression, the outcome of the criminal case, the nature of the employment and of the offence, and any special circumstances, so that termination is never an automatic consequence of the existence or disclosure of criminal antecedents.
- The Court laid down a two-pronged enquiry: the first prong is factual, namely whether there was in truth any suppression or furnishing of false information having regard to the candidate's knowledge at the relevant time and the circumstances of the declaration; the second requires the authority to apply its mind to the type of suppression, the nature of the allegations, the role and gravity of the offence, the nature of the post and duties attached to it, and the eventual outcome of the criminal proceedings, before concluding that continuation in service is not feasible. Only where both stages are undertaken is a termination sustainable.
- On the first prong, the Court held that knowledge of a fact is a necessary prerequisite for its non-disclosure, since suppression presupposes awareness of what is concealed, and it would be illogical and unjust to hold a candidate liable for withholding information never within his knowledge; it added, however, that the onus lies on the candidate to establish bona fide ignorance by cogent material, a bare plea of ignorance being insufficient, else the requirement of disclosure would be rendered illusory.
- Applying this, the Court found the appellant's consistent claim substantiated by the police character certificate issued after the date of the report, by the certificate recording deletion of his name after investigation, and by the absence of any summons, arrest or questioning; the contention that he must have known because his parents were also named was held to be mere surmise unsupported by material.
- On the second prong, the authorities had granted opportunity but undertaken no such enquiry, proceeding on the presumption that a criminal antecedent automatically rendered the appellant ineligible, without findings on the nature of the offence, its impact on the post, or his subsequent discharge; the termination therefore failed on both prongs and was illegal and without application of mind, and the Court directed reinstatement with all consequential benefits, back wages restricted to fifty per cent payable within eight weeks failing which interest at six per cent per annum would run.

Key Takeaway for CLAT Aspirant

- **Suppressio Veri and Suggestio Falsi:** Suppressio veri is the suppression of a material fact and suggestio falsi the assertion of what is false. Both presuppose awareness on the part of the person

- making the declaration, so before a candidate is held guilty of either, knowledge of the concealed fact must be attributable to him.
- **Verification and Attestation Forms in Public Employment:** A candidate must furnish true information about conviction, acquittal, arrest or pendency of a criminal case, whether asked before or after entry into service. The form must be specific and not vague, and only information specifically called for can form the basis of an allegation of suppression.
- **Burden and Onus of Proof:** While the employer must establish deliberate suppression, the onus of proving bona fide ignorance rests on the candidate who pleads it, and must be discharged by cogent and reliable material. This allocation prevents the disclosure requirement from being defeated by a bare assertion of ignorance.
- **Non-Arbitrariness under Article 14:** State action in matters of employment must be reasonable, objective and free from arbitrariness. A mechanical order that treats the mere existence of a criminal antecedent as automatic disqualification, without weighing the gravity of the offence and its bearing on the post, violates this guarantee.
- **Application of Mind and Reasoned Orders:** An administrative authority must consider the relevant material, exclude the irrelevant, and record reasons disclosing the basis of its conclusion. An order founded on presumption rather than enquiry is liable to be struck down as being without application of mind.
- **Article 311 Confirmed Employee and Requirement of Enquiry:** A civil servant cannot be dismissed, removed or reduced in rank without an inquiry affording a reasonable opportunity of being heard. In the wider field of public employment, a confirmed employee likewise cannot be terminated for suppression without a departmental enquiry, though the standards differ for probationers and temporary appointees.
- **Article 226 Writ Jurisdiction and Alternative Remedy:** The rule requiring exhaustion of alternative remedies is one of self-imposed restraint and not a rule of jurisdiction. A High Court may entertain a writ petition despite an available statutory remedy, particularly where the legality of the impugned order, a violation of fundamental rights, or a breach of natural justice is in question.
- **Sections 323 and 504, Indian Penal Code, 1860:** Section 323 punishes voluntarily causing hurt and Section 504 punishes intentional insult with intent to provoke breach of the peace, both being minor, non-heinous offences not involving moral turpitude. The corresponding provisions now appear in the Bharatiya Nyaya Sanhita, 2023, which has replaced the Penal Code.
- **Non-Cognizable Offences and Reports:** In a non-cognizable case the police can neither register a first information report in the ordinary course nor investigate or arrest without the order of a Magistrate. A Non-Cognizable Report may therefore be recorded without the person named ever being summoned, questioned or arrested, which bears directly on whether he could have known of it.
- **Proportionality, Gravity of Offence and Nature of the Post:** The consequence visited upon an employee must bear a reasonable relation to the gravity of the lapse. The yardstick varies with the nature of the post and the duties attached to it, a trivial or petty offence, a clean acquittal, or a discharge after investigation calling for a materially different response from a serious charge or multiple pending cases.



Practice Questions

1. Aarav applies for a government post and truthfully answers the verification form according to his knowledge. The form specifically asks whether any criminal case is pending against him. An old Non-Cognizable Report names Aarav, but he was never summoned, questioned or arrested and there is no material showing that he knew of the report. The employer later accuses him of suppressing the case. Which position is legally sustainable?

- (a) Suppression is established because the report existed when Aarav completed the form.
- (b) Aarav is guilty because every omission in a verification form amounts to suggestio falsi.
- (c) The employer need not establish awareness once information sought by the form is omitted.
- (d) Suppression cannot be established unless knowledge of the concealed fact is attributable to Aarav.

2. Meera, a confirmed public employee, is terminated for alleged suppression of information without being given an opportunity of hearing. A statutory appellate remedy is available, but she approaches the High Court under Article 226 alleging breach of natural justice. Which position best reflects the applicable rule?

- (a) The High Court may entertain the writ despite the alternative remedy in such circumstances.
- (b) The High Court lacks jurisdiction until Meera exhausts every statutory remedy available.
- (c) Article 226 becomes available only after the statutory appellate authority refuses relief.
- (d) Availability of an alternative remedy automatically bars examination of natural justice claims.

3. Consider the following statements:

- i. Dismissal is one of the civil-service consequences addressed by Article 311(2).
- ii. Removal is also one of the consequences addressed by Article 311(2).
- iii. Reduction in rank is also covered by Article 311(2).
- iv. Compulsory retirement in public interest is one of those three consequences.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly call for a materially different response from automatic termination on the ground of criminal antecedents.

- (a) Rohan faces several serious pending cases bearing upon the duties of the post sought.
- (b) Kavya had one minor Section 323 case ending in a clean acquittal and no other antecedent.
- (c) Vikram faces a serious charge closely connected with the responsibilities of the post.
- (d) Arjun deliberately conceals multiple serious pending cases relevant to his public duties.

5. Which provision of the Indian Penal Code, 1860 punishes intentional insult intended to provoke breach of the peace?

- (a) Article 14



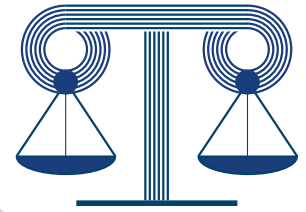
- (b) Section 323
- (c) Article 226
- (d) Section 504





SUPREME COURT

Landmark Judgements



8

Section 9 Application by Unsuccessful Party Maintainable in Exceptional Cases

Background

- Under a Memorandum of Understanding dated 16 August 2002 for construction of bus terminals and development of the Taj Trapezium Zone Heritage Corridor at Agra, the appellant provided the respondent ₹3.5 crores as mobilisation advance in December 2002 against bank guarantees issued by Canara Bank.
- On disputes arising and arbitration being invoked, the respondent filed an application under Section 9 of the Arbitration and Conciliation Act, 1996 to restrain encashment of the guarantees, which was disposed of on 15 December 2005 recording the appellant's statement that it would not invoke the guarantees provided they were kept alive until the award became enforceable, and that it could invoke them only if the arbitrator found it entitled to recover the amount.
- The respondent failed to keep the guarantees alive, and the appellant encashed them in September 2017; a Section 9 application filed thereafter was disposed of on 1 November 2017 holding that there was no fault in the appellant's conduct.
- The arbitrator passed the award on 5 December 2017 dismissing the respondent's claims in their entirety, without the appellant having filed any counter claim, without any finding that the mobilisation advance was unutilised, and apparently unaware that the guarantees already stood encashed.
- The respondent challenged the award under Section 34 and, during its pendency, filed a fresh

Case Details

Case Title: National Projects Construction Corporation Ltd. v. Ishvakoo (India) Pvt. Ltd.

Citation: Civil Appeal No. 5819 of 2025 | 2026 LiveLaw (SC) 791

Bench Justice K.V. Viswanathan and Justice Alok Aradhe

Issue Before the Court

- Whether an application under Section 9 of the Arbitration and Conciliation Act, 1996 at the post-award stage is maintainable at the instance of an unsuccessful party or award debtor holding no enforceable award.
- What threshold and guiding principles govern the grant of interim relief where such an application is moved by an award debtor.
- Whether the courts below were justified in directing the appellant to deposit ₹3.5 crores in the Registry pending disposal of the Section 34 application.

Section 9 application; the Single Judge of the Delhi High Court directed the appellant to deposit ₹3.5 crores with the Registry in an interest bearing fixed deposit, and the Division Bench upheld that order, prompting the award holder to appeal to the Supreme Court.

Judgement of the Court

- The Court held that the maintainability of a post-award Section 9 application by an award debtor is no longer *res integra*, since Sections 34 and 36 provide remedies against the award or a stay of it while Section 9 protects the subject matter or amount in dispute, so denying that remedy to an unsuccessful party would leave it without any forum for protection.
- It cautioned, however, that the threshold for granting relief to an unsuccessful party is significantly higher, and that only in rare and compelling cases may such a party invoke Section 9 to prevent irreparable prejudice and preserve the efficacy of the challenge under Section 34.
- Relief under the residuary just and convenient clause in Section 9(1)(ii)(e) must be guided by the settled principles of a good *prima facie* case, balance of convenience, likelihood of irreparable injury and approach with reasonable expedition, exercised judiciously rather than arbitrarily and in a manner that promotes the efficacy of arbitration; the court is guided by, but not rigidly bound by, the rigours of Order XXXVIII Rule 5 and Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908.
- Applying these tests, the Court noted that the 2005 order permitted invocation of the guarantees only if the arbitrator found the appellant entitled to recover, that no counter claim was filed, that the issues decided by the arbitrator concerned only bank charges while the issue of discharge of the guarantees remained unaddressed, and that the arbitrator was oblivious to the prior encashment.
- Since *prima facie* there was neither a counter claim nor any finding of non-utilisation of the mobilisation advance, permitting the appellant to retain the money pending the Section 34 proceedings would unjustly enrich it and run contrary to the 2005 order, the earlier order of 1 November 2017 being no bar as the present proceedings arose from a distinct post-award Section 9 application.
- Holding that the High Court had exercised its jurisdiction judiciously on the parameters of *prima facie* case, balance of convenience, irreparable prejudice and expedition, the Court dismissed the appeal, granted four weeks to deposit ₹3.5 crores with the Registry to be held in a fixed deposit on auto-renewal until disposal of the Section 34 application, and clarified that its observations would not influence the decision on merits.

Key Takeaway for CLAT Aspirant

- **Section 9, Arbitration and Conciliation Act, 1996:** A party may apply to a court for interim measures before the commencement of arbitral proceedings, during their pendency, or after the making of the award but before its enforcement under Section 36. The reliefs include preservation, interim custody or sale of goods, securing the amount in dispute, detention or inspection of property, interim injunctions and appointment of receivers.
- **Section 9(1)(ii)(e) The Residuary Just and Convenient Clause:** Beyond the specific reliefs enumerated,

- the provision confers a residuary power to grant such other interim measure of protection as appears just and convenient. The discretion is wide but must be exercised judiciously, with due regard to the underlying purpose of promoting arbitration as an effective mode of dispute resolution.
- **Guiding Principles for Interim Relief:** The applicant must show a good prima facie case, that the balance of convenience favours the relief, that irreparable injury would otherwise result, and that the court was approached with reasonable expedition. Balance of convenience is assessed by weighing the consequences of refusal if the applicant ultimately succeeds against the consequences of grant if it ultimately fails.
- **Relationship with the Code of Civil Procedure, 1908:** The principles of Order XXXVIII Rule 5 on attachment before judgment and Order XXXIX Rules 1 and 2 on temporary injunctions inform the exercise of power under Section 9, but their strict procedural rigours cannot be applied so as to defeat relief that serves the paramount interests of justice. A balance must be struck in the facts of each case.
- **Section 34 Challenge to an Arbitral Award:** An award may be set aside only on the limited grounds specified, such as incapacity of a party, invalidity of the agreement, want of proper notice, matters beyond the scope of submission, irregular composition or procedure, non-arbitrability, or conflict with the public policy of India. The court exercising this jurisdiction does not sit in appeal or reappreciate the merits.
- **Section 36 Enforcement and Stay of an Award:** An award becomes enforceable as a decree once the time for challenge expires or the challenge is rejected, and the filing of a Section 34 application does not by itself render it unenforceable. A separate application is needed, and the court may grant a stay on such conditions as it deems fit, including deposit of the awarded amount.
- **Doctrine of Unjust Enrichment and Section 70, Indian Contract Act, 1872:** No person may retain a benefit received at another's expense without legal justification, and the law obliges restitution of money held without a lawful basis. Retention of encashed sums in the absence of any adjudicated entitlement or counter claim in the retaining party's favour is a paradigm case of enrichment without justification.
- **Bank Guarantees, Mobilisation Advance and Their Invocation:** A bank guarantee is an independent contract between the bank and the beneficiary, ordinarily encashable on demand and free from injunction save in cases of established fraud or irretrievable injustice. Where a court order permits invocation only upon a specified contingency, that condition governs, and a mobilisation advance secured by such guarantees remains repayable only to the extent unutilised.
- **Counter Claim and Absence of an Adjudicated Entitlement:** A respondent in arbitration who seeks a monetary entitlement must raise it by way of a counter claim, since dismissal of the claimant's claims yields no positive award in the respondent's favour. Without an executable award or a counter claim, there exists no adjudicated amount justifying retention of funds already realised.
- **Res Integra and Judicial Discipline in Interim Orders:** A question already settled by authoritative pronouncement is no longer res integra and binds subsequent benches. Findings recorded while deciding an interim application are tentative and prima facie only, and cannot influence or foreclose the final adjudication of the main proceeding.



Practice Questions

1. An arbitral tribunal makes an award in favour of Kavya. Rohan files an application under Section 34 challenging the award but does not seek any separate order staying its enforcement. Kavya proceeds to enforce the award after the statutory conditions for enforcement are satisfied. Rohan argues that his Section 34 challenge itself prevents enforcement. Which position is legally sustainable?
 - (a) Enforcement must stop automatically once a Section 34 application is filed.
 - (b) The award remains enforceable unless Rohan obtains a separate stay from the court.
 - (c) Kavya must wait until every possible challenge to the award has been exhausted.
 - (d) Filing under Section 34 converts the award into an unenforceable interim determination.

2. A bank guarantee issued in favour of Meera is otherwise payable on demand. However, an existing court order permits Meera to invoke it only if Aarav fails to satisfy a specified contingency. Before that contingency occurs, Meera demands payment from the bank. Which position best reflects the applicable rule?
 - (a) The bank must honour the demand because every bank guarantee is payable regardless of court orders.
 - (b) Aarav can restrain invocation only by proving that the underlying contract itself is invalid.
 - (c) The court order is irrelevant because the guarantee remains independent of the main contract.
 - (d) Meera cannot invoke the guarantee before the contingency specified by the court has occurred.

3. Consider the following statements:
 - i. Invalidity of the arbitration agreement may constitute a ground for setting aside an award.
 - ii. Want of proper notice may constitute a ground for setting aside an award.
 - iii. An award may be set aside merely because the court would have reached a different conclusion on the evidence.
 - iv. Conflict with the public policy of India may constitute a ground for setting aside an award.Which of the above statements are correct?
 - (a) Statements i, ii and iv only
 - (b) Statements i and iii only
 - (c) Statements ii, iii and iv only
 - (d) Statements i, ii and iii only

4. Analyze the situations below and determine which applicant would most clearly satisfy the guiding principles for interim relief under Section 9 of the Arbitration and Conciliation Act, 1996.
 - (a) Priya seeks an injunction despite substantial delay and shows no likely injury from refusal.
 - (b) Vikram shows a possible claim but cannot establish that the balance of convenience favours protection.
 - (c) Meera promptly approaches the court, shows a strong prima facie case and demonstrates likely irreparable injury.
 - (d) Arjun seeks interim protection solely because arbitral proceedings have commenced, without showing prejudice.

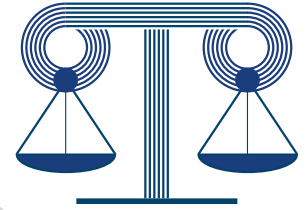
5. Which provision of the Indian Contract Act, 1872 is identified with restitution for unjust enrichment in the supplied material?

- (a) Section 70
- (b) Section 9
- (c) Section 34
- (d) Section 36



SUPREME COURT

Landmark Judgements



9

Speedy Trial is also a Right of the Victim

Background

- The appellant, brother of the deceased Raghvendra Singh, lodged an FIR on 30 September 2023 alleging that the deceased had been beaten to death with lathis, stones and metal rods, and charge sheets were filed against seven accused under Sections 147, 323, 302, 427, 504 and 506 of the Indian Penal Code, 1860, the case being committed as Session Trial No. 934 of 2023.
- Separately, on the basis of a gang chart prepared in November 2023, an FIR was lodged on 1 January 2024 under Section 2(b)(i) of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 against the same accused, and a Gangsters Act sessions trial was registered in 2024.
- Charges in the murder trial were framed on 26 February 2024, the prosecution completed its evidence by 8 January 2025 and recording of statements under Section 313 of the Code of Criminal Procedure, 1973 was scheduled, when on 18 January 2025 the accused applied to keep the trial in abeyance relying on Section 12 of the Gangsters Act.
- The Additional District and Sessions Judge, Lalitpur, dismissed the application on 3 March 2025, noting that the murder trial was nearly complete while the Gangsters Act trial had not even begun, so no clash of dates arose; on revision, the Allahabad High Court reversed this on 25 August 2025 and directed the sessions trial to be kept in abeyance while expediting the Gangsters Act trial.
- The de facto complainant appealed to the Supreme Court, which by interim order dated 13 April 2026 stayed the High Court's order and directed the trial to proceed, pursuant to which the

Case Details

- Case Title:** Keshvendra Singh v. Shankar Singh and Anr.
- Citation:** Special Leave Petition (Crl.) No. 2815 of 2026 | 2026 LiveLaw (SC) 815
- Bench** Justice K.V. Viswanathan and Justice Arun Palli

Issue Before the Court

- Whether Section 12 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 requires all other criminal proceedings against an accused to remain frozen until the trial under that Act is concluded.
- Whether the High Court was justified in directing the murder trial to be kept in abeyance and the Gangsters Act trial to be expedited.
- Whether the right to a speedy trial under Article 21 of the Constitution enures only to the accused or also to the victim.

sessions court concluded the trial and convicted all the accused under Section 302 of the IPC and other provisions.

Judgement of the Court

- Examining Section 12, which gives the trial before a Special Court precedence over the trial of any other case against the accused in any other court, the Court held that its purpose was never to freeze other proceedings until the Gangsters Act trial concluded, but only to accord priority in the event of a clash of dates so that the Special Court trial does not linger.
- The provision emphasises speedy trial rather than its denial, and is designed so that an accused does not have to face two trials simultaneously; the Special Court is in any event empowered to try other offences with which the accused may be charged at the same trial.
- Reading Section 12 harmoniously with Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023, which reproduces Section 309 of the Code and mandates day-to-day continuation of proceedings with stringent restrictions on adjournments, reinforced the conclusion that only priority in the event of a clash of dates is contemplated.
- The Court held that the right to speedy trial under Article 21 is not the prerogative of the accused alone but a valuable right of the victim, since inordinate delay has a deleterious effect on society, causes acute suffering to the victim, and makes preservation of evidence difficult as witnesses become reluctant and memories fade.
- Accepting the accused's construction would render Section 12 ultra vires Article 21 and would furnish a handle to delay every other case under the pretext of a pending Gangsters Act proceeding, an interpretation that would make a mockery of the judicial process and could not be countenanced.
- On the facts, no clash of dates existed since the Gangsters Act trial had not begun when the murder trial was at the stage of Section 313 statements, and the High Court, despite noticing the correct legal position, recorded a contradictory conclusion; the impugned order was accordingly set aside and the appeal allowed, the conviction already recorded pursuant to the interim order standing.

Key Takeaway for CLAT Aspirant

- **Article 21 and the Right to Speedy Trial:** The right to a speedy trial is not expressly enumerated but has been read into the guarantee of life and personal liberty under Article 21. It extends to every stage of a criminal case, from investigation and inquiry through trial, appeal, revision and retrial.
- **Victim's Right to Speedy Trial:** The right is not the exclusive preserve of the accused, and delay causes acute suffering and denial of closure to the victim as much as to the accused. Delay also advantages a guilty person, since witnesses turn reluctant, memories fade and evidence is lost.
- **No Rigid Time Limit: Case-by-Case Assessment:** There is no uniform outer limit for the conclusion of a criminal trial, and the reasonableness of delay is judged on the length of delay, the reasons for it, the conduct of the accused and the prosecution, the complexity of the case, the number of accused and witnesses, and the prejudice caused.
- **Section 346, Bharatiya Nagarik Suraksha Sanhita, 2023:** Corresponding to Section 309 of the Code of Criminal Procedure, 1973, it requires that an inquiry or trial proceed from day to day until all witnesses

- in attendance are examined, permits adjournment only for reasons recorded, caps remand at fifteen days at a time, and bars adjournment merely because counsel is engaged elsewhere.
- **Section 12, U.P. Gangsters Act, 1986- Precedence, Not Suspension:** The provision accords precedence to a trial before the Special Court over the trial of any other case against the accused in any other court. It operates only to resolve a clash of dates so that the Special Court trial is not delayed, and cannot be read as suspending all other prosecutions until it concludes.
- **Harmonious Construction of Statutes:** Where two provisions appear to conflict, courts must construe them so that both are given effect rather than allowing one to defeat the other. Reading Section 12 alongside the mandate of day-to-day trial produces a construction under which each provision retains meaning.
- **Presumption of Constitutionality and Reading Down:** A statute is presumed valid, and where one of two possible constructions would render a provision unconstitutional, courts adopt the construction that saves it. An interpretation enabling indefinite postponement of trials would have rendered the provision ultra vires Article 21 and was therefore rejected.
- **Special Courts and Special Criminal Legislation:** Special statutes create dedicated forums with exclusive jurisdiction over the offences they define, and may empower such courts to try connected offences under general law at the same trial. This mechanism is meant to accelerate adjudication of grave offences, not to furnish accused persons with a device for delay.
- **Section 313, CrPC: Examination of the Accused:** After the prosecution evidence is closed, the court must put to the accused the circumstances appearing against him so that he may personally explain them. It is a vital stage flowing from the principle of fair hearing, and its scheduling marks the trial as being at an advanced stage.
- **Locus Standi of the Victim and Complainant:** A victim or de facto complainant is not a mere bystander in the criminal process and may assail orders that prejudice the progress of the prosecution. Modern criminal procedure recognises the victim's participatory rights, including the statutory right to appeal against acquittal, conviction for a lesser offence, or inadequate compensation.



Practice Questions

1. A criminal trial against Rohan has remained pending for several years. Some delay arose from the complexity of the case and the large number of witnesses, while part of it resulted from repeated adjournments sought by both sides. Rohan argues that the trial must automatically be terminated because it has crossed a fixed number of years. Which position is legally sustainable?
 - (a) The trial must end once any prolonged period has elapsed, irrespective of its cause.
 - (b) Delay attributable partly to Rohan can never be considered while examining prejudice.
 - (c) No rigid outer limit applies; the reasonableness of delay must be assessed on the relevant circumstances.
 - (d) Only the number of years elapsed is relevant when deciding whether the right has been violated.
2. During a criminal trial, several prosecution witnesses are present in court. Defence counsel seeks an adjournment solely because he is appearing in another court that day. No other reason is shown. How should the request be treated under Section 346 of the Bharatiya Nagarik Suraksha Sanhita, 2023?
 - (a) The adjournment should not be granted merely because counsel is engaged elsewhere.
 - (b) The adjournment must be granted whenever defence counsel seeks accommodation.
 - (c) The witnesses should be discharged and recalled whenever counsel becomes available.
 - (d) The trial may be postponed without reasons if another professional engagement is shown.
3. Consider the following statements:
 - i. The right to speedy trial is not the exclusive preserve of the accused.
 - ii. Delay in criminal proceedings may cause acute suffering to the victim.
 - iii. Prolonged proceedings may deny the victim a sense of closure.
 - iv. The consequences of delay are legally relevant only to the accused and not to the victim.Which of the above statements are correct?
 - (a) Statements i and iv only
 - (b) Statements ii and iv only
 - (c) Statements i, ii and iv only
 - (d) Statements i, ii and iii only
4. Analyze the situations below and determine which situation would most clearly violate the proper interpretation of Section 12 of the U.P. Gangsters Act, 1986.
 - (a) A Special Court trial is given priority when its hearing date clashes with another criminal case.
 - (b) Every other prosecution against the accused is indefinitely halted until the Special Court trial ends.
 - (c) The other criminal case proceeds on dates that do not interfere with the Special Court proceedings.
 - (d) The courts adjust conflicting dates so that the Special Court trial receives precedence.
5. Which provision requires examination of the accused after prosecution evidence is closed?
 - (a) Section 346, BNSS
 - (b) Section 12, U.P. Gangsters Act
 - (c) Section 313, CrPC
 - (d) Article 21

Their Next Chapter



NLSIU - Bengaluru

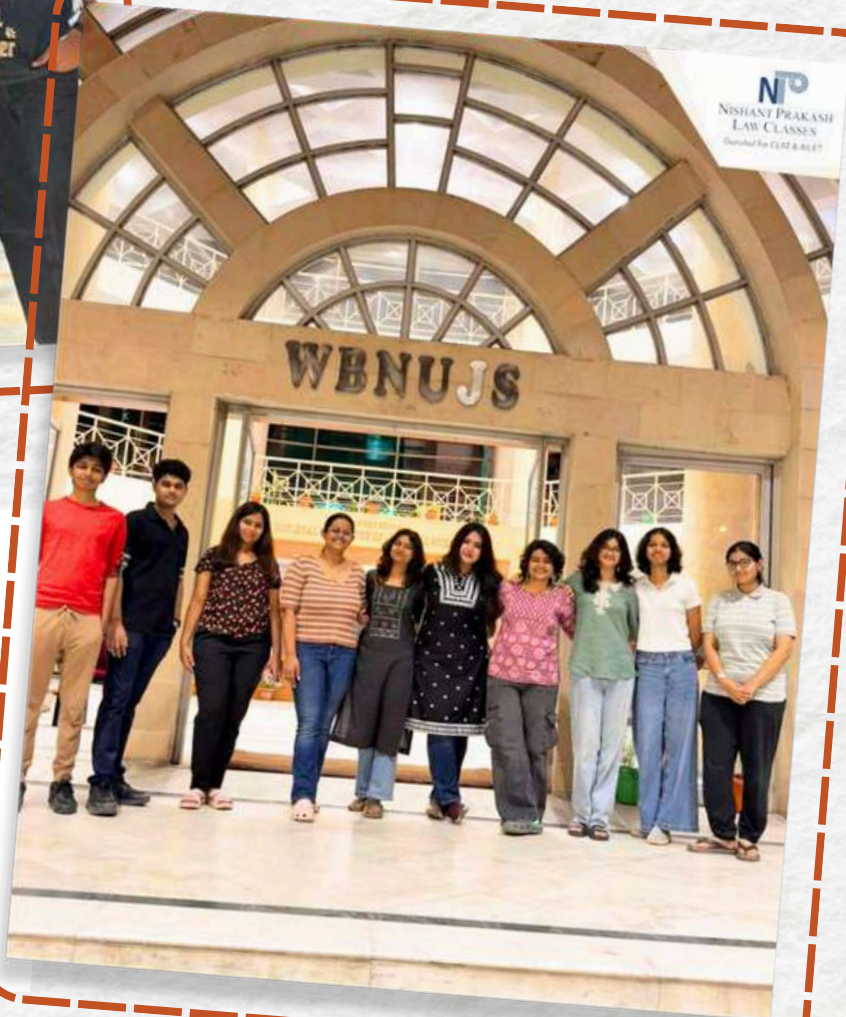
(Left to Right)

**Daiwik 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)

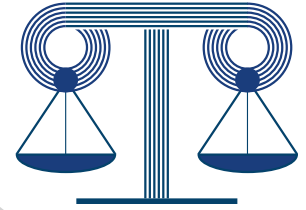
**Vivaan Mehta
Khushi Gaur
Maahi Yadav
Shefali Talwar
Kaustubh Anand**





SUPREME COURT

Landmark Judgements

**10**

Supreme Court Reduces Practice Requirement for Judicial Service To 1 Year

Background

- The requirement of a minimum period of practice at the Bar for entry into the judicial service was first mandated in 1993, when the Court, drawing upon Articles 233(2), 217(2)(b) and 124(3)(b), directed all States to prescribe three years of practice as an essential qualification for recruitment at the lowest rung; that requirement was undone in 2002 on the recommendation of the First National Judicial Pay Commission, which reasoned that the evolution of legal education and intensive induction training made prior practice unnecessary.
- By judgment dated 20 May 2025, the Court restored the requirement, directing by direction (vii) that candidates possess three years of practice certified in the prescribed manner, that experience as a Law Clerk with any Judge be counted, and that selected candidates undergo at least one year of training before presiding, direction (viii) requiring the period to be computed from provisional enrolment with the State Bar Council.
- Bhumika Trust, an entity representing several hundred persons with disabilities, filed a writ petition seeking dispensation of the requirement for the candidates it represents; three review petitions were filed seeking recall of directions (vii) and (viii), and interlocutory applications sought that time spent in higher legal education be counted towards the prescribed period.
- The Court called for the views of all High Courts, Law Universities and National Law Schools, and by

Case Details

Case Title: Bhumika Trust v. Union of India and Others (with connected Review Petitions in Writ Petition (C) No. 1022 of 1989)

Citation: Writ Petition (C) No. 1110 of 2025 with Review Petitions (C) Nos. 420 and 421 of 2026 | 2026 INSC 904

Bench: Chief Justice Surya Kant and Justice Augustine George Masih (majority, judgment authored by the Chief Justice), Justice K. Vinod Chandran (dissenting)

Issue Before the Court

- Whether the judgment restoring the requirement of prior practice suffers from an error apparent on the face of the record warranting exercise of the review jurisdiction.
- Whether prior exposure to the working of courts is a necessary precondition for entry into the judicial service.

interim orders extended the last dates for submission of applications in recruitment processes already advertised.

- The petitioners contended that the requirement bore no reasonable nexus with the object sought, that the quality of practice varies with chamber, court and financial circumstances, that it operated as a disincentive and delayed career progression, and that it bore disproportionately upon women, persons with disabilities and economically weaker candidates; a large majority of High Courts favoured a uniform condition without category-wise exemption, while most Law Universities favoured a shorter period reinforced by structured post-selection training, and the amicus curiae placed four alternative courses before the Court.

Judgement of the Court

- The majority declined to reconsider the foundational premise of the judgment under review, holding that a Civil Judge deals from the very first day with questions of life, liberty, property and reputation, and that exposure to the atmosphere of the court cultivates judicial temperament, patience, empathy, courtroom discipline and an appreciation of the respective roles of the Bench and the Bar, which neither knowledge derived from books nor pre-service training can wholly supply.
- It distinguished two questions often conflated, namely whether an aspirant should be familiar with the functioning of courts, answered in the affirmative, and whether every aspect of judicial competence must be acquired before the examination through conventional practice, answered in the negative, holding that a requirement of experience must bear a reasonable relationship to the object it seeks to achieve and that the mere passage of time at the Bar is an unreliable measure, since the quality of practice depends on the chamber, the court, the availability of a mentor and the candidate's financial circumstances.
- The Court noted that the judgment under review had itself recognised this by directing that Law Clerk experience be counted, that Judicial Academies now exist across the country and can impart in structured form the very skills a young advocate acquires unevenly, and that the 2002 decision had likewise contemplated training of not less than one year and preferably two.
- On the burden of the transition, it held that the restoration had altered the position that had held the field for over two decades and had severely affected candidates who had planned their education on the earlier framework, the burden falling unevenly upon those without professional networks or financial support, upon women facing social and familial constraints, and upon persons with disabilities who face difficulty in obtaining meaningful opportunities at the Bar; it

- Whether such exposure must necessarily be acquired through three years of conventional practice at the Bar before the competitive examination, or may be secured through a combination of practice, institutional training and supervised clerkship.
- Whether the period spent in pursuing higher legal education can be counted towards the prescribed period of practice.
- Whether a separate or relaxed eligibility regime ought to be carved out for persons with disabilities and other disadvantaged categories.
- Whether the sudden restoration of the requirement, without any transitional arrangement, calls for a limited intervention in the manner of its implementation.

- nevertheless declined to create separate eligibility regimes for each category, agreeing with the High Courts that fragmented standards should be avoided, and rejected the plea that higher legal education be counted as practice.
- Devising a limited intervention confined to enforcement and implementation, the Court directed that for notifications issued up to 31 March 2027 all law graduates may apply and shall be deemed to have completed one year of active practice without a certificate; that those selected shall be designated Trainee Judicial Officers and undergo one year of intensive training at the State Judicial Academy followed by one year of structured Law Clerkship, six months under the Principal District Judge or a member of the Higher Judicial Service and six months under a sitting Judge of the High Court, each of these periods being treated as equivalent to one year of practice; that emoluments during both periods shall equal half the remuneration of a Judicial Magistrate First Class; and that regular appointment shall follow only upon a satisfactory reasoned evaluation report from the supervising High Court Judge.
- For notifications issued on or after 1 April 2027, one year of actual practice verified by a certificate of practice is required, followed by the same training and clerkship, with the rules to be amended within three months and the scheme to remain in force for five years whereafter its working shall be placed before the Court for reconsideration.
- Dissenting, Justice K. Vinod Chandran held that no ground for review existed, that judicial service cannot be equated with other public services since a judicial officer's adjudicatory function is free from supervisory control and correctable only in appeal, that familiarity with files, corridors and trials shapes a young lawyer in ways no training schedule can replicate, and that the proposed regime would keep recruits on half pay for two years without reckoning the period as service, leave courts unmanned, and create two classes of recruits from the same source, raising questions of hostile discrimination or of treating unequals as equals.

Key Takeaway for CLAT Aspirant

- **Article 137 and Order XLVII, CPC Review Jurisdiction:** The Supreme Court may review its own judgments subject to law made by Parliament and the rules framed under Article 145. The grounds are narrow, namely discovery of new and important matter, an error apparent on the face of the record, or any other sufficient reason, and a review does not lie merely because a different view is also possible.
- **Articles 233 to 237 and Article 309 The Subordinate Judiciary:** Article 233 governs appointment of District Judges, Article 234 the recruitment of other judicial officers by the Governor in accordance with rules made in consultation with the State Public Service Commission and the High Court, Article 235 vests control over the district judiciary in the High Court, and Article 236 defines the expressions used. Article 309 empowers the making of rules regulating recruitment and conditions of service, and Article 312(3) contemplates the creation of an All India Judicial Service.
- **Prior Practice as a Constitutional Eligibility Condition:** Article 233(2) requires seven years of practice as an advocate or pleader for appointment as a District Judge from the Bar, while Articles 217(2)(b) and 124(3)(b) prescribe ten years for a High Court and Supreme Court Judge respectively. The presence of such conditions at the higher levels is the constitutional foundation upon which a period of practice at the entry level has been rested.

- **Article 50 and Independence of the Judiciary:** The State is directed to separate the judiciary from the executive in the public services, and independence of the judiciary is part of the basic structure. Control over the district judiciary vested in the High Court, and the immunity of the adjudicatory function from administrative supervision, are institutional expressions of this independence, distinguishing judicial service from ordinary public employment.
- **Articles 14 and 16: Eligibility Criteria and Reasonable Classification:** Prescription of qualifications for public employment must rest on an intelligible differentia bearing a rational nexus with the object sought to be achieved, and must satisfy the requirement of non-arbitrariness. A condition of eligibility is tested not merely for its legitimacy of purpose but for whether the means adopted are proportionate to and reasonably connected with that purpose.
- **Substantive Equality and Reasonable Accommodation:** Article 15(3) permits special provision for women and Article 16(1) guarantees equality of opportunity understood substantively rather than formally. The Rights of Persons with Disabilities Act, 2016 defines reasonable accommodation, prohibits discrimination in employment and provides for reservation in government establishments, so that a facially neutral eligibility condition may still require accommodation where it operates as a disproportionate barrier.
- **Doctrine of Continuing Mandamus:** Where a single writ cannot secure compliance, a constitutional court may retain seisin of a matter and issue successive directions over time, monitoring implementation and modifying earlier directions in the light of changed circumstances. Such proceedings remain live, and later orders in the same continuing proceeding are not fettered by the ordinary rule of coordinate Bench discipline.
- **Legitimate Expectation and the Rule Against Changing the Rules Midway:** A person who has ordered his affairs on an existing legal or administrative position may legitimately expect that it will not be altered to his detriment without notice or a transitional arrangement. In recruitment, the criteria prevailing at the commencement of a selection process ordinarily govern it, and altering the rules of the game after the process has begun is impermissible.
- **Prospective Operation and Transitional Provisions:** Courts may confine the effect of a ruling to future operation, or devise transitional arrangements, so as to avoid unsettling concluded matters and to prevent hardship to those who acted on the earlier position. A scheme so devised is not immutable and may be reviewed after it has operated long enough to yield empirical material on its working.
- **Advocates Act, 1961: Enrolment and the Meaning of Active Practice:** Section 24 prescribes the qualifications for admission as an advocate on a State roll, and Section 30 confers the right to practise throughout the territory of India, while Section 33 bars appearance before a court by one not so enrolled. Where practice is made a condition of eligibility, the law looks not merely to enrolment but to effective participation in judicial proceedings, verified through a prescribed certification mechanism.



Practice Questions

1. A State Judicial Service recruitment notification prescribes certain eligibility conditions at the beginning of the selection process. After applications are submitted and the examination process has commenced, the State introduces an additional qualification that disqualifies Meera, who was eligible under the original notification. No transitional arrangement is provided. Which position is legally sustainable?

- (a) The new qualification applies because recruitment authorities may revise eligibility at any stage.
- (b) Meera cannot object because eligibility creates no expectation until final appointment.
- (c) The change is valid if the new qualification serves a legitimate administrative purpose.
- (d) The altered criterion is ordinarily impermissible because the selection began under the earlier rules.

2. Aarav applies for appointment as a District Judge from the Bar. He has been enrolled as an advocate for eight years but has not effectively participated in judicial proceedings and cannot satisfy the prescribed mechanism for proving active practice. He argues that enrolment alone fulfils the practice requirement. Which position best reflects the supplied principles?

- (a) Enrolment for seven years automatically establishes the required practice under Article 233(2).
- (b) Section 30 makes proof of actual participation irrelevant once an advocate is enrolled.
- (c) Article 233(2) requires only entry on the State roll, irrespective of professional activity.
- (d) Where practice is an eligibility condition, effective participation may be required beyond mere enrolment.

3. Consider the following statements:

- i. Article 233 governs the appointment of District Judges.
- ii. Article 234 deals with recruitment of judicial officers other than District Judges.
- iii. Article 235 places control over the district judiciary in the State Public Service Commission.
- iv. Article 236 defines expressions used in the constitutional provisions relating to the subordinate judiciary.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly justify reasonable accommodation of an eligibility condition under the principle of substantive equality.

- (a) Rohan dislikes a uniformly applicable qualification and seeks exemption without showing any distinct disadvantage.
- (b) Kavya seeks relaxation solely because complying with the criterion would require additional preparation.
- (c) A facially neutral requirement creates a disproportionate barrier for Priya because of disability, despite an available accommodation.

(d) Arjun asks that a qualification be waived because another candidate was better prepared to satisfy it.

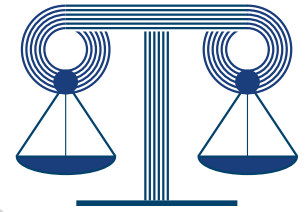
5. Which Article vests control over the district judiciary in the High Court?

- (a) Article 233
- (b) Article 235
- (c) Article 309
- (d) Article 312(3)



SUPREME COURT

Landmark Judgements



11

'Industry' Definition Given In Bangalore Water Supply Case Must Govern Pending Cases Under ID Act 1947

Background

- Section 2(j) of the Industrial Disputes Act, 1947 defined "industry" in two limbs, one from the standpoint of the employer covering any business, trade, undertaking, manufacture or calling, and the other from the standpoint of the workman covering any calling, service, employment, handicraft, industrial occupation or avocation, and its scope had divided this Court for decades across benches of four, five, six and seven Judges.
- A seven-Judge Bench in Bangalore Water Supply and Sewerage Board v. A. Rajappa (1978), speaking through Justice V.R. Krishna Iyer, laid down the triple test and the dominant nature test, held profit motive and capital investment irrelevant, confined the sovereign functions exception to functions strictly so understood, brought professions, clubs, educational institutions, cooperatives, research institutes and charitable projects within the definition, and overruled the restrictive line culminating in Safdarjung Hospital.
- Parliament thereafter amended the definition by the Industrial Disputes (Amendment) Act, 1982, retaining the substance of the triple test but excluding hospitals, educational and research institutions, charitable bodies, sovereign activities and small professions and clubs, yet that amended definition was never notified and remained inoperative for over four decades.
- A perceived conflict between Chief Conservator of Forests v. Jagannath Maruti Kondhare (1996) and

Case Details

- Case Title:** State of Uttar Pradesh v. Jai Bir Singh
- Citation:** Civil Appeal No. 897 of 2002 with connected matters | 2026 INSC 897
- Bench:** Nine Judges, comprising Chief Justice Surya Kant, Justice B.V. Nagarathna, Justice P.S. Narasimha, Justice Dipankar Datta, Justice Satish Chandra Sharma, Justice Alok Aradhe, Justice Ujjal Bhuyan, Justice Vipul M. Pancholi and Justice Joymalya Bagchi

Issue Before the Court

- Whether the reference to the nine-Judge Bench was validly made and maintainable, having regard to the principles governing references to larger Benches and the doctrines of res judicata and stare decisis.
- Whether the triple test formulated in paragraphs 140 to 144 of Bangalore Water Supply lays down the correct law for determining whether an undertaking falls within

- State of Gujarat v. Pratamsingh Narsinh Parmar (2001) on whether the Social Forestry Department is an industry led a three-Judge Bench to refer the matter in 2002; a five-Judge Bench in 2005 doubted Bangalore Water Supply on grounds including its non-unanimity, its worker-oriented approach, the narrow sovereign functions exception and the non-enforcement of the 1982 amendment, and a seven-Judge Bench in 2017 directed constitution of the present Bench.
- Before the reference was heard, the Industrial Relations Code, 2020 came into force on 21 November 2025 with a fresh definition of "industry" in Section 2(p) expressly excluding charitable, social and philanthropic institutions, sovereign activities and domestic service, and the 1947 Act stood repealed, whereafter four questions framed on 16 February 2026 were heard and reserved in March 2026.

- the definition of "industry" in Section 2(j).
- Whether the Industrial Disputes (Amendment) Act, 1982, which never came into force, and the Industrial Relations Code, 2020 have any legal impact on the interpretation of "industry" under the principal Act.
- Whether social welfare activities and schemes or other enterprises undertaken by Government departments or their instrumentalities constitute industrial activities for the purpose of Section 2(j).
- What State activities are covered by the expression "sovereign function", and whether such activities fall outside the purview of Section 2(j).

Judgement of the Court

- On maintainability, the Chief Justice, speaking for himself and three Judges, held the reference valid, since a Bench of lesser strength doubting a larger Bench decision may only place the matter before the Chief Justice, *res judicata* applies to rights in personam and not to determinations of pure questions of law by Benches of varying strength, and *stare decisis* does not render a decision immune from reconsideration for all time; Justice Narasimha and Justice Bagchi concurred on maintainability, while Justice Nagarathna held the reference unnecessary as there was in truth no conflict between the two earlier decisions, and Justice Datta, for himself and Justice Bhuyan, rejected the reference as founded on flawed premises including the mistaken characterisation of Bangalore Water Supply as a divided verdict.
- On merits, the Chief Justice held that the exclusion of *noscitur a sociis* in Bangalore Water Supply had displaced the nature of the activity from the centre of the enquiry and made the employer-employee relationship almost the sole determinant, so that virtually every organised endeavour risked being drawn within Section 2(j), and accordingly restored a discernible commercial character analogous to trade or business as a relevant element of the first limb of the test, while retaining the irrelevance of profit motive and directing that the nature of the activity and the existence of employer-employee relations be read conjunctively.
- The same opinion omitted the illustrative categories and narrowly tailored exemptions in the third guideline, holding that predetermined classification risks pigeonholing multifaceted modern institutions, retained the dominant nature test unaltered, and declined to lay down any straitjacket formula for sovereign functions, holding instead that no presumption of inclusion or exclusion attaches to State activity and that the enquiry is one of substance to be undertaken case by case.
- Justice Nagarathna held that the reformulated test could not be applied since the enquiry had become academic upon repeal, that the majority in Bangalore Water Supply spoke with

substantial unanimity on the triple test, that the non-notification of the 1982 amendment amounted to acquiescence by the legislature and the executive, and that liberalisation and privatisation had transferred many State activities to private hands, making a broad definition more necessary rather than less.

- Justice Datta, for himself and Justice Bhuyan, held that the statutory scheme and the judicial exposition operate in complete harmony, that the First Schedule read with Section 2(n)(vi) itself treats defence establishments, mints, security presses and hospitals as industries, and that a decision followed in over eighty judgments and relied upon for nearly half a century could not be unsettled absent manifest error or public mischief; Justice Bagchi likewise affirmed the triple test, holding that sovereignty in a constitutional democracy is confined to inalienable and non-justiciable functions for which the State answers only to the people, and that welfare and statutory duties do not attract that immunity.
- Since only four of the nine Judges supported the reformulated test, it does not command a majority and was expressly declared to operate prospectively as an opinion alone, all pending proceedings under the repealed Act being directed to be decided in accordance with Bangalore Water Supply, concluded matters remaining undisturbed, and the Bench unanimously clarifying that Section 2(p) of the Industrial Relations Code, 2020 shall be interpreted on its own text and context, uninfluenced by the earlier ratio or by the present reformulation.

Key Takeaway for CLAT Aspirant

- **Section 2(j), Industrial Disputes Act, 1947:** The provision defined "industry" from the employer's standpoint as any business, trade, undertaking, manufacture or calling, and from the workman's standpoint as any calling, service, employment, handicraft, industrial occupation or avocation. The first limb opens with "means" and the second with "includes", the combination lending the definition an exceptionally wide amplitude.
- **The Triple Test:** An undertaking is prima facie an industry where there is a systematic activity, organised by cooperation between employer and employee, for the production or distribution of goods and services calculated to satisfy human wants and wishes. Absence of profit motive or capital investment is irrelevant, and the enquiry is functional, resting on the nature of the activity rather than on the identity or object of the person carrying it on.
- **Dominant Nature Test:** Where an undertaking comprises a complex of activities, some qualifying for exemption and others not, its character is determined by the predominant nature of the services and the integrated nature of its departments rather than by isolating individual units. The whole undertaking is then treated as an industry, though persons who are not workmen do not acquire that status merely by reason of the classification.
- **Sovereign Functions Exception:** Only functions strictly sovereign, being the primary and inalienable functions of a constitutional government such as legislation, administration of law and the judicial power, stand excluded. Welfare activities and economic ventures of the State do not attract the exception, and even within a department discharging sovereign functions, substantially severable units bearing an industrial character remain within the definition.
- **Noscitur a Sociis:** The maxim requires that a word be understood from the company it keeps, so that a general expression may take colour from the narrower expressions associated with it. It is a rule of construction only and cannot prevail where the legislature has deliberately employed words of wide

- import, its application in this field having divided judicial opinion precisely because it determines whether "undertaking" is confined to activity of a commercial character.
- **Article 141 and the Doctrine of Stare Decisis:** The law declared by the Supreme Court binds all courts within the territory of India, and what binds is the ratio decidendi. Stare decisis secures certainty, stability and continuity, and a precedent is reconsidered only for compelling reasons such as manifest error, changed circumstances rendering it unworkable, or continued public mischief, and not merely because an alternative construction appears preferable.
- **References to Larger Benches and Article 145(3)** A Bench of lesser strength is bound by a larger Bench and may only invite the attention of the Chief Justice, in whom the power of framing the roster vests, for constitution of an appropriate Bench. Article 145(3) requires a minimum of five Judges where a substantial question of law as to the interpretation of the Constitution arises, so that a numerically large Bench is not necessarily a Constitution Bench.
- **Prospective Overruling:** A judgment ordinarily declares what the law always was and therefore operates retrospectively, but the Court may confine a ruling to future operation to avoid unsettling concluded transactions, protect vested rights and prevent administrative dislocation. Such prospectivity must be expressly declared, and in its absence retrospective operation is presumed.
- **Repeal, Savings and Prospective Legislation:** Section 6 of the General Clauses Act, 1897 preserves rights acquired and liabilities incurred under a repealed enactment, so that pending proceedings continue to be governed by the repealed provision as judicially interpreted. A later statute given prospective operation cannot retrospectively alter what the earlier provision was held to mean, and an amendment never brought into force by notification remains inoperative and cannot be enforced by mandamus.
- **Beneficial Construction and the Constitutional Backdrop:** Social welfare legislation receives a purposive and beneficent construction that advances its object, and where two constructions are possible the one favouring the protected class is preferred. This approach draws sustenance from Articles 38, 39, 43 and 43-A, while distinct constitutional and statutory regimes such as Articles 309 to 311 governing civil servants may, expressly or by necessary implication, exclude the operation of industrial law.



Practice Questions

1. A State-run training centre operates throughout the year through an organised staff structure. Employees and management systematically provide vocational services intended to satisfy public needs, but the centre is run without a profit motive and receives no private capital investment. Under the Triple Test, how should the undertaking be treated?

- (a) It may qualify as an industry because profit motive and capital investment are irrelevant.
- (b) It falls outside industry because a State-run activity must have a commercial objective.
- (c) It cannot be an industry unless the services generate a financial surplus for the employer.
- (d) It is excluded because public welfare services cannot satisfy the functional test for industry.

2. The Supreme Court interprets a statutory provision in a manner different from the understanding followed for several years. The judgment does not state that its ruling will apply only to future transactions. A party argues that the new interpretation should nevertheless operate prospectively. Which position is legally sustainable?

- (a) Prospectivity follows whenever earlier transactions were completed under another interpretation.
- (b) The ruling applies prospectively if retrospective operation may cause administrative inconvenience.
- (c) The ruling is presumed retrospective unless the Court expressly limits it to future operation.
- (d) A later interpretation can never affect rights arising before the date of the judgment.

3. Consider the following statements:

- i. Article 145(3) requires a minimum of five Judges where a substantial question of law concerning interpretation of the Constitution arises.
- ii. The minimum Bench-strength requirement applies to a substantial question involving constitutional interpretation.
- iii. Every Bench consisting of five or more Judges is necessarily a Constitution Bench.
- iv. Article 145(3) permits such a substantial constitutional question to be decided by fewer than five Judges.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which activity would most clearly fall outside the definition of “industry” under the sovereign functions exception.

- (a) A government department operates a commercial transport service through salaried employees.
- (b) A constitutional authority performs the administration of law as an inalienable governmental function.
- (c) A State agency provides organised welfare services through employer-employee cooperation.
- (d) A severable unit within a government department carries on an organised economic activity.

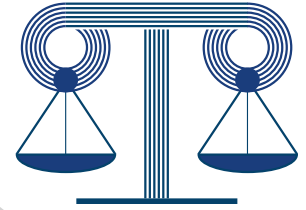
5. Which provision of the Industrial Disputes Act, 1947 defined “industry”?

- (a) Section 2(j)
- (b) Article 141
- (c) Article 145(3)
- (d) Section 6



SUPREME COURT

Landmark Judgements

**12**

No Original Jurisdiction under Article 131 for Statutory Authorities

Background

- The Lucknow Development Authority, constituted under the Uttar Pradesh Urban Planning and Development Act, 1973, filed Writ C No. 3639 of 1999 before the Lucknow Bench of the Allahabad High Court against the Union of India through the Secretary, Ministry of Defence, the GOC-in-C, Central Command, and the Station Commander, Sub-Area, Cantonment, Lucknow.
- The appellant claimed that it had developed a colony and allotted plots and flats therein, but that officers of the Union Government and the defence establishments were interfering with the physical possession of the allottees on the assertion that the land belonged to them.
- Swarg Ashram Sahkari Awas Samiti Limited and the State of Uttar Pradesh, through the Principal Secretary, Revenue, were subsequently impleaded as respondents.
- The High Court made repeated efforts to have the officers of the appellant, the State and the Union resolve the dispute among themselves, but all such efforts proved abortive.
- By order dated 19 September 2023, the High Court dismissed the writ petition holding that a dispute between the State of Uttar Pradesh and the Union of India could not be decided by it, and granted liberty to the parties to initiate proceedings under Article 131 of the Constitution, against which the appellant approached the Supreme Court.

Judgement of the Court

Case Details

- Case Title:** Lucknow Development Authority v. Union of India & Ors.
- Citation:** Civil Appeal No. 11201 of 2026 (arising out of SLP (C) No. 29619 of 2026) | 2026 INSC 923
- Bench** Justice Dipankar Datta and Justice Sheel Nagu

Issue Before the Court

- Whether the High Court was justified in characterising the dispute as one between the State of Uttar Pradesh and the Union of India when the writ petition had been instituted by the Lucknow Development Authority.
- Whether a statutory authority falling within the definition of "State" under Article 12 can invoke the original jurisdiction of the Supreme Court under Article 131 of the Constitution.
- Whether the dismissal of the writ petition with liberty to proceed under Article 131 was sustainable in law.

- The Court held that the High Court committed a gross error in visualising the dispute as one between the State and the Union, since the State had not invoked the writ jurisdiction and it was the appellant alone that was the writ petitioner.
- The appellant is a creature of statute, being a body corporate owing its existence to Section 4 of the 1973 Act and constituted for the planned development of the development area under its jurisdiction, and therefore cannot be equated with the State of Uttar Pradesh.
- Under Article 131, the original jurisdiction of the Supreme Court is confined to disputes between the Government of India and one or more States, the expression "States" referring to the constituent States of the Union enlisted in the First Schedule and not to a "State" as defined in Article 12.
- Although the appellant may fall within Article 12 as an instrumentality of the State, it is not a State for the purposes of Article 131, and the jurisdiction under clauses (a), (b) and (c) of that Article can be invoked only by the States specified in the First Schedule; this position was not disputed by the Additional Solicitor General appearing for the Union.
- The Court observed that it was unfortunate that a writ petition pending for nearly two and a half decades had been dismissed on such an untenable reason.
- The impugned order was accordingly set aside, the appeal allowed, and the writ petition remitted to the High Court for a fresh decision in accordance with law, with a request that it be decided expeditiously in view of the substantial lapse of time since institution.

Key Takeaway for CLAT Aspirant

- **Article 131 Original Jurisdiction of the Supreme Court:** The Supreme Court has exclusive original jurisdiction in disputes between the Government of India and one or more States, between the Government of India and any State on one side and other States on the other, and between two or more States, provided the dispute involves a question of law or fact on which the existence or extent of a legal right depends.
- **Proviso to Article 131:** The jurisdiction does not extend to disputes arising out of any treaty, agreement, covenant, engagement, sanad or similar instrument entered into before the commencement of the Constitution and continuing in operation, or one which itself provides that the jurisdiction shall not so extend.
- **Meaning of "States" in Article 131:** The expression refers only to the constituent States of the Union enumerated in the First Schedule to the Constitution. It is a federal dispute resolution mechanism designed to adjudicate disputes between the constituent units of the federation and the Union, and cannot be enlarged to include every entity that is a "State" for other constitutional purposes.
- **Article 12 Definition of "State" and its Limited Purpose:** Article 12 defines "State" for the purposes of Part III to include the Government and Parliament of India, the Government and Legislature of each State, and all local or other authorities within the territory of India or under the control of the Government of India. It is a definition confined to the enforcement of fundamental rights and does not travel to Article 131.
- **Instrumentality of the State Distinguished from a Constituent State:** A statutory corporation may qualify as an instrumentality or agency of the State under Article 12 and thereby be amenable to writ jurisdiction, yet it retains a legal personality distinct from the State that created it. Being a creature of

- statute, it possesses only such powers and standing as the parent enactment and the Constitution confer.
- **Locus Standi and the Identity of the Petitioner:** The maintainability of a proceeding is determined by the party who actually invokes the jurisdiction of the court and not by the interests that may indirectly be affected by the outcome. A court cannot recast a petition filed by a statutory authority as one instituted by the State to which it is subordinate.
- **Article 226 Width of the High Court's Writ Jurisdiction:** A High Court may issue writs, orders or directions for enforcement of fundamental rights and for any other purpose, its jurisdiction being wider in scope than that of the Supreme Court under Article 32. A dispute concerning possession of land involving public authorities is not, merely by reason of the parties involved, beyond the reach of that jurisdiction.
- **Article 136 Special Leave to Appeal:** The Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination or order of any court or tribunal in the territory of India, save in respect of the Armed Forces. It is an extraordinary residuary power invoked to correct manifest errors of jurisdiction or grave miscarriage of justice.
- **Body Corporate and Statutory Personality:** A statutory body corporate has perpetual succession, a common seal, and the capacity to sue and be sued in its own name, holding property distinct from that of the Government. This separate juristic personality is what disables it from asserting the constitutional standing reserved for the State itself.
- **Speedy Disposal and Access to Justice:** The right to a reasonably expeditious adjudication is a facet of the guarantee of life and personal liberty under Article 21, and prolonged pendency defeats the substance of the remedy. Where a proceeding is disposed of on an untenable jurisdictional ground after long delay, the appellate court may remit the matter with a direction for expeditious decision on merits.



Practice Questions

1. The Union Government files a suit directly before the Supreme Court against a statutory corporation created by a State, claiming that the dispute concerns ownership of valuable public property. The corporation argues that it is an instrumentality of the State under Article 12 and should therefore be treated as a “State” for Article 131. Which position is legally sustainable?

- (a) Article 131 does not extend merely because the corporation qualifies as “State” under Article 12.
- (b) The corporation automatically becomes a constituent State once it performs public functions.
- (c) Article 131 applies whenever either disputing entity is subject to constitutional control.
- (d) The corporation may invoke Article 131 because statutory bodies represent their parent States.

2. A statutory authority files a proceeding in its own name but later argues that the court should treat the petition as one filed by the State Government because the State has a substantial interest in the outcome. How should the maintainability issue be determined?

- (a) The court may substitute the State whenever governmental interests are substantially affected.
- (b) The petition may be treated as a State proceeding if the authority is financially controlled by it.
- (c) The court may ignore the named petitioner where the dispute concerns public property.
- (d) Maintainability depends on the party that actually invoked the court's jurisdiction.

3. Consider the following statements:

- i. Article 131 gives the Supreme Court exclusive original jurisdiction over certain federal disputes.
- ii. A dispute under Article 131 must involve a question on which the existence or extent of a legal right depends.
- iii. Every authority falling within Article 12 is entitled to invoke Article 131 as a State.
- iv. Disputes between two or more constituent States may fall within Article 131.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly fall outside the original jurisdiction of the Supreme Court under Article 131.

- (a) The Union and a State dispute the extent of a legal right arising under a constitutional arrangement.
- (b) Two constituent States contest a legal entitlement concerning an inter-State matter.
- (c) A State statutory corporation sues another State claiming Article 131 standing in its own name.
- (d) The Union and several States dispute a legal right arising between the federal units.

5. Which Article confers special leave to appeal jurisdiction on the Supreme Court?

- (a) Article 136



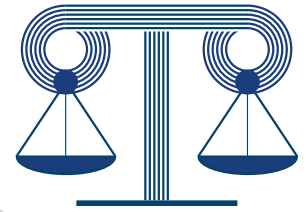
- (b) Article 131
- (c) Article 226
- (d) Article 12





SUPREME COURT

Landmark Judgements



13 Order VII Rule 11 of CPC

Background

- The appellant, owner of two vacant plots admeasuring 4800 square feet in all, entered into two Memoranda of Joint Venture Agreement dated 18 August 2014 with the respondent for construction of eight flats, whereunder on completion fifty-six per cent of the total super built-up area was to go to the owners and the remaining forty-four per cent, both of the undivided share in the land and of the super built-up area, to the respondent.
- Alleging that the construction was not completed within the stipulated period of fifteen months, the appellant cancelled the joint venture by written communication dated 20 April 2016, followed by a lawyer's notice dated 22 July 2016, to which the respondent replied on 23 July 2016 resisting the cancellation as unilateral and also filed a caveat in the City Civil Court, Chennai.
- Further notices followed, including a communication of 5 August 2016 requiring removal of construction materials and a notice of 22 November 2016 demanding surrender of the key and restoration of access, and in June 2017 the appellant took possession of the properties and removed the debris.
- The respondent issued a public notice on 8 June 2022 cautioning third parties against purchasing the properties, and thereafter instituted O.S. No. 632 of 2022 in October 2022 before the Additional District and Sessions Judge, Chengalpattu, seeking

Case Details

- Case Title:** N. Asha Devi v. R. Aravind Kumar & Anr.
- Citation:** Civil Appeal No. 11194 of 2026 (arising out of SLP (C) No. 23279 of 2025) | 2026 INSC 908
- Bench** Justice J.B. Pardiwala and Justice K. Vinod Chandran

Issue Before the Court

- Whether a plaint can be rejected under Order VII Rule 11 of the CPC on the ground of limitation, given that limitation is ordinarily a mixed question of fact and law.
- What material may be looked into by a court while deciding an application for rejection of the plaint.
- When the cause of action arose in the present case, and whether the subsequent correspondence or the public notice of 2022 gave rise to a fresh cause of action.
- Whether the suit instituted in October 2022 was ex facie barred by limitation warranting rejection of the plaint.

division and allotment of the forty-four per cent share in both the land and the built-up area.

- The appellant applied under Order VII Rule 11 of the Code of Civil Procedure, 1908 for rejection of the plaint as barred by limitation; the trial court rejected the application and the Madras High Court confirmed that order, the respondent contending throughout that limitation was a mixed question of fact and law to be tested at trial and that a joint venture agreement is not determinable by unilateral cancellation.

Judgement of the Court

- The Court reiterated the settled principle that when an application to reject the plaint is filed, the averments in the plaint and the documents annexed thereto alone are germane, and it accordingly declined to look at facts pleaded outside the plaint in the special leave petition.
- Although limitation is ordinarily a mixed question of fact and law, that principle does not preclude rejection where the bar is glaring from the plaint averments themselves, and a court cannot be hesitant in granting the relief of rejection when the bar is so obvious from the pleadings.
- On the plaintiff's own showing, notwithstanding the claim of possession over forty-four per cent of the built-up area, the specific relief sought was division and allotment of the forty-four per cent share in both the land and the built-up area, which negated the contention founded on possession.
- From paragraph 17 of the plaint, wherein the plaintiff itself set out the cause of action, the Court held that the cause of action arose on the first communication cancelling the joint venture dated 20 April 2016, and that the subsequent exchanges only highlighted the dispute arising from that cancellation without creating any fresh cause of action.
- The public notice of 8 June 2022 was held not to create a fresh cause of action, since the publication was in self-interest and was itself grossly delayed; even reckoning from 22 November 2016, the suit filed in October 2022 was grossly delayed.
- Finding no reason to sustain the concurrent orders, the Court set them aside, directed that the plaint in O.S. No. 632 of 2022 stand rejected, and allowed the appeal.

Key Takeaway for CLAT Aspirant

- **Order VII Rule 11, CPC Grounds for Rejection of Plaint:** A plaint shall be rejected where it discloses no cause of action, where the relief is undervalued or the plaint insufficiently stamped and the defect is not cured within the time fixed, where the suit appears from the statements in the plaint to be barred by any law, where it is not filed in duplicate, or where Order VII Rule 9 is not complied with.
- **Clause (d) Suit Barred by Any Law:** The expression "barred by any law" includes a bar of limitation, and the enquiry is confined to whether the bar appears from the statements in the plaint itself. Rejection under this clause operates at the threshold and does not require the suit to travel through a full trial.
- **Scope of Enquiry- Plaint and Annexed Documents Alone:** Only the averments in the plaint and the documents annexed to or referred to in it may be considered. The written statement, the defence set up by the defendant, and material outside the pleadings are irrelevant at this stage, and the court cannot travel beyond the four corners of the plaint.

- **Limitation as a Mixed Question of Fact and Law:** Where determination of limitation requires evidence or turns on disputed facts, the plaint cannot be rejected and the question must go to trial. Where, however, the bar is glaring and apparent on the face of the plaint, the court must exercise the power rather than allow a hopelessly time-barred suit to proceed.
- **Cause of Action and its Accrual:** A cause of action is the bundle of facts which the plaintiff must prove to obtain relief, and limitation runs from the date it first accrues. Subsequent correspondence reiterating or contesting an earlier repudiation merely evidences the continuing dispute and does not furnish a fresh starting point for limitation.
- **No Fresh Cause of Action by Unilateral Act of the Plaintiff:** A step taken by the plaintiff in his own interest, such as issuing a public notice asserting title, cannot revive a claim that has already become time-barred. To hold otherwise would allow a litigant to extend limitation indefinitely by his own conduct.
- **Limitation Act, 1963- Bar of Time and Duty of the Court:** Section 3 requires that every suit instituted after the prescribed period be dismissed, even where limitation has not been set up as a defence, making the bar one which the court is bound to notice. Article 113 of the Schedule prescribes three years from accrual of the right to sue for suits for which no specific period is provided.
- **Object of Rejection- Preventing Abuse and Sifting Frivolous Litigation:** The provision exists to nip in the bud litigation that is illusory or vexatious and to save judicial time where the suit must fail in any event. It is an extraordinary power to be exercised with caution and only in clear and manifest cases, and cannot be used to shut out genuine claims on technical grounds.
- **Partial Rejection and Severability of Reliefs:** A plaint must be rejected as a whole and cannot be rejected in part, so where several reliefs are claimed and even one is within limitation and otherwise maintainable, the plaint cannot be thrown out in its entirety. The nature of the relief actually prayed for, rather than incidental assertions in the pleadings, governs this assessment.
- **Joint Ventures, Unilateral Termination and Consequential Remedies:** A joint venture agreement creates reciprocal obligations, and a party aggrieved by a purported unilateral cancellation must assert its rights within the period prescribed by law, whether by suing for specific performance, for a declaration, or for damages. Inaction over a prolonged period after a clear repudiation extinguishes the remedy even where the underlying right is asserted to be sound.



Practice Questions

1. Priya files a plaint seeking three distinct reliefs arising from the same dispute. From the plaint itself, two reliefs appear barred by limitation, but the third relief is within limitation and otherwise maintainable. The defendant seeks rejection of only the time-barred portions under Order VII Rule 11 CPC. How should the court proceed?

- (a) Reject only the two time-barred reliefs and continue with the remaining claim.
- (b) Decline partial rejection because the plaint cannot be rejected in part.
- (c) Reject the entire plaint because any barred relief renders the whole suit defective.
- (d) Separate the barred reliefs and dismiss them without considering the maintainable claim.

2. Rohan's contractual right is clearly repudiated in 2021, but he takes no legal action. In 2025, he issues a public notice asserting the same right and then files a suit, arguing that the notice created a fresh cause of action. Which position is legally sustainable?

- (a) The public notice automatically restarts limitation from the date of publication.
- (b) Limitation begins afresh whenever the plaintiff formally reasserts the disputed right.
- (c) The notice creates a new cause because the defendant may respond to it differently.
- (d) Rohan cannot revive an already time-barred claim through his own unilateral act.

3. Consider the following statements:

- i. At the stage of Order VII Rule 11, the court may examine the averments contained in the plaint.
- ii. Documents annexed to or referred to in the plaint may also be considered.
- iii. The written statement may be relied upon to establish a limitation bar not apparent from the plaint.
- iv. Material outside the plaint and its relevant documents is ordinarily irrelevant at this stage.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly justify rejection of the plaint under Order VII Rule 11(d) CPC on the ground of limitation.

- (a) The date when the right to sue arose is disputed and can be determined only after evidence.
- (b) Limitation is alleged only in the written statement and is not apparent from the plaint.
- (c) The plaint itself states that the right to sue accrued five years earlier in a claim governed by Article 113.
- (d) One among several reliefs appears time-barred, while another relief remains within limitation.

5. Which provision requires dismissal of a suit instituted after the prescribed limitation period?

- (a) Article 113
- (b) Section 3
- (c) Order VII Rule 9
- (d) Order VII Rule 11



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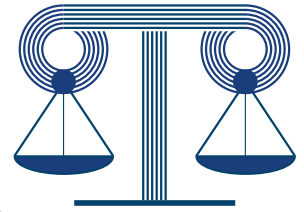
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SUPREME COURT

Landmark Judgements

**14**

Senior Citizens Tribunal Can Order Eviction of Children from Parents' Property

Background

- The appellant is the owner of residential house No. 8/331, Vikas Nagar, Lucknow, the fourth respondent being his son and the fifth respondent his daughter-in-law; the appellant's mother, aged about eighty-one years, was forced to leave the premises and made to reside in an old age facility.
- On 5 June 2022, the appellant applied to the District Magistrate under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 seeking eviction of his son from the premises.
- By order dated 15 November 2022 the Sub-Divisional Magistrate held that the premises were the self-acquired property of the appellant, recorded that the son had not permitted his grandmother to stay there and had created a nuisance, and directed his eviction.
- In appeal under Section 16 of the Act, the District Magistrate by order dated 9 August 2023 affirmed that order and directed the son and his wife to hand over possession to the appellant, whereupon they filed a writ petition before the Lucknow Bench of the Allahabad High Court.
- The High Court, by judgment dated 6 October 2023, relied upon an earlier Single Judge decision holding that the Act does not empower the authorities to order eviction, and quashed both orders; the appellant's review application was dismissed on 29 January 2024 reiterating the same view, against which he approached the Supreme Court.

Judgement of the Court

- The Court observed that the measure of a civilised society is reflected in the dignity, respect and

Case Details

Case Title: Ravi Kant Gupta v. State of Uttar Pradesh & Ors.

Citation: Civil Appeals arising out of SLP (C) Diary No. 22768 of 2024 | 2026
LiveLaw (SC) 824

Bench Justice Pamidighantam
Sri Narasimha and Justice
Alok Aradhe

Issue Before the Court

- Whether a tribunal constituted under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 possesses the power to order eviction of children or relatives from the premises of a senior citizen.
- Whether such power, though not expressly conferred, can be read as incidental and ancillary to the jurisdiction expressly vested in the tribunal.
- Whether the High Court was justified in quashing the concurrent orders of the Sub-Divisional Magistrate and the District Magistrate on the ground of absence of such power.

- security it affords the elderly, who across cultures have been regarded not merely as dependants requiring care but as repositories of wisdom, experience and collective memory.
- Article 21 as interpreted by the Court, read with Article 41, envisages a social order that protects the vulnerable and enables every individual to live with dignity throughout life, and the Act is the statutory expression of that commitment, incorporating values rooted in the country's civilisational ethos and intended to furnish a speedy remedy to senior citizens.
- Examining the statutory scheme, the Court noted that Section 7 provides for constitution of tribunals, Section 8 empowers them to conduct an inquiry by summary procedure with the powers of a Civil Court, and Section 27 expressly bars the jurisdiction of Civil Courts.
- Applying the settled proposition that where a statute confers jurisdiction it impliedly grants the power to do all such acts, or employ such means, as are essentially necessary for its execution, the Court held that a tribunal under the Act has power to order eviction to ensure the maintenance or protection of a senior citizen.
- The Court relied on the ruling of a three-Judge Bench, rendered while dealing with claims under the Act alongside the Protection of Women from Domestic Violence Act, 2005, that a tribunal may order eviction where necessary and expedient to ensure maintenance and protection, such eviction being an incident of the enforcement of the right to maintenance and protection, a view reiterated in two subsequent decisions.
- Holding the High Court's reliance on its earlier decision to be misconceived, the Court set aside the impugned judgment and the order in review, restored the orders of the authorities directing eviction, and allowed the appeals with no order as to costs.

Key Takeaways for CLAT Aspirants

- **Maintenance and Welfare of Parents and Senior Citizens Act, 2007:** The Act casts a statutory obligation on children and on relatives who possess or would inherit the property of a childless senior citizen to provide maintenance, and creates a speedy tribunal-based mechanism in place of ordinary civil litigation. A senior citizen is any citizen of India who has attained the age of sixty years.
- **Sections 7 and 8 Tribunals and Summary Procedure:** State Governments must constitute Maintenance Tribunals for each Sub-Division to adjudicate claims for maintenance. Such tribunals conduct inquiries by summary procedure and exercise the powers of a Civil Court, including summoning witnesses and compelling production of documents.
- **Section 27 Bar of Jurisdiction of Civil Courts:** No Civil Court has jurisdiction in respect of any matter for which the tribunal is empowered under the Act, and no injunction may be granted in respect of any action taken under it. This exclusion signals that the Act is a self-contained code for enforcement of the rights it creates.
- **Doctrine of Implied and Ancillary Powers:** Where a statute confers jurisdiction, it impliedly grants the power to do all such acts, or employ such means, as are essentially necessary to give effect to that jurisdiction. Applying this rule, the power to order eviction, though not expressly conferred, is an incident of the enforcement of the right to maintenance and protection.
- **Section 16 Right of Appeal:** A senior citizen or parent aggrieved by an order of a Maintenance Tribunal may appeal to the Appellate Tribunal, ordinarily the District Magistrate, within the prescribed period, and the Appellate Tribunal must afford an opportunity of hearing before disposal. This furnishes a hierarchical remedy within the statutory framework itself.

- **Section 23 Voidability of Transfers Subject to a Condition of Care:** Where a senior citizen transfers property by gift or otherwise subject to the condition that the transferee shall provide basic amenities and physical needs, and the transferee fails to do so, the transfer is deemed to have been made by fraud, coercion or undue influence and may be declared void at the option of the transferor.
- **Article 21 Right to Live with Dignity:** The guarantee of life and personal liberty extends beyond mere animal existence to the right to live with dignity, which for the elderly encompasses shelter, security and freedom from neglect and harassment. Welfare legislation for senior citizens draws its constitutional strength from this expanded understanding.
- **Article 41 Directive Principle on Public Assistance in Old Age:** The State is directed, within the limits of its economic capacity and development, to make effective provision for securing public assistance in cases of old age, sickness and disablement. Though non-justiciable in itself, the directive informs the interpretation of statutes enacted in furtherance of it.
- **Beneficial Legislation and Purposive Construction:** A welfare statute must be construed so as to advance its remedy and suppress the mischief, and a narrow reading that renders the remedy illusory is to be avoided. Where the tribunal's order is the only effective means of securing the senior citizen's protection, the statute must be read as conferring the power to pass it.
- **Self-Acquired Property and Absence of a Right of Residence in Children:** Ownership of self-acquired property carries the right to possession, enjoyment and exclusion of others, and adult children possess no independent legal right to reside in such property save by the parent's leave and licence. Such permission being revocable, continued occupation after revocation renders the occupant liable to be evicted.



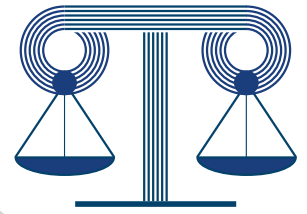
Practice Questions

1. Meera, aged 68, gifts her house to her son Arjun on the express condition that he will provide her basic amenities and physical care. After the transfer, Arjun stops supporting her and refuses to meet her daily needs. Meera approaches the Maintenance Tribunal seeking cancellation of the transfer. Which position is legally sustainable?
 - (a) The gift remains irrevocable because ownership has already passed to Arjun.
 - (b) Meera can seek only maintenance, since the Tribunal cannot affect the transfer.
 - (c) The transfer can be avoided only if Meera separately proves actual fraud at execution.
 - (d) Meera may have the transfer declared void because the condition of care was breached.
2. Rohan permits his adult son Vikram to stay in Rohan's self-acquired house. After repeated disputes, Rohan withdraws permission and asks Vikram to vacate, but Vikram claims an independent right to continue residing there merely because he is Rohan's son. Which position is legally sustainable?
 - (a) Vikram has no independent right to remain once Rohan revokes the permission.
 - (b) Vikram acquires a permanent right of residence after being allowed to stay for some time.
 - (c) Rohan cannot seek eviction because adult children share possession of parental property.
 - (d) Revocation is ineffective unless Rohan first transfers the property to another person.
3. For which territorial unit must State Governments constitute Maintenance Tribunals under the supplied principle?
 - (a) Each district only
 - (b) Each Sub-Division
 - (c) Each State capital
 - (d) Each High Court jurisdiction
4. Analyze the situations below and determine which most clearly supports exercise of an implied ancillary power by a Maintenance Tribunal.
 - (a) The Tribunal creates a new inheritance right not recognised anywhere in the statutory scheme.
 - (b) Eviction is necessary to make the senior citizen's statutory protection and maintenance effective.
 - (c) The Tribunal alters ownership merely because it considers another arrangement more convenient.
 - (d) The Tribunal assumes an unrelated power having no connection with enforcement of the Act.
5. Which provision bars Civil Court jurisdiction over matters entrusted to the Maintenance Tribunal?
 - (a) Section 7
 - (b) Section 16
 - (c) Section 23
 - (d) Section 27



SUPREME COURT

Landmark Judgements



15 Mere Official Reprimand by Superior Not Abetment of Suicide

Background

- A Forest Range Officer posted at Harisal Range died by suicide on 25 March 2021, leaving three notes addressed to the Additional Principal Chief Conservator of Forests, her mother and her husband, levelling allegations against the appellant, a Deputy Conservator of Forests, and one Manisha Uike, and stating that the appellant was solely responsible for her death.
- The notes alleged that the appellant had repeatedly reprimanded and threatened to suspend her, rejected her leave applications, required her to trek for three consecutive days while she was pregnant which was said to have caused a miscarriage, procured registration of an FIR against her under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 at the behest of Manisha Uike, and behaved inappropriately with her.
- An FIR was registered on the basis of the notes; the charge under Section 312 of the Indian Penal Code, 1860 for causing miscarriage was quashed by the High Court, while the charges under Sections 306, 504 and 506 continued.
- The appellant's application for discharge was dismissed by the Additional Sessions Judge, Achalpur, and his revision before the Nagpur Bench of the Bombay High Court was likewise dismissed, whereupon he approached the Supreme Court contending that no incident alleged in the notes occurred proximate in time to the death.
- The prosecution relied on the narration in the notes of continuous abuse during field visits and public insults, and on a separate FIR lodged by a peon in 2018 alleging

Case Details

- Case Title:** Vinod Shivakumar v. State of Maharashtra
- Citation:** SLP (Crl.) No. 17179 of 2025 | 2026 LiveLaw (SC) 814
- Bench** Justice Satish Chandra Sharma and Justice Nongmeikapam Kotiswar Singh

Issue Before the Court

- What are the essential ingredients of the offence of abetment of suicide under Section 306 read with Section 107 of the Indian Penal Code, 1860.
- Whether allegations of continuous harassment, in the absence of any act proximate in time to the death, can constitute instigation amounting to abetment.
- Whether official reprimands, show cause notices, work assignments and stern conduct by a superior officer in the discharge of duty can amount to abetment, intentional insult or criminal intimidation.
- Whether, on the entire prosecution material taken at face value, the appellant was entitled to discharge.

cruel behaviour by the appellant towards a subordinate.

Judgement of the Court

- Reading Section 306 with Section 107, the Court held that three ingredients must be satisfied: direct or indirect instigation, in close proximity to the commission of suicide, coupled with a clear mens rea to abet it, instigation meaning to goad, urge forward, provoke, incite or encourage, and a word uttered in a fit of anger or emotion without intending the consequence to follow not amounting to instigation.
- Relying on its recent ruling requiring a proximate prior act, described figuratively as the straw that broke the camel's back, the Court held that continuous harassment culminating in death does not by itself establish positive instigation, and that mens rea cannot be gleaned merely from what went on in the mind of the victim, since the accused must be shown to have consciously intended to drive the deceased to that end.
- Grouping the allegations under four heads, namely official reprimands and show cause notices, work assignments relating to encroachment removal and village rehabilitation, registration of the FIR allegedly in connivance with Manisha Uike, and the trek said to have caused the miscarriage, the Court held that even accepting them at face value they disclosed no proximate act of instigation immediately preceding the death.
- On the timeline, the miscarriage was alleged to have occurred in October 2020, more than five months earlier, while the encroachment dispute and the registration of the FIR dated back to March 2020, so that no live link survived.
- As regards the reprimand closer in time, the Court held that ordinary administrative directions, disciplinary supervision, adverse remarks on official performance, or even stern behaviour by a superior, however unpleasant they may have been perceived, cannot be elevated to abetment absent additional material showing a conscious intention to drive a subordinate to that step.
- On the threat of suspension, the Court noted that the appellant was not the competent authority to suspend the deceased without approval of a senior officer, and accordingly held that no case was made out under Section 504 or Section 506; finding that continuation of the proceedings would amount to an abuse of the process of law, it set aside the orders of the High Court and the Sessions Court and discharged the appellant.

Key Takeaways for CLAT Aspirants

- **Section 107, IPC Definition of Abetment:** A person abets the doing of a thing by instigating another, by engaging in a conspiracy in pursuance of which an act or illegal omission takes place, or by intentionally aiding its commission. The corresponding provision is now Section 45 of the Bharatiya Nyaya Sanhita, 2023.
- **Section 306, IPC Abetment of Suicide:** Where a person takes his own life and another abets it, the abettor is punishable with imprisonment of either description up to ten years and fine. The offence is cognizable, non-bailable and non-compoundable, and is triable by a Court of Session; it now corresponds to Section 108 of the Bharatiya Nyaya Sanhita, 2023.
- **Three Essential Ingredients:** There must be direct or indirect instigation, it must stand in close proximity to the act, and it must reveal a clear mens rea to abet. All three must coexist, and the absence of any one is fatal to the charge.
- **Meaning of Instigation:** Instigation is to goad, urge forward, provoke, incite or encourage a person to

- do an act. Actual words are not indispensable, but a reasonable certainty to incite the consequence must be capable of being spelt out, and words spoken in anger or emotion without intending the consequence do not qualify.
- **The Proximate Act Requirement:** There must be a positive act proximate in time to the occurrence which left the deceased with no option, described as the final trigger in a series. Allegations of prolonged harassment, without such a live link, cannot sustain the charge, and the standard mirrors the expression "soon before her death" employed in the dowry death provisions.
- **Mens Rea and the Test of Intention:** Guilt turns on the intention and purpose of the accused as discernible from his conscious acts, words and the attendant circumstances, not on the subjective perception of the victim. A tragic outcome alone does not supply the mental element, and the enquiry is whether the accused intended by his action to drive the deceased to that end.
- **Hypersensitivity of the Victim:** Where the deceased was hypersensitive to ordinary petulance, discord or differences common to the milieu to which she belonged, and such conduct would not have induced a similarly circumstanced person to act likewise, the court should not convict. Individual predilections, social status and the relationship between the parties are relevant to this assessment.
- **Sections 504 and 506, IPC Insult and Criminal Intimidation:** Section 504 punishes intentional insult giving provocation likely to cause a breach of the peace, and Section 506 punishes threats of injury to person, reputation or property made with intent to cause alarm. Official reprimands or administrative actions do not by themselves constitute intentional insult or criminal intimidation; the statutory ingredients must independently be established from the facts
- **Section 227, CrPC Discharge:** Upon consideration of the record and documents and after hearing the parties, the Judge must discharge the accused where there is no sufficient ground for proceeding. Where the entire prosecution material taken at face value fails to disclose the statutory ingredients of the offence, refusal of discharge is unsustainable; the corresponding provision is Section 250 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
- **Evidentiary Value of a Note Left by the Deceased:** A note attributing blame is relevant material but is not conclusive proof of abetment, and the allegations within it must independently satisfy the statutory ingredients. Its weight may further be diminished by delay in bringing it on record, absence of verification of handwriting, or the first-time appearance of allegations never raised earlier, and the presumptions in Sections 113A and 113B of the Indian Evidence Act, 1872 (now Sections 117 and 118 of the Bharatiya Sakshya Adhiniyam, 2023) operate only in the limited circumstances they specify.



Practice Questions

1. Rohan and Vikram agree to facilitate an unlawful act. Pursuant to that agreement, Vikram deliberately makes an illegal omission necessary for carrying out the plan, while Rohan remains involved in the arrangement. Can Rohan's conduct amount to abetment under Section 107 IPC?

- (a) No, because abetment by conspiracy requires Rohan himself to perform the unlawful act.
- (b) Yes, because an act or illegal omission occurred in pursuance of the conspiracy.
- (c) No, because an agreement can amount to abetment only when accompanied by instigation.
- (d) Yes, but only if Rohan personally provided intentional aid after the unlawful act occurred.

2. Arjun is prosecuted for an offence, but the entire record and documents produced by the prosecution, even if accepted at face value, fail to disclose an essential statutory ingredient of the charge. After hearing both sides, what should the Judge do under Section 227 CrPC?

- (a) Discharge Arjun because there is no sufficient ground for proceeding.
- (b) Frame the charge because deficiencies in prosecution material can be cured during trial.
- (c) Continue the prosecution whenever an allegation has formally been made against Arjun.
- (d) Refuse discharge unless Arjun first disproves each allegation through defence evidence.

3. Consider the following statements:

- i. Instigation includes goading, provoking, inciting or encouraging another to do an act.
- ii. Express words are indispensable before conduct can amount to instigation.
- iii. Words spoken in anger necessarily amount to instigation if a tragic consequence follows.
- iv. A reasonable certainty to incite the consequence must be capable of being inferred.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would least likely satisfy the proximate act requirement for a charge of abetment of suicide under Section 306 IPC.

- (a) Rohan's continuing harassment culminates in a fresh coercive act shortly before the occurrence.
- (b) Meera faces repeated pressure ending in a positive act immediately preceding the occurrence.
- (c) Kavya's disagreements with Arjun ended six months earlier, followed by no further interaction.
- (d) Vikram's prolonged conduct culminates in a fresh act operating as the final trigger.

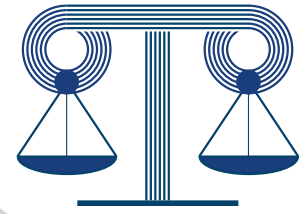
5. Which BNS provision corresponds to Section 306 IPC?

- (a) Section 108
- (b) Section 45
- (c) Section 250
- (d) Section 117



HIGH COURT

Landmark Judgements



16 Section 180 BNSS

Background

- The applicant was an accused in Case Crime No. 32 of 2026 registered at Police Station Banpur, District Lalitpur, under Sections 85 and 80(2) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3 and 4 of the Dowry Prohibition Act, 1961, and had been in custody since 28 November 2025.
- The deceased died on 29 November 2025 after consuming a poisonous substance; the applicant himself summoned the police, inquest was held in the presence of the first informant and other family members, and post-mortem conducted the same day disclosed no ante-mortem injury and left the cause of death unascertained, the viscera being preserved for chemical analysis.
- The viscera report received on 26 February 2026 showed death by a poisonous substance, and the FIR came to be lodged on that very date, nearly three months after the death, without any explanation for the delay.
- By an earlier order dated 20 July 2026 the Court had directed production of the audio and video recordings of the statements of the first informant and his wife recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita, 2023, sought instructions on the call detail records of the deceased's sister-in-law who claimed to have received a call about dowry harassment a day before the incident, sought instructions on whether the MedLEapr platform is integrated with the Crime and Criminal Tracking Network and Systems, and required the Investigating Officer and the post-

Case Details

Case Title:	Aatish alias Krishnkant v. State of U.P.
Court	High Court of Judicature at Allahabad
Citation:	Criminal Misc. Bail Application No. 24645 of 2026 2026 LiveLaw (AB) 510
Bench	Justice Arun Kumar Singh Deshwal

Issue Before the Court

- Whether a police officer recording a statement under Section 180 of the BNSS may put leading questions of an inculpatory nature to a witness, or must record the version narrated by the witness in his or her own language.
- Whether general directions ought to issue to the police establishment to regulate the manner of recording such statements.
- Whether the applicant was entitled to be enlarged on bail in the facts and circumstances of the case.

mortem doctor to remain present.

- The Investigating Officer disclosed that the call detail records had not been obtained during investigation and, when procured on the Court's direction, revealed no call from the deceased or her in-laws, so that the allegation could not be established; on perusing the recordings the Court found that while part of the statement matched the case diary, the remaining part appeared to have been recorded by the officer himself through leading questions of an inculpatory nature.

Judgement of the Court

- On perusal of the audio and video recordings, the Court found that the officer, instead of recording the version of the incident as narrated by the first informant and his wife, had sought to suggest leading questions inculpatory in nature, a practice the Court termed absolutely incorrect.
- The Court held that the purpose of criminal justice administration is not merely to punish the guilty but also to save the innocent, so that the police must not suggest material to a witness against the accused.
- It laid down that a statement under Section 180 must be written in the language and version stated by the witness, departure being permissible only for seeking certain clarifications.
- Accordingly, the Director General of Police, Lucknow, was directed to issue necessary directions to all police officers to refrain from putting inculpatory questions and to simply record the version stated by the witness in his or her own language except for clarification on certain points.
- On the merits, the Court noted that the deceased died by consuming a poisonous substance over what appeared to be a petty family dispute, that the FIR was lodged after an unexplained delay of three months following receipt of the viscera report, that the statements of the first informant and his wife bore discrepancies and substantially replicated the FIR, and that no evidence corroborated the alleged call to the sister-in-law.
- Without expressing any opinion on the merits, and having regard to the nature of the offence, the evidence and the complicity of the accused, the Court granted bail on conditions including non-inducement of witnesses, cooperation in the trial and abstention from criminal activity, while keeping the matter pending for the limited purpose of resolving the technical difficulty in transferring data between MedLEapr, CCTNS and the Case Information System.

Key Takeaways for CLAT Aspirants

- **Section 180, BNSS Examination of Witnesses by Police:** An investigating officer may orally examine any person believed to be acquainted with the facts of the case, and such person is bound to answer truthfully all questions other than those which would expose him to a criminal charge, penalty or forfeiture. The statement may be reduced to writing with a separate and true record for each person, may be recorded through audio-video electronic means, and in specified offences against women must be recorded by a woman police officer.
- **Article 20(3) and the Privilege Against Self-Incrimination:** Article 20(3) protects an accused against compelled testimonial self-incrimination. Separately, Section 180(2) BNSS protects any person examined by police from being compelled to answer questions whose answers may expose that person to a criminal charge, penalty or forfeiture."
- **Evidentiary Value of Police Statements:** A statement recorded by the police during investigation is neither signed by the maker nor substantive evidence, and may be used only to contradict the maker

- when he is examined as a witness at trial, or by the accused in the manner permitted by law. This limited use is precisely why the record must faithfully reflect the witness's own words rather than the officer's suggestion.
- **Leading Questions:** A leading question is one which suggests the answer the questioner wishes to receive. Such questions are ordinarily impermissible in examination-in-chief and re-examination without the court's leave, and are allowed in cross-examination, the underlying principle being that a witness's testimony must be his own and not that of the person eliciting it.
- **Fair Investigation as a Facet of Article 21:** The right to a fair trial extends backwards to the investigative stage, so that an investigation must be fair, impartial and directed at ascertaining the truth. An investigation designed to build a case rather than to discover facts vitiates the process and offends the guarantee of life and personal liberty.
- **Presumption of Innocence and the Burden of Proof:** An accused is presumed innocent until proved guilty, and the prosecution must establish its case beyond reasonable doubt without relying on the weakness of the defence. It is better that several guilty escape than that one innocent be convicted, a principle that governs the conduct of investigation as much as adjudication.
- **Delay in Lodging the FIR:** Promptness in setting the criminal law in motion lends credence to the prosecution version, while an unexplained delay affords opportunity for deliberation, embellishment and false implication. Delay is not fatal in itself, but it must be satisfactorily explained, and its effect is assessed in the light of the surrounding circumstances.
- **Section 80 and Section 85, BNS Dowry Death and Cruelty:** Where a woman dies of burns, bodily injury or otherwise than under normal circumstances within seven years of marriage, and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or his relative in connection with a demand for dowry, such death is a dowry death, punishable with imprisonment of not less than seven years extending to life. Section 85 separately punishes cruelty by a husband or his relative, and the Dowry Prohibition Act, 1961 penalises the giving, taking and demanding of dowry.
- **Bail Jurisprudence- Bail the Rule, Jail the Exception:** In considering bail, a court examines the nature and gravity of the accusation, the nature of the evidence, the severity of the potential punishment, the character of the accused, the likelihood of the offence being repeated, and the risk of tampering with evidence or influencing witnesses. Conditions may be imposed to secure these ends, and their breach furnishes a ground for cancellation.
- **Article 226 and Judicial Oversight of Investigative Practice:** A High Court exercising writ or criminal jurisdiction may, upon noticing a systemic irregularity in a case before it, issue general directions to the police establishment to prevent its recurrence. This supervisory function complements the ordinary appellate process and operates alongside statutory duties of investigating agencies, including the increasing use of electronic recording and digital platforms to secure transparency in investigation.



Practice Questions

1. During investigation, Inspector Arjun orally examines Rohan, who is believed to know facts relevant to the case. Rohan answers factual questions but refuses to answer one question because the answer may expose him personally to a criminal charge. The officer insists that every person examined under Section 180 BNSS must answer every question. Which position is legally sustainable?
 - (a) Rohan must answer because the protection applies only after formal arrest.
 - (b) Rohan must answer because only an accused can refuse questions during investigation.
 - (c) Rohan may refuse because Section 180 protects answers exposing him to a criminal charge.
 - (d) Rohan may refuse only if a court has first recognised his privilege against self-incrimination.

2. During investigation of a serious offence, the police repeatedly frame questions to witnesses so as to obtain a predetermined version, disregard material inconsistent with their theory, and collect evidence only to strengthen the case already assumed against Meera. She challenges the investigation as unfair. Which position best reflects the applicable principle?
 - (a) The investigation remains valid because fairness becomes relevant only when the trial begins.
 - (b) Police may build a preferred case so long as the evidence is later tested before the court.
 - (c) The process is valid unless Meera first proves that every witness statement is false.
 - (d) An investigation aimed at building a case rather than discovering facts offends Article 21.

3. Consider the following statements:
 - i. Delay in lodging an FIR does not automatically destroy the prosecution case.
 - ii. Unexplained delay may provide opportunity for deliberation or embellishment.
 - iii. Every delayed FIR must be rejected irrespective of the surrounding circumstances.
 - iv. The effect of delay depends partly on whether a satisfactory explanation is offered.Which of the above statements are correct?
 - (a) Statements i, ii and iv only
 - (b) Statements i and iii only
 - (c) Statements ii, iii and iv only
 - (d) Statements i, ii and iii only

4. Analyze the situations below and determine which would most strongly support grant of bail under the stated bail principles.
 - (a) Vikram faces a grave accusation, has threatened witnesses, and has previously breached similar conditions.
 - (b) Kavya faces a less serious accusation, has no shown risk of tampering, and is unlikely to repeat the offence.
 - (c) Arjun faces serious charges and has attempted to influence a material prosecution witness.
 - (d) Meera faces a severe potential sentence and there is material suggesting interference with evidence.

5. Which constitutional provision protects an accused against compelled testimonial self-incrimination?
 - (a) Article 21

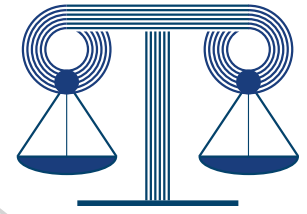


- (b) Article 226
- (c) Section 180 BNSS
- (d) Article 20(3)



HIGH COURT

Landmark Judgements



17

Habeas Corpus Not Maintainable to Enforce Ex-Parte Custody Order

Background

- The petitioner-father filed F.C.O.P. No. 207 of 2025 under Section 25 of the Guardians and Wards Act, 1890 before the Additional Family Court, Vijayawada, seeking restoration of custody of his minor son aged about six years, who was living with the fourth respondent, his mother.
- By judgment dated 5 June 2025 that petition was allowed, the father was appointed guardian of the ward, and the mother was directed to hand over custody of the child within sixty days; on the same date and from the same court the father also obtained an ex parte decree of divorce in F.C.O.P. No. 201 of 2025.
- The mother contended that both orders were obtained without notice to her, since the address shown for her in both petitions was in fact the petitioner's own address, as was evident from a complaint letter filed by him, while her Bengaluru addresses were disclosed only later in his final legal notice dated 23 December 2025.
- Notably, in the divorce petition the father had himself pleaded that the mother had left the matrimonial home on 15 April 2022 and was residing at her parents' house, yet neither her parental address nor her Bengaluru addresses were disclosed in either proceeding.
- The mother had filed I.A. Nos. 25 and 26 of 2026 before the Family Court for condonation of delay and for setting aside the ex parte custody order, both of which were pending, and she further contended that Section 43 of the 1890 Act furnishes a statutory

Case Details

- Case Title:** Ogirala Venkata Sai Sunil Manohar v. State of Andhra Pradesh & Ors.
- Court:** High Court of Andhra Pradesh at Amaravati
- Citation:** Writ Petition No. 36437 of 2025 | 2026 LiveLaw (AP) 179
- Bench:** Justice Ravi Nath Tilhari and Justice Subhendu Samanta

Issue Before the Court

- Whether a writ of habeas corpus under Article 226 can be issued to implement or enforce an order of custody passed by a Family Court.
- Whether such a writ can be founded upon an ex parte order passed without notice to the opposite party and which has not attained finality, applications for its setting aside being pending.
- Whether the availability of a statutory remedy of enforcement under Section 43 of the Guardians and Wards Act, 1890 bars recourse to the writ jurisdiction.

mechanism for enforcement so that the writ was not maintainable, while the father urged that no other remedy, including execution, was open to him.

Judgement of the Court

- The Court reiterated that habeas corpus is a prerogative and extraordinary discretionary remedy, issued only where the ordinary remedy provided by law is unavailable or ineffective, and that in child custody matters it is maintainable where the detention of the minor by a parent or other person is shown to be illegal and without authority of law.
- It held that the writ cannot be used merely to enforce directions given by a court against a person within its jurisdiction so as to convert the writ jurisdiction into that of an executing court, the aggrieved party being left to such other remedy as the law permits.
- At the threshold the Court must ask whether the minor is in lawful or unlawful custody, and where the person concerned is the natural guardian, being the biological mother, the custody is presumed lawful, so that only in exceptional situations may it be disturbed in exercise of writ jurisdiction.
- On the facts, the Court found prima facie that the address shown for the mother in both the divorce and the guardianship petitions was the petitioner's own address, that despite his own pleading that she had returned to her parents' home he disclosed neither that address nor the Bengaluru addresses he later used, and that the custody order was accordingly passed behind her back and without notice.
- Since applications for setting aside that order were pending, it had not attained finality and could not form the foundation of a writ, the Court noting the settled principle that a judgment or order obtained by playing fraud upon the court is a nullity and non est in the eye of law and may be challenged at any time, fraud and justice never dwelling together.
- Holding further that Section 43 of the 1890 Act expressly provides for enforcement of such orders in case of disobedience, in the manner of an injunction under the Code of Civil Procedure, the Court rejected the contention that no statutory remedy existed and dismissed the writ petition with no order as to costs, while clarifying that it recorded no final finding on the correct address of the mother.

Key Takeaways for CLAT Aspirants

- **Writ of Habeas Corpus:** Meaning "you may have the body", the writ commands production of a detained person before the court to test the legality of the detention. It is procedural rather than substantive in character, may be moved by the detenu or by any person acquainted with the facts on his behalf, and the burden of justifying the detention ordinarily lies on the detaining authority.
- **Articles 32 and 226 Writ Jurisdiction:** Article 32 empowers the Supreme Court to issue writs for enforcement of fundamental rights and is itself a fundamental right, while Article 226 confers wider power on High Courts to issue writs both for fundamental rights and for any other purpose. The remedy under Article 226 is discretionary and its exercise depends on the facts of each case.
- **Habeas Corpus in Child Custody Matters:** The writ lies where detention of a minor by a parent or another is illegal and without authority of law, but the court retains discretion to decline relief where disturbing the existing custody would not serve the child's interest. It cannot be used as a substitute for a substantive custody proceeding before the appropriate forum.
- **Writ Jurisdiction Not to Become an Executing Court:** A writ court does not execute orders of other courts or tribunals; enforcement must be pursued through the remedies the law provides for that

- purpose. Where a statutory mechanism of enforcement exists, the extraordinary jurisdiction will ordinarily not be invoked.
- **Guardians and Wards Act, 1890- Sections 7, 17, 25 and 43**
- Section 7 empowers the court to appoint or declare a guardian for the welfare of the minor, Section 17 lists the matters to be considered in doing so, and Section 25 enables the court to order return of a ward who has left or been removed from the custody of the guardian. Section 43 permits orders regulating the conduct of guardians and provides that disobedience may be enforced in the manner of an injunction under the Code of Civil Procedure.
- **Welfare of the Child as Paramount Consideration:** In every question of custody or guardianship the welfare of the minor is the sole paramount consideration, overriding the rights and claims of the parents. Statutory preferences, such as the ordinary custody of a child below five years with the mother under the Hindu Minority and Guardianship Act, 1956, operate subject to this overarching principle.
- **Natural Guardian and Presumption of Lawful Custody:** A natural guardian derives authority from personal law rather than from any order of court, and custody of a minor with such a guardian is presumed lawful. Displacing that presumption requires demonstration that the custody is unlawful or contrary to the child's welfare.
- **Ex Parte Orders and the Right to be Heard:** The maxim audi alteram partem requires that no one be condemned unheard, and effective service of notice is the foundation of that guarantee. An ex parte decree may be set aside where the defendant shows that summons was not duly served or that he was prevented by sufficient cause from appearing, and an order under challenge in such an application has not attained finality.
- **Fraud Vitiates All Judicial Acts:** A judicial order obtained by fraud is a nullity. Deliberate concealment or misstatement of an opposite party's address, if established to have been used to defeat proper service, may amount to fraud. In the present case, the High Court did not finally determine the correct address.
- **Alternative Remedy and Discretion in Writ Jurisdiction:** The existence of an efficacious alternative remedy is a self-imposed restraint on the exercise of writ jurisdiction rather than an absolute bar, relaxed where fundamental rights are violated, natural justice is breached, or the action is wholly without jurisdiction. Since habeas corpus concerns personal liberty and each petition rests on the facts obtaining at the time, the rule of res judicata does not bar a successive petition founded on fresh grounds.



Practice Questions

1. Meera takes her eight-year-old daughter to live with her after separating from Rohan. Rohan files a habeas corpus petition alleging illegal detention, but Meera is the child's natural guardian and nothing in the record shows that the child is being unlawfully confined or that her welfare is endangered. Which position is legally sustainable?

- (a) Habeas corpus must issue whenever one parent objects to custody with the other.
- (b) The writ must replace ordinary guardianship proceedings whenever custody is disputed.
- (c) Habeas corpus need not issue unless the custody is shown to be unlawful or contrary to the child's welfare.
- (d) Custody with a natural guardian becomes unlawful once another parent files a writ petition.

2. An ex parte custody order is passed against Aarav after notice is sent to an address that he claims was deliberately misstated by the opposite party. Aarav shows that he was never duly served and seeks to have the order set aside. Which position best reflects the applicable principle?

- (a) The order may be set aside if summons was not duly served or sufficient cause prevented appearance.
- (b) The order is final because every ex parte order becomes conclusive once pronounced.
- (c) Lack of service is irrelevant unless Aarav also proves that the underlying custody claim was false.
- (d) Aarav can challenge the order only through habeas corpus and not through the remedy against the ex parte order.

3. Consider the following statements:

- i. Article 32 empowers the Supreme Court to issue writs for enforcement of fundamental rights.
- ii. Article 226 allows High Courts to issue writs only for enforcement of fundamental rights.
- iii. The remedy under Article 226 is discretionary.
- iv. Article 32 is itself a fundamental right.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly justify declining habeas corpus relief in a child custody dispute.

- (a) A minor is detained by a person having no lawful authority and the custody is shown to be illegal.
- (b) The child is with a lawful guardian, and disturbing the existing custody would not serve the child's welfare.
- (c) A parent secretly removes the child despite having no legal basis for continued custody.
- (d) The detaining person cannot establish any lawful authority for keeping the child.

5. Which provision enables the court to order return of a ward removed from a guardian's custody?

- (a) Section 7

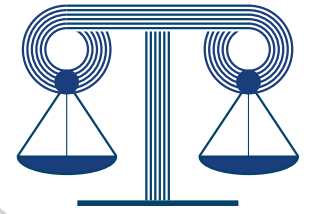


- (b) Section 17
- (c) Section 25
- (d) Section 43



HIGH COURT

Landmark Judgements



18 Article 161 of the COI

Background

- The petitioner was convicted along with a co-accused under Section 307 read with Section 34 of the Indian Penal Code, 1860 by the Additional Sessions Judge, Fatehpur, by judgment dated 26 November 2002, and sentenced to seven years rigorous imprisonment with a fine of ₹2,000 and one month's simple imprisonment in default.
- His criminal appeal was dismissed by the High Court on 5 March 2019, and his petition for special leave to appeal was dismissed by the Supreme Court on 29 July 2019.
- A proposal for his premature release was forwarded by the jail authorities to the District Magistrate, Fatehpur on 3 September 2022 and to the prison headquarters in October 2022, but remained pending, whereupon he applied on 22 February 2025 stating that he was about sixty-four years of age, suffering from ailments, and had served more than half of his sentence.
- The jail report of the Superintendent, District Jail, Fatehpur dated 23 February 2025 recorded that he had served four years, six months and six days without remission and five years and four months with remission against the total term of seven years, and certified his conduct as satisfactory.
- By order dated 26 June 2025 communicated by a Joint Secretary, premature release was refused in exercise of the power of the Governor under Article 161 of the Constitution, on the ground that the petitioner was aged sixty-one years and had served only two years and six days without

Case Details

Case Title:	Ram Pratap Singh v. State of U.P. and Others
Court	High Court of Judicature at Allahabad
Citation:	Criminal Misc. Writ Petition No. 17372 of 2025 2026 LiveLaw (AB) 588
Bench	Justice J.J. Munir and Justice Tarun Saxena

Issue Before the Court

- Whether the order refusing premature release suffered from an error apparent on the face of the record in computing the period of incarceration undergone by the petitioner.
- Whether the power of the Governor under Article 161 of the Constitution is amenable to judicial review and is regulated by the applicable Rules and remission policy.
- Whether reliance upon adverse recommendations of the District Magistrate and the Superintendent of Police, whose contents were never disclosed, could sustain the refusal.

remission and two years, one month and twenty-seven days with remission, and that the District Magistrate and the Superintendent of Police had not recommended his case; the counter affidavit offered no explanation for this divergence from the jail report.

Judgement of the Court

- The Court noted that under sub-Rule (iii) of Rule 4 of the Uttar Pradesh Prisoners' Release on Probation Rules, 1938, a convict in a case not covered by sub-Rules (i) and (ii) becomes eligible for consideration on serving one-third of the sentence without remission.
- Against a term of seven years, the jail report certified that the petitioner had served four years, six months and six days without remission, that is more than half the sentence, so that the finding that he had served only two years and six days had no basis whatsoever, was borne of an error apparent, and betrayed non-application of mind to the record.
- Misreading the period of incarceration in this manner amounted to a manifest illegality, and had the correct period informed the mind of the respondents the conclusion would possibly have been otherwise, particularly since that very period governs eligibility under the Rules.
- The Court held that although the power to grant premature release vests in the Governor under Article 161 and is a sovereign executive power, it cannot be exercised arbitrarily and is regulated by the Rules and the remission policy; even treating it as a constitutional power distinct from the statutory power of the State Government to remit sentences, the decision cannot be arbitrary or founded on an error apparent on a matter as important as the period of incarceration.
- On the adverse recommendations, the Court observed that neither the impugned order nor the State's return disclosed their contents, and that if such recommendations were without reasons and merely the ipse dixit of the officers, fresh comments would have to be secured from them.
- Holding that the impugned order could not be sustained, the Court allowed the writ petition, quashed the order dated 26 June 2025, and remitted the matter to the Government for a fresh decision within one month of receipt of the order, directing communication to the Principal Secretary through the Chief Judicial Magistrate.

Key Takeaways for CLAT Aspirants

- **Article 161 Pardoning Power of the Governor:** The Governor may grant pardons, reprieves, respites or remissions of punishment, or suspend, remit or commute the sentence of any person convicted of an offence against a law relating to a matter to which the executive power of the State extends. The power is exercised on the aid and advice of the Council of Ministers under Article 163 and not as a personal discretion.
- **Article 72 Distinguished:** The President's power extends to offences against laws within the executive power of the Union, to sentences by court martial, and to all cases where the sentence is one of death. The Governor's power is correspondingly narrower, excluding court martial cases and the power to pardon a death sentence, though it extends to suspension, remission and commutation thereof.
- **Forms of Clemency:** A pardon absolves the offender entirely and removes both the conviction and its disqualifications; commutation substitutes a lighter form of punishment for a harsher one; remission reduces the quantum without altering the nature of the sentence; respite awards a lesser sentence on special grounds such as illness or pregnancy; and reprieve temporarily stays execution to enable

recourse to further remedies.

- **Judicial Review of the Clemency Power:** Though the power is sovereign and the court cannot sit in appeal over the merits of the decision, the exercise is reviewable where it is arbitrary, mala fide, founded on wholly irrelevant or extraneous considerations, arrived at without application of mind, or rests on non-consideration of relevant material. Non-arbitrariness under Article 14 permeates every constitutional and executive power.
- **Error Apparent on the Face of the Record:** An error that is self-evident and requires no elaborate reasoning or investigation to establish is an error apparent, and its presence vitiates the order. Where an authority proceeds on a factual foundation contradicted by the official record before it, the decision reflects non-application of mind and constitutes a manifest illegality.
- **Speaking Orders and the Duty to Give Reasons:** Where an adverse decision relies materially on official recommendations, their basis must permit meaningful application of mind and judicial scrutiny. In this case, the Court observed that if the adverse recommendations were merely unreasoned ipse dixit, fresh comments would be required.
- **Statutory Remission and Remission Policy:** Independent of the constitutional power, the appropriate Government may suspend or remit a sentence, subject to statutory conditions and, in specified cases, to the opinion of the presiding judge, the corresponding provision now being contained in the Bharatiya Nagarik Suraksha Sanhita, 2023. Executive remission policies and prison rules structure the exercise of discretion and generate a right to be considered, though not a right to be released.
- **Right to be Considered for Premature Release:** A convict who satisfies the eligibility conditions is entitled to have his case considered fairly and within a reasonable time, and inordinate delay or mechanical rejection offends Article 21. The considerations ordinarily include the period undergone, conduct in prison, age and health, the likelihood of repeating the offence and the prospects of reintegration into society.
- **Reformative Theory of Punishment:** Remission, probation and premature release embody the reformative rather than purely retributive approach to sentencing, treating rehabilitation of the offender as an object of the penal system. Article 21 as expounded by the courts secures to a prisoner the residue of his fundamental rights and the right to live with dignity even within prison walls.
- **Article 226 Certiorari, Mandamus and Remand:** A High Court may quash an order vitiated by illegality, irrationality or procedural impropriety and may direct the authority to decide the matter afresh in accordance with law, ordinarily within a stipulated time. In doing so the court corrects the decision-making process rather than substituting its own conclusion for that of the authority entrusted with the power.



Practice Questions

1. The Council of Ministers advises the Governor to commute the sentence of a convict for an offence falling within the State's executive power. The Governor disagrees with the advice and decides to reject the request solely on his personal assessment of the case. Which position is legally sustainable?
 - (a) The Governor may disregard ministerial advice because clemency is an exclusively personal power.
 - (b) The Governor must exercise the Article 161 power on the aid and advice of the Council of Ministers.
 - (c) Ministerial advice applies only to remission and not to commutation of a sentence.
 - (d) The Governor may independently decide once the conviction has attained finality.

2. Kavya has completed the period required under the applicable remission policy and satisfies its eligibility conditions. Her request for premature release is mechanically rejected without considering her prison conduct, age, health or prospects of reintegration. She claims an absolute right to immediate release. Which position best reflects the applicable law?
 - (a) Kavya must be released because satisfaction of eligibility conditions creates an absolute right to freedom.
 - (b) The Government may reject her request without considering individual circumstances once a policy exists.
 - (c) Eligibility has no legal significance because premature release remains entirely beyond judicial scrutiny.
 - (d) Kavya has a right to fair and timely consideration, but not an automatic right to release.

3. Consider the following statements:
 - i. A pardon removes both the punishment and the conviction with its disqualifications.
 - ii. Commutation substitutes a lighter form of punishment for a harsher one.
 - iii. Remission alters the nature of the sentence while keeping its duration unchanged.
 - iv. Reprieve permanently substitutes a lesser punishment on grounds such as illness.Which of the above statements are correct?
 - (a) Statements i and ii only
 - (b) Statements i, ii and iii only
 - (c) Statements ii and iv only
 - (d) Statements i, iii and iv only

4. Analyze the situations below and determine which would most clearly justify judicial review of an order passed in exercise of the clemency power.
 - (a) The authority considers all relevant material but reaches a conclusion the court would not have preferred.
 - (b) The authority refuses remission after weighing prison conduct, offence gravity and prospects of rehabilitation.
 - (c) The authority rejects clemency solely on an extraneous consideration unrelated to the convict or the case.
 - (d) The court believes that a more lenient outcome would better serve the reformative theory of

punishment.

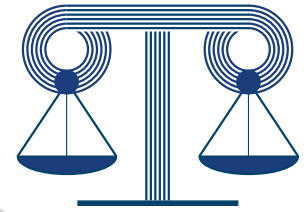
5. Which Article confers the pardoning power on the President of India?

- (a) Article 161
- (b) Article 72
- (c) Article 163
- (d) Article 226



HIGH COURT

Landmark Judgements



19

No Right to Take Any Particular Route for Religious Procession Under Article 25

Background

- The petitioner, organiser of the Bharat Mata Sewa Sangathan, Nagpur, sought permission to take out a Kavadi Yatra on 16 September 2026, a procession of about 3.5 kilometres in which consecrated water drawn from Mahadeo Ghat was to be carried in a Kanwar for performing Jalabhishek of the Shivling.
- The police reports objected to the proposed route on the grounds that it passed through congested, narrow and communally sensitive areas, that eight mosques and a dargah lay along it, that a similar procession in January 2024 had led to an assault and registration of a crime, and that riots had broken out in the same police station limits in March 2025.
- The reports further recorded that the organiser had been called for discussion and offered an alternate route commencing from an ancient Shiva temple, which he declined, and that his application disclosed no traffic management plan, no particulars of sound equipment, no estimate of participants, no list of volunteers with responsibilities and contact details, and no arrangements for crowd control or emergency response.
- By order dated 1 September 2026, the Deputy Commissioner of Police, Zone 3, Nagpur City, accepted these reports and permitted the Yatra but not along the route proposed by the petitioner, offering instead the alternate route.
- The petitioner challenged the order contending that it was passed without notice or hearing, that in a secular country a religious procession may pass along any road, and that the presence of places of

Case Details

Case Title:	Deepak s/o Devidas Nechwani v. State of Maharashtra
Court	High Court of Judicature at Bombay, Nagpur Bench
Citation:	Writ Petition No. 6151 of 2026 2026 LiveLaw (Bom) 404
Bench	Justice Anil S. Kilar and Justice Rajnish R. Vyas

Issue Before the Court

- Whether the impugned order amounted to a refusal of permission to take out the Kavadi Yatra or merely a modification of the route.
- Whether Article 25 confers a right to practise religion in a particular manner or along a particular route of the votary's choosing.
- Whether the police were justified in declining the proposed route and suggesting an alternate one on grounds of law and order and public order.
- Whether the petitioner could insist upon inclusion in the procession of a temple that is private property, its owner having complained to the police.

worship of other communities could not justify refusal; the State replied that permission had not been refused at all, that only the particular route had not been allowed, and that when questioned in court the petitioner conceded he had not supplied the missing particulars because they had not been called for.

Judgement of the Court

- The Court held the contention of refusal to be misconceived, since the petitioner had been permitted to take out the procession, only along the route suggested by the police rather than the one he proposed, so that neither the right to practise religion nor any part of it stood prohibited.
- It held that the right guaranteed by Article 25 is subject to the larger interest of law and order, public order and the needs of other sections of the population that might be adversely affected if exercise of the right in a particular manner were insisted upon, the exercise of the right to practise one's religion being one thing and to practise it in a particular way another.
- Earmarking of routes for processions involving a multitude of people essentially relates to law and order, for which the civil and police administration bear responsibility, and where upon assessment of the physical and geographical situation and the opinions of other communities the authorities decide that a proposed route cannot be permitted, no right inheres in the petitioner to insist upon it.
- Relying on the principle that courts should not normally interfere in matters of law and order, which lie primarily within the domain of the administrative authorities best placed to assess and handle the situation with their special knowledge, the Court held that past conduct and antecedents of a group may furnish sufficient material for anticipatory action in the public interest.
- Where a petitioner insists upon a particular route despite adverse police reports, he is duty bound to furnish every necessary particular to satisfy the police that the mandating aspects have been attended to, and here the absence of a traffic plan, participant estimates, volunteer details and crowd control arrangements, coupled with photographs showing that the temple had open space on only three sides too narrow to hold fifty to sixty persons and a very narrow access road, justified the suggestion of an alternate route.
- Since the temple forming part of the Yatra was private property belonging neither to a trust nor to the Government, and its owner had complained to the police, the petitioner could not compel a private person to make him part of activities on that property; the Court accordingly found no illegality, declined to interfere in writ jurisdiction and dismissed the petition.

Key Takeaways for CLAT Aspirants

- **Article 25 Freedom of Conscience and Free Profession, Practice and Propagation of Religion:** All persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion, subject to public order, morality, health and the other provisions of Part III. The article further preserves the power of the State to regulate secular activity associated with religious practice and to provide for social welfare and reform.
- **Manner of Exercise Distinguished from the Right Itself:** The right to practise one's religion is distinct from a right to practise it in a particular way, at a particular place or along a particular route.

Regulation of the manner, time and place of a religious observance does not amount to prohibition of the observance and is a permissible exercise of the State's regulatory power.

- **Article 19(1)(b) and Article 19(3) Freedom of Assembly:** Citizens have the right to assemble peaceably and without arms, subject to reasonable restrictions in the interests of the sovereignty and integrity of India or public order. A procession is a form of assembly in motion, and the right does not extend to a claim upon any particular public thoroughfare.
- **Law and Order, Public Order and Security of the State:** These three concepts form concentric circles of decreasing width, public order being narrower than law and order and security of the State narrower still. Not every disturbance of law and order amounts to a breach of public order, but where a reasonable apprehension of large-scale disturbance exists, a temporary abridgement of the right to assemble may be justified.
- **Doctrine of Reasonable Restrictions and Proportionality:** A restriction must be reasonable, neither arbitrary nor excessive, and must bear a direct and proximate nexus with the object it seeks to achieve. The measure adopted should be the least intrusive available, and permitting an activity along a modified route rather than prohibiting it outright reflects this graded approach.
- **Anticipatory Action on Past Conduct and Antecedents:** Prior incidents involving a group or a locality may furnish sufficient material for administrative authorities to anticipate a possible turn of events and act preventively in the public interest. Preventive powers under the criminal procedure law, including the power to issue orders in urgent cases of apprehended danger and to regulate assemblies and processions under police legislation, operate on this footing.
- **Judicial Deference in Matters of Law and Order:** Courts do not ordinarily substitute their assessment for that of the administrative authorities in matters of law and order, since those authorities possess the special knowledge and immediacy needed to gauge the situation. Judicial review remains available where the decision is arbitrary, mala fide or wholly without material, but not upon the merits of the operational judgment.
- **Secularism and Equal Protection of All Faiths:** Secularism, a part of the basic structure of the Constitution, means the State has no religion of its own and assures every person the protection of law freely to profess, practise and propagate his faith. It is not to be confused with the communal or religious conceptions of any individual or group, and the rule of law cannot be replaced by individual perceptions of good social order.
- **Right to Property and Consent of the Owner:** The right to property under Article 300A ensures that no person is deprived of his property save by authority of law, and an owner of private property is entitled to exclude others from it. No person can compel a private owner to permit his premises to be made part of a public event, and a place of worship in private hands stands on a different footing from one vested in a trust or the State.
- **Article 226 Discretionary Nature of Writ Jurisdiction and Precedential Value:** Relief under Article 226 is discretionary and is refused where the impugned action discloses no illegality, irrationality or procedural impropriety, or where the petitioner has himself withheld material particulars. A decision of one High Court is not binding on another and carries only persuasive value, whereas a decision of the Supreme Court binds all courts by force of Article 141.



Practice Questions

1. A religious group seeks permission to conduct a procession through a particular market road. The authorities permit the procession on the same date and at the same time but prescribe an alternative nearby route because of a documented risk of serious congestion and clashes on the requested road. The group argues that Article 25 gives it an absolute right to use its preferred route. Which position is legally sustainable?

- (a) Any alteration of the requested route amounts to prohibition of the religious observance itself.
- (b) The route may be regulated because Article 25 does not guarantee practice at a particular place or along a particular route.
- (c) Authorities may regulate only the timing of the procession and cannot alter its proposed route.
- (d) Article 25 prevents regulation of the place or manner of a procession once permission has been sought.

2. A public festival committee proposes to extend its procession through a privately owned courtyard belonging to Kavya, claiming that use of the courtyard would make the route more convenient. Kavya refuses consent, and the organisers contend that their rights of assembly and religious practice override her objection. Which position best reflects the applicable law?

- (a) Kavya must permit access because every religious procession may use private property along its preferred route.
- (b) The organisers may enter if the procession is peaceful and does not damage the premises.
- (c) Private ownership becomes subordinate whenever property is sought for a public religious event.
- (d) Kavya may exclude the procession because no one can compel a private owner to permit such use.

3. Consider the following statements:

- i. Every disturbance of law and order necessarily amounts to a disturbance of public order.
- ii. Public order is narrower in scope than law and order.
- iii. Security of the State is narrower than public order.
- iv. A reasonable apprehension of large-scale disturbance may justify temporary restriction of assembly.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which restriction would most clearly satisfy the principle of proportionality.

- (a) The administration permanently prohibits all processions in a city because one procession earlier caused minor inconvenience.
- (b) Authorities ban every religious gathering throughout a district despite having no material indicating a public-order risk.
- (c) Authorities divert a procession to a nearby route after identifying a specific clash risk on the original

road.

(d) Police prohibit an assembly indefinitely even though limited timing restrictions would adequately address the concern.

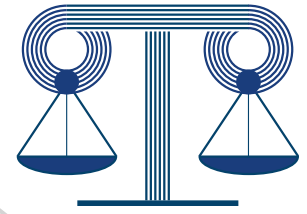
5. Under which provision may reasonable restrictions be imposed on the freedom of peaceful assembly in the interests of public order?

- (a) Article 25
- (b) Article 300A
- (c) Article 226
- (d) Article 19(3)



HIGH COURT

Landmark Judgements

**20**

Prosecution Must Establish Dacoity was the First Intention for Conviction

Background

- On 30 December 1981, the first informant lodged a report alleging that his father Atar Singh, who had earlier helped the police secure the arrest of one Mahavira and had thereby incurred his enmity, was returning to the village on foot with the informant, his uncle and two villagers after alighting from a bus at Dariyabganj.
- On reaching a culvert near village Chehka, Mahavira along with about twelve armed associates confronted Atar Singh, declared that they had long been searching for him and immediately opened fire; Atar Singh returned fire from his licensed single-barrel gun, injuring two of the assailants, whereafter further firing from Mahavira's side struck him and he fell and died.
- The prosecution further alleged that after the firing co-accused Chandrapal took away the deceased's gun and cartridge belt, while the other assailants carried away their two injured companions.
- The FIR was registered under Sections 147, 148, 149, 302 and 404 of the Indian Penal Code, 1860 against six named persons and twelve unknown armed miscreants, and the post-mortem disclosed multiple firearm wounds of entry and exit with death attributed to coma and syncope resulting from ante-mortem injuries; three eyewitnesses, the informant, the deceased's brother and an independent villager, were examined along with formal witnesses.
- The Additional District and Sessions Judge (Special Court), Etah, holding that Mahavira headed a

Case Details

Case Title:	Krishna Pal and Others v. State
Court	High Court of Judicature at Allahabad
Citation:	Criminal Appeal No. 2921 of 1982 2026 LiveLaw (AB) 635
Bench	Justice Samit Gopal

Issue Before the Court

- Whether the ingredients of Section 396 of the Indian Penal Code, 1860, namely dacoity by five or more persons acting conjointly followed by murder committed in the course of that dacoity, were established on the prosecution's own version.
- Whether the requisite nexus between the act of committing dacoity and the murder had been proved.
- Whether there was evidence to establish that the surviving appellant belonged to a gang of dacoits headed by Mahavira, and whether his conviction could otherwise be sustained.

notorious gang of dacoits and that a gun and cartridges had been looted, convicted the accused under Section 396 and sentenced them to ten years rigorous imprisonment by judgment dated 2 November 1982; during the pendency of the appeal four of the five appellants died and the appeal abated qua them, surviving only in respect of Sattu.

Judgement of the Court

- Reading Section 396 with Section 391, the Court observed that dacoity requires five or more persons conjointly committing or attempting to commit robbery, and that Section 396 contemplates the conjoint commission of dacoity as the first act, murder following in the course of committing it.
- On the prosecution's own version, the meeting of the informant's party with Mahavira and his associates was all of a sudden, the confrontation arising from the pre-existing enmity between Atar Singh and Mahavira, so that the intention of the accused could not be said to be one of dacoity with murder.
- The sequence disclosed was that Mahavira challenged and fired, Atar Singh fired in defence injuring two assailants, further firing followed and he died, and only thereafter did Chandrapal take the gun and cartridge belt; the nexus between the commission of dacoity and murder in the course of it was therefore not established.
- No evidence was brought on record to show that Mahavira headed a gang of dacoits of which the surviving appellant was a member, the trial court's contrary conclusion being unsupported.
- The Court found it relevant that despite firing by several persons no one else on the informant's side was injured, and that no incriminating material was recovered either from the possession of the appellant or on his pointing out.
- Holding that the prosecution had failed to establish that dacoity was the first intention and that murder was committed in committing it, the Court set aside the judgment dated 2 November 1982, acquitted the surviving appellant, cancelled his bail bonds and discharged his sureties, and allowed the appeal.

Key Takeaways for CLAT Aspirants

- **Section 391, IPC Definition of Dacoity:** Where five or more persons conjointly commit or attempt to commit robbery, or where the persons committing or attempting robbery together with those present and aiding them number five or more, every such person commits dacoity. The corresponding provision is **Section 310(1) of the Bharatiya Nyaya Sanhita, 2023**, and the numerical threshold of five persons remains an essential ingredient.
- **Section 396, IPC Dacoity with Murder:** Where any one of five or more persons conjointly committing dacoity commits murder in the course of that dacoity, every participant may incur liability under Section 396 IPC. The corresponding provision is **Section 310(3) of the Bharatiya Nyaya Sanhita, 2023**, which prescribes death, imprisonment for life, or rigorous imprisonment of not less than ten years along with fine.
- **Requirement of Nexus Between Dacoity and Murder:** For Section 396 IPC to apply, the murder must have the required connection with the commission of dacoity. In this case, the High Court found that the confrontation arose suddenly from prior personal enmity and that the deceased's gun and

- cartridge belt were taken only after the fatal firing. It therefore held that the prosecution had failed to establish dacoity as the antecedent design or murder committed in the course of such dacoity.
- **Theft, Extortion, Robbery and Dacoity:** Theft involves dishonest taking of movable property without consent, while extortion involves intentionally inducing delivery of property by putting a person in fear of injury. Robbery is an aggravated form of theft or extortion involving the statutorily required violence or threat, and dacoity is robbery committed or attempted conjointly by five or more persons. Under the BNS, robbery is dealt with in **Section 309** and dacoity in **Section 310**.
- **Section 404, IPC Misappropriation of Property Possessed by a Deceased Person:** Section 404 IPC applies where a person dishonestly misappropriates or converts property knowing that it was in the possession of a deceased person at the time of death and has not since come into the possession of a person legally entitled to it. The corresponding provision is **Section 315 of the Bharatiya Nyaya Sanhita, 2023**. Where property is taken after a killing without a pre-existing design to rob, liability under this provision may arise if its independent ingredients are established.
- **Sections 149 and 34, IPC Common Object and Common Intention:** Section 149 IPC imposes constructive liability upon members of an unlawful assembly for an offence committed in prosecution of its common object, or one which the members knew was likely to be committed. Section 34 concerns a criminal act done by several persons in furtherance of their common intention. Liability under either provision depends upon proof of the particular common object or common intention required by law.
- **Presumption of Innocence and Proof Beyond Reasonable Doubt:** An accused remains presumed innocent unless the prosecution proves the charge beyond reasonable doubt. Every essential ingredient of the particular offence must therefore be established from admissible evidence. In the present case, the High Court found no evidence establishing that the surviving appellant belonged to the alleged gang of dacoits and also noted the absence of incriminating recovery from him.
- **Section 313, CrPC Examination of the Accused:** Section 313 CrPC enables the court to question the accused personally regarding circumstances appearing against him in the prosecution evidence and affords him an opportunity to explain them. The corresponding provision is **Section 351 of the Bharatiya Nagarik Suraksha Sanhita, 2023**, under which such questioning ordinarily follows examination of the prosecution witnesses and precedes the defence.
- **Appeal Against Conviction, Appellate Powers and Abatement:** Under **Section 374 CrPC**, a person convicted by a Sessions Judge or Additional Sessions Judge may appeal to the High Court in the circumstances prescribed by the provision. The powers of the appellate court to reverse a conviction, acquit or discharge the accused, order retrial, or alter the finding or sentence are separately contained in **Section 386 CrPC**. The corresponding BNSS provisions are **Section 415 for appeals from convictions and Section 427 for powers of the Appellate Court**. Abatement is governed separately by **Section 394 CrPC**, now Section 435 BNSS, and is subject to statutory exceptions, including continuation in specified cases by near relatives with the leave of the court.
- **Right of Private Defence and Evidentiary Assessment:** The right of private defence permits reasonable defensive force against unlawful aggression and, in statutorily specified circumstances, may extend to causing death. Its availability depends upon the nature and immediacy of the threat and the surrounding circumstances. In *Krishna Pal*, the High Court considered the sequence of firing, absence of injuries to other members of the informant's party, absence of incriminating recovery from the surviving appellant and the overall prosecution evidence while assessing whether the offence under Section 396 IPC had been established.



Practice Questions

1. Five men enter a farmhouse intending to rob its occupants. During the robbery, one of them shoots and kills the owner while the others continue participating in the dacoity. The prosecution establishes that the killing occurred in the course of executing their common plan to commit dacoity. Which position is legally sustainable under Section 396 IPC?

- (a) Only the person who fired the shot can incur liability because murder requires an individual act.
- (b) Every participant may incur liability because the murder occurred in the course of the dacoity.
- (c) Section 396 cannot apply unless every participant shared a separate intention to commit murder.
- (d) Liability for dacoity ends once one participant commits an offence more serious than robbery.

2. After a sudden personal quarrel, Arjun fatally shoots Rohan without any prior plan to rob him. Only after Rohan's death does Arjun notice his wallet and dishonestly take it, knowing that it had been in Rohan's possession at the time of death. Which offence from the supplied principles most appropriately addresses the later taking?

- (a) Dacoity, because property was taken after violence resulting in death.
- (b) Robbery, because every taking following a killing necessarily becomes robbery.
- (c) Misappropriation of property possessed by a deceased person may arise if its ingredients are proved.
- (d) Dacoity with murder, because the subsequent taking retrospectively establishes a design to rob.

3. Consider the following statements:

- i. Section 149 IPC concerns liability arising from the common object of an unlawful assembly.
- ii. Section 34 IPC concerns a criminal act done by several persons in furtherance of their common intention.
- iii. Liability under either provision arises merely from presence at the place of occurrence.
- iv. Proof of the relevant common object or common intention is necessary for liability.

Which of the above statements are correct?

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

4. Analyze the situations below and determine which would most clearly constitute dacoity under Section 391 IPC.

- (a) Four persons jointly commit robbery while a fifth person watches from a distance without assisting them.
- (b) Three persons steal property without violence while two others later help conceal the stolen goods.
- (c) Four persons attempt robbery while another person arrives only after the attempt has completely ended.
- (d) Four persons commit robbery while a fifth remains present and aids them during its commission.

5. Which BNS provision corresponds to dacoity under Section 391 IPC?



- (a) Section 309
- (b) Section 310
- (c) Section 315
- (d) Section 351

VOICES VICTORIES



SIDDHANT ROHIT

AIR 4, AILET 2026

"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."



ARSHNOOR SINGH

(AIR 4, CLAT 2026

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.



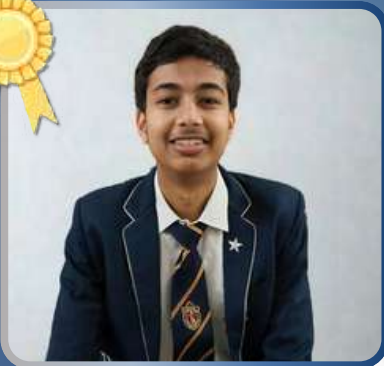
DAIWIK AGARWALA

AIR 2, CLAT 2025

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

"NPLC doesn't shout excellence; it proves it every result season."

VOICES VICTORIES



AIR 2, AILET 2025

CHAITANYA GHOSH

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



AIR 4, CLAT 2025

ADITYA GAUTAM ANKHAD

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



AIR 6, AILET 2025

DHRUV KAMATH

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

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

VOICES VICTORIES



AIR 10, AILET 2025

VIDISHA SINGH

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



**AIR 24 AILET 2025
& OXFORD**

SAMYUKTHA KOVILAKATH

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

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

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



Answers & Explanations

1. Res Judicata Bars Subsequent Impleadment Application

1. Correct Answer: (c) It is barred because the omitted ground might and ought to have been raised earlier.

Reference Line: "Explanation IV deems any matter which might and ought to have been made a ground of attack or defence in the former proceeding to have been directly and substantially in issue therein."

Explanation:

(a) Incorrect. Constructive res judicata extends beyond grounds that were actually argued. Since Meera had an available defence that she both could and should have raised in the former proceeding, its omission does not preserve it for later litigation.

(b) Incorrect. Nothing in the supplied principle makes an omitted ground independent merely because the earlier proceeding has concluded. The doctrine is intended to prevent a litigant from dividing available grounds across successive proceedings.

(c) Correct. The defence existed during the former suit, was known to Meera and ought to have been raised there. Explanation IV therefore treats the omitted matter as having been in issue for the purpose of preventing its later re-agitation.

(d) Incorrect. Constructive res judicata does not require the omitted ground to have been actually considered and decided. Its purpose is precisely to cover matters that should have been raised earlier even though no express determination was made upon them.

2. Correct Answer: (b) The court may permit Kavya to continue on prima facie satisfaction that the interest devolved.

Reference Line: "Where there is an assignment, creation or devolution of interest during the pendency of a suit or appeal, the proceeding may, by leave of the court, be continued by or against the person upon whom the interest has devolved."

Explanation:

(a) Incorrect. Order XXII Rule 10 is triggered by an assignment, creation or devolution of interest during the proceeding, not merely by a person's desire to be joined. Kavya must therefore rely on the factual devolution of Arjun's interest.

(b) Correct. Kavya claims through an assignment occurring while the appeal is pending and seeks the court's leave to continue. The supplied rule requires only prima facie satisfaction regarding the devolution before the court may permit continuation.

(c) Incorrect. The assignment creates the factual basis for invoking the provision, but continuation is not automatic. The rule expressly contemplates continuation by leave of the court after the relevant devolution is shown.

(d) Incorrect. The supplied material expressly states that the provision applies to appeals through Order XXII Rule 11. The fact that Arjun's interest devolved during an appeal therefore does not place Kavya outside the provision.

3. Correct Answer: (a) Statements i and ii only

Reference Line: "Res judicata means a matter already adjudged, and Section 11 bars a court from trying any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, litigating under the same title, before a court competent to try the subsequent suit, and has been heard and finally decided."

Explanation:

- (a) Correct. Statements i and ii reflect requirements expressly contained in Section 11 as supplied. The relevant matter must have been in issue earlier, and the former litigation must have involved the same parties litigating under the same title.
- (b) Incorrect. Statements i and ii are correct, but statement iii is not. Competence of the former court is one of the stated requirements and cannot be treated as irrelevant merely because an earlier decision exists.
- (c) Incorrect. Statement ii is correct, but statement iv contradicts the requirement that the relevant matter must have been heard and finally decided. The combination also excludes statement i, which represents another essential part of the rule.
- (d) Incorrect. Statement iii disregards the requirement of a competent former court, while statement iv disregards the requirement of hearing and final decision. Both propositions conflict with the cumulative ingredients stated for Section 11.

4. Correct Answer: (d) During a pending suit over rights in a plot, Rohan transfers that plot to Meera.

Reference Line: "During the pendency of a suit in which a right to immovable property is directly and specifically in question, the property cannot be transferred so as to affect the rights of any other party under the decree that may be made."

Explanation:

- (a) Incorrect. Section 52 operates during the pendency of litigation. Aarav transfers the house before any suit has begun, so the factual requirement concerning a transfer during the pending proceeding is absent.
- (b) Incorrect. Although a proceeding is pending, the transferred land has no connection with the matter being litigated. The doctrine requires the right to the immovable property itself to be specifically in question in the suit.
- (c) Incorrect. The supplied principle concerns a right to immovable property. The subject of the pending suit and transfer here is a vehicle, so the situation lacks the type of property to which the stated doctrine applies.
- (d) Correct. The suit is already pending, the dispute concerns rights in the plot, and Rohan transfers that very immovable property while the litigation continues. These facts satisfy the elements stated for the operation of lis pendens.

5. Correct Answer: (b) Want of jurisdiction in the earlier decision

Reference Line: "The recognised exceptions are want of jurisdiction, fraud or collusion, and orders passed in disregard of a statutory prohibition or direction."

Explanation:

- (a) Incorrect. The supplied principle expressly distinguishes mere factual error from the recognised exceptions. An erroneous factual finding does not by itself permit the binding decision to be disregarded through a fresh attempt at the same relief.
- (b) Correct. Want of jurisdiction is expressly included among the recognised exceptions to the binding force of an earlier decision. It therefore occupies a different position from an ordinary error made by a competent authority.
- (c) Incorrect. An error of law does not itself fall within the stated exceptions. The material provides that a decision may bind even when it is wrong, with appeal, review or revision being the appropriate means of challenging such an error.
- (d) Incorrect. Filing another application for the same relief is not identified as an exception to the earlier decision. The supplied principle instead states that a wrong order should be challenged through the recognised remedial process rather than re-agitated through a fresh application.

2. Section 465 of CrPC

1. Correct Answer: (c) The suit fails because readiness and willingness had to continue throughout.

Reference Line: "Both must coexist throughout, and funds arranged years later cannot retrospectively supply the continuity the statute requires."

Explanation:

- (a) Incorrect. Readiness concerns financial capacity, and the supplied principle requires it to coexist with willingness throughout the relevant period. Funds obtained several years later cannot cure an earlier absence of continuous readiness.
- (b) Incorrect. Section 16(c) imposes a requirement upon the plaintiff independently of the defendant's breach. The material expressly states that absence of continuous readiness and willingness defeats the suit even where the defendant is in breach.
- (c) Correct. Aarav may have intended to perform, but he lacked financial capacity for a substantial period. Since readiness and willingness must coexist throughout, his later arrangement of funds cannot supply the missing continuity.
- (d) Incorrect. Failure of continuous readiness is itself sufficient to defeat the claim under the supplied principle. Aarav need not additionally lack willingness at the time of filing for the earlier deficiency to matter.

2. Correct Answer: (b) Priya may attack the adverse finding without filing cross-objections.

Reference Line: "A respondent may file cross-objections against a part of the decree adverse to him, but where he merely supports the decree and claims no relief beyond it, he may attack an adverse finding without cross-objections."

Explanation:

- (a) Incorrect. The necessity of cross-objections depends on whether the respondent seeks relief beyond the decree, not merely on the existence of an unfavourable finding. Priya seeks no alteration of the relief

already granted.

(b) Correct. Priya merely wants the existing decree to be upheld and seeks no additional relief. The supplied rule therefore permits her to attack the adverse finding without filing cross-objections.

(c) Incorrect. Modification of the decree would matter where additional relief is being sought. Here, Priya accepts the operative decree and questions only a finding recorded against her.

(d) Incorrect. Success under the decree does not prevent a respondent from challenging an adverse finding while supporting that decree. The supplied principle expressly recognises this procedural possibility.

3. Correct Answer: (a) Statements i and ii only

Reference Line: "Section 10 now provides that specific performance shall be enforced subject to Sections 11(2), 14 and 16, replacing discretion with a mandatory rule."

Explanation:

(a) Correct. Statement i correctly reflects the present Section 10, under which specific performance is to be enforced subject to the limitations specifically recognised by the Act. Statement ii is also correct because Sections 11(2), 14 and 16 expressly operate as qualifications to this rule. Therefore, both statements accurately reproduce the present statutory position.

(b) Incorrect. Statement i is correct because the current provision adopts enforcement as the rule subject to statutory qualifications. However, statement iii incorrectly suggests that Section 10 operates independently of Sections 14 and 16. The reference expressly makes Section 10 subject to those provisions, so the second statement in this combination is legally inconsistent with the stated rule.

(c) Incorrect. Statement ii correctly identifies Sections 11(2), 14 and 16 as qualifications to enforcement. Statement iv, however, wrongly suggests that the present law continues the earlier discretionary framework without change. The supplied principle specifically states that the earlier discretionary position was replaced by the present formulation.

(d) Incorrect. Statement iii incorrectly separates Section 10 from Sections 14 and 16 even though those provisions expressly qualify its operation. Statement iv is also wrong because the present provision does not simply preserve the earlier discretionary regime. Since both propositions misstate the supplied rule, this combination cannot be accepted.

4. Correct Answer: (a) The contract grants a termination right, and the seller invokes that clause before the suit.

Reference Line: "Where a contract confers a right of termination and that right is exercised, a cloud arises and a declaration is necessary before seeking specific performance."

Explanation:

(a) Correct. The contract itself grants a termination right and that right has been exercised before enforcement is sought. According to the supplied principle, this creates a cloud requiring declaratory relief before specific performance.

(b) Incorrect. The seller has no contractual right of termination in this situation. The supplied material treats such unilateral termination as repudiation, allowing the aggrieved party to proceed on the footing that the contract subsists.

(c) Incorrect. Mere refusal to perform does not satisfy the stated condition requiring an existing contractual termination right that has been exercised. No such right is present in this situation.

(d) Incorrect. The seller's repudiation occurs without contractual authority to terminate. The supplied principle permits the aggrieved party in such a case to sue upon the contract as subsisting.

5. Correct Answer: (d) The buyer has a charge for the paid amount together with interest.

Reference Line: "A buyer who has paid part of the purchase money is entitled to a charge on the property for that amount with interest where the sale fails through the seller's default."

Explanation:

(a) Incorrect. The supplied provision does not state that ownership passes merely because part of the purchase money was paid. It instead gives the buyer a charge over the property for the relevant amount.

(b) Incorrect. Section 55(6)(b), as supplied, expressly includes both a charge on the property and interest. Limiting the buyer to recovery of the principal amount omits both recognised elements.

(c) Incorrect. The principle specifically recognises a charge over the property where the sale fails through the seller's default. Denying any security over the property therefore conflicts with the stated rule.

(d) Correct. Where the buyer has paid part of the purchase money and the sale fails because of the seller's default, the buyer is entitled to a charge for that amount together with interest.

3. Supreme Court Judgments are Retrospective Unless Expressly Made Prospective

1. Correct Answer: (c) No indefeasible right arises because benefits under the interim order remained subject to the final outcome.

Reference Line: "An interim order operates only during the pendency of the proceeding and is subject to the final outcome."

Explanation:

(a) Incorrect. Actual receipt of a benefit does not by itself convert an interim arrangement into a vested right. Priya received the benefit subject to the ultimate decision in the proceeding.

(b) Incorrect. An interim order does not acquire finality merely because it has been acted upon. Its operation remains provisional and dependent upon the final adjudication.

(c) Correct. The order expressly made Priya's benefits subject to the final outcome. Once the scheme was invalidated, she could not rely on the provisional arrangement as creating an indefeasible entitlement.

(d) Incorrect. The supplied principle treats interim relief as provisional rather than substantive and permanent. Implementation of the order does not alter that character.

2. Correct Answer: (d) The scheme lapses automatically once its underlying constitutional basis is invalidated.

Reference Line: "An executive scheme or instruction has no independent life once its source or underlying principle is declared unconstitutional; it lapses automatically without any separate order of repeal."

Explanation:

(a) Incorrect. The supplied principle specifically states that an executive scheme does not survive independently after the legal foundation supporting it is invalidated.

(b) Incorrect. A separate legislative act is not required to extinguish such an executive scheme. Its continued existence depends upon the validity of its underlying source or principle.

- (c) Incorrect. Existing beneficiaries do not preserve the legal life of an executive scheme once its foundation has been declared unconstitutional, unless some separate principle protects them.
- (d) Correct. Once the underlying principle is declared unconstitutional, the executive scheme loses its foundation and lapses without requiring an additional repeal order.

3. Correct Answer: (a) Statements i and ii only

Reference Line: "In writ proceedings under Article 226 or Article 32, unlike pleadings under the Code of Civil Procedure, not only the facts but also the evidence in support must be pleaded and annexed."

Explanation:

- (a) Correct. Statements i and ii accurately reflect the requirement that both material facts and supporting evidence be placed before the writ court. Statements iii and iv contradict the supplied principle.
- (b) Incorrect. Statement ii is correct, but statement iii wrongly permits determination of a fact-dependent issue without supporting material. Statement iv also ignores the stated distinction from CPC pleadings.
- (c) Incorrect. Statement i is correct, but statements iii and iv are not. A point depending upon facts requires supporting material, and the supplied principle expressly distinguishes writ pleadings from CPC pleadings.
- (d) Incorrect. Statements i and ii are correct, but statement iii is not. A point presented as one of law cannot be entertained where its resolution actually depends upon unsupported facts.

4. Correct Answer: (b) A smaller Bench issues a clarification that restricts the ratio settled by a larger Bench.

Reference Line: "A later clarificatory order of a smaller Bench cannot dilute or restrict the ratio laid down by a larger Bench."

Explanation:

- (a) Incorrect. A smaller Bench following the ratio of a larger Bench is consistent with the hierarchy of judicial precedent described in the supplied material.
- (b) Correct. A smaller Bench cannot use a later clarification to narrow or dilute the binding ratio of a larger Bench. Such an attempt conflicts with the stated rule of precedent.
- (c) Incorrect. Constitution Benches are contemplated for substantial questions involving interpretation of the Constitution. This situation does not conflict with the larger Bench rule.
- (d) Incorrect. Article 141 makes the ratio decidendi binding, not the particular facts of the earlier case. Following the Supreme Court's legal principle is therefore consistent with the supplied doctrine.

5. Correct Answer: (c) Article 19(1)(g)

Reference Line: "The right to establish and administer an educational institution is traceable to the freedom of occupation under Article 19(1)(g) for citizens generally, and to Article 30 for minority institutions."

Explanation:

- (a) Incorrect. Article 30 is identified with the autonomy of minority educational institutions rather than the general freedom of occupation available to citizens.
- (b) Incorrect. Article 32 concerns enforcement of fundamental rights before the Supreme Court. It is not the provision identified with freedom of occupation.

- (c) Correct. Article 19(1)(g) is expressly identified as the constitutional source of the freedom of occupation relied upon by citizens generally in establishing and administering educational institutions.
- (d) Incorrect. Article 141 concerns the binding force of law declared by the Supreme Court. It does not confer the freedom of occupation referred to in the question.

4. Washed-Off Theory Not Applicable While Assessing Suitability for Retention in Service

1. Correct Answer: (b) Non-communication alone does not vitiate an order of compulsory retirement.
Reference Line: "Annual Confidential Reports are the primary material for such assessments, and reliance on uncommunicated adverse remarks does not by itself vitiate an order of compulsory retirement."
Explanation:
(a) Incorrect. The supplied principle expressly permits reliance on uncommunicated adverse remarks in assessing compulsory retirement. Their non-communication, standing by itself, is therefore insufficient to invalidate the order.
(b) Correct. Vikram's challenge rests solely on the fact that certain adverse remarks were not communicated to him. The principle states that reliance on such remarks does not by itself vitiate an order of compulsory retirement.
(c) Incorrect. Nothing in the supplied material states that considering uncommunicated remarks changes the character of compulsory retirement into a disciplinary penalty. The assessment may legitimately draw upon Annual Confidential Reports.
(d) Incorrect. The principle does not restrict consideration to communicated adverse remarks in compulsory retirement cases. It expressly distinguishes such assessments from contexts where communication assumes greater significance.
2. Correct Answer: (c) No, an old adverse entry concerning integrity may itself justify premature retirement.
Reference Line: "Old adverse entries relating to integrity, however, may by themselves justify premature retirement, integrity being a distinct and continuing consideration."
Explanation:
(a) Incorrect. Favourable recent performance receives due weight, but it does not automatically erase an earlier entry concerning integrity. The supplied principle treats integrity as a distinct and continuing consideration.
(b) Incorrect. The age of an adverse entry does not necessarily prevent it from carrying decisive significance. An old entry relating to integrity may, according to the supplied rule, itself justify premature retirement.
(c) Correct. The adverse entry concerns integrity, which the material treats differently from ordinary old adverse remarks. Such an entry may by itself provide a basis for premature retirement despite favourable performance in later years.
(d) Incorrect. The supplied principle does not make an earlier disciplinary penalty a condition for relying upon an old integrity-related entry. Its significance arises from the nature of the integrity concern itself.
3. Correct Answer: (b) Statements i, ii and iii only

Reference Line: "Article 311(2) requires an inquiry with a reasonable opportunity of being heard before a civil servant is dismissed, removed or reduced in rank."

Explanation:

(a) Incorrect. Dismissal is expressly one of the service consequences referred to in Article 311(2), so statement i is correct. Compulsory retirement in public interest, however, is conceptually different from dismissal, removal or reduction in rank and is not one of the three measures identified in the supplied principle. The combination therefore includes an incorrect proposition.

(b) Correct. Dismissal, removal and reduction in rank are all expressly identified in the supplied Article 311(2) principle. Each represents a service consequence to which the constitutional protection referred to in the reference applies. Since statement iv alone introduces compulsory retirement, statements i, ii and iii form the correct combination.

(c) Incorrect. Removal and reduction in rank are both covered by the supplied principle, making statements ii and iii correct. Statement iv is not correct because compulsory retirement in public interest does not fall within the three consequences listed in Article 311(2). The option also leaves out dismissal, which is expressly mentioned in the reference.

(d) Incorrect. Statements i and ii correctly identify dismissal and removal as consequences covered by the provision. However, reduction in rank is equally and expressly included in the reference. The option is therefore incomplete because it excludes another correct proposition.

4. Correct Answer: (c) Arjun is retired after his entire service record, including an adverse integrity entry, is considered.

Reference Line: "A court does not sit in appeal over the assessment and may interfere only on grounds of mala fides, absence of any material, arbitrariness or perversity, or where relevant material has been overlooked."

Explanation:

(a) Incorrect. Absence of any supporting material is expressly recognised as a ground for judicial interference. If Rohan's retirement rests on no material at all, the court may review the legality of the decision.

(b) Incorrect. Ignoring exemplary recent performance and relying solely on stale adverse entries is identified as an arbitrary exercise of power. Such a decision can therefore attract judicial review.

(c) Correct. The authority has considered Arjun's entire service record, and an adverse entry concerning integrity may carry significant weight even if old. On the supplied facts, this situation least clearly attracts the recognised grounds for judicial interference.

(d) Incorrect. Failure to consider relevant material falls within the stated grounds of judicial review. Ignoring favourable material in Kavya's record can therefore justify interference with the decision.

5. Correct Answer: (a) Rule 56(j)

Reference Line: "The provision empowers the appropriate authority to retire a government servant prematurely, in public interest, after he attains a prescribed age, by giving three months' notice or pay in lieu thereof."

Explanation:

(a) Correct. Rule 56(j) is the provision identified in the supplied material as empowering the appropriate authority to prematurely retire a government servant in public interest.

- (b) Incorrect. Article 311(2) concerns safeguards relating to dismissal, removal or reduction in rank. It is not the source of the power of compulsory retirement described here.
- (c) Incorrect. Article 323A is referred to in relation to administrative tribunals exercising jurisdiction over service disputes. It does not confer the power of compulsory retirement.
- (d) Incorrect. Article 226 provides writ jurisdiction to the High Courts for reviewing administrative action. It is not the provision authorising compulsory retirement.

5. Sale Deed Not Invalid for Non-Payment of Consideration

1. Correct Answer: (c) Title has passed, and Meera's remedy is recovery of the unpaid balance.

Reference Line: "The vendor's remedy against a defaulting purchaser is a suit for recovery of the balance consideration, and cancellation of the sale deed is not available for non-payment alone."

Explanation:

- (a) Incorrect. Full payment is not stated to be a condition precedent to completion of the sale. Since the deed has been executed and registered, mere non-payment of the balance does not allow Meera to cancel it.
- (b) Incorrect. The supplied principle states that title passes once the sale deed is executed and registered even when only part of the price has been paid. Arjun's outstanding liability does not prevent the transfer of ownership.
- (c) Correct. The registered sale deed has already transferred title to Arjun, and the deed contains no special cancellation or reconveyance clause. Meera must therefore pursue recovery of the unpaid consideration rather than cancellation.
- (d) Incorrect. Registration does not lose its effect merely because part of the agreed price remains unpaid. The material expressly recognises that title may pass despite incomplete payment of consideration.

2. Correct Answer: (b) Kavya may claim a charge because Priya received the property without consideration.

Reference Line: "Where ownership has passed to the buyer before payment of the whole price, the seller is entitled to a charge on the property, in the hands of the buyer or a transferee without consideration or with notice, for the unpaid amount together with interest."

Explanation:

- (a) Incorrect. Passing of ownership does not extinguish the seller's protection for unpaid consideration. Section 55(4)(b), as supplied, gives the unpaid seller a charge over the property in specified hands.
- (b) Correct. Priya is a transferee without consideration, one of the categories expressly covered by the principle. Kavya may therefore assert a charge for the unpaid amount together with interest.
- (c) Incorrect. The statutory charge is not confined to the original buyer. The supplied rule expressly extends it to a transferee without consideration or one who takes with notice.
- (d) Incorrect. The principle specifically gives the unpaid seller both a charge on the property and interest on the unpaid amount. Restricting Kavya to an unsecured recovery claim contradicts the stated rule.

3. Correct Answer: (c) Statements i and ii only

Reference Line: "A second appeal lies to the High Court only on a substantial question of law, which must

be formulated at the time of admission."

Explanation:

- (a) Incorrect. Statement i is correct, but statement iii contradicts the requirement that a substantial question of law must exist.
- (b) Incorrect. Statement ii is correct, but statement iv contradicts the express requirement of formulation at admission.
- (c) Correct. Both statements reproduce the two requirements contained in the reference line.
- (d) Incorrect. Both statements contradict the requirements expressly stated in the reference.

4. Correct Answer: (c) Vikram transfers a plot to Kavya in return for another parcel of land, with no monetary price.

Reference Line: "Sale is the transfer of ownership in exchange for a price paid, promised, or part paid and part promised."

Explanation:

- (a) Incorrect. A price need not be paid immediately for a transaction to qualify as a sale. The supplied rule expressly permits consideration to be promised for future payment.
- (b) Incorrect. Part payment combined with a promise to pay the remaining price falls within the statutory description of sale. Immediate payment of the entire amount is unnecessary.
- (c) Correct. Here the consideration consists of another parcel of land rather than a price. Since price is described as an indispensable ingredient distinguishing sale from exchange, this situation least satisfies Section 54.
- (d) Incorrect. Nisha transfers ownership of the shop in return for a specified monetary price paid when the transaction is completed. This fits the supplied definition of a sale.

5. Correct Answer: (b) Sections 31 and 34

Reference Line: "A person against whom a written instrument is void or voidable and who apprehends serious injury may sue to have it adjudged void and cancelled, and a person entitled to a legal character or right to property may seek a declaration of title."

Explanation:

- (a) Incorrect. Sections 10 and 20 are not identified in the supplied material under cancellation of instruments and declaration. They therefore do not correspond to the provisions asked in the question.
- (b) Correct. The supplied material expressly identifies Sections 31 and 34 of the Specific Relief Act, 1963 in connection with cancellation of instruments and declaratory relief.
- (c) Incorrect. Sections 54 and 55 discussed in the material belong to the Transfer of Property Act context concerning sale and the rights and liabilities arising from it.
- (d) Incorrect. Sections 96 and 100 are not identified as the Specific Relief Act provisions governing these remedies. Section 100 is separately discussed in relation to second appeals under the CPC.

6. Judicial Review Cannot Replace Expert Assessment in Exam Disputes

1. Correct Answer: (b) The court should ordinarily respect the determination reached through the prescribed expert procedure.

Reference Line: "Where a statute or set of regulations prescribes a procedure for publication of a

provisional answer key, invitation of objections and their consideration by experts, that internal mechanism is the primary remedy for aggrieved candidates."

Explanation:

- (a) Incorrect. The prescribed objection mechanism is identified as the primary remedy for an aggrieved candidate. Rohan's decision to bypass that procedure does not support a fresh evaluation of the answer through judicial proceedings.
- (b) Correct. The authority followed the prescribed process by publishing a provisional key, inviting objections and obtaining expert consideration. The supplied principle states that courts ordinarily do not go behind a determination reached through such a procedure.
- (c) Incorrect. The material does not require courts to independently reassess every disputed answer after the prescribed mechanism has operated. The statutory or regulatory objection process is intended to address such grievances in the first instance.
- (d) Incorrect. A candidate's later disagreement does not by itself displace a determination reached through the prescribed process. The supplied principle gives significance to the procedure followed before the final determination was made.

2. Correct Answer: (c) Articles 14 and 16 require fairness and non-arbitrariness in the recruitment process.

Reference Line: "Articles 14 and 16 require fairness and non-arbitrariness in public recruitment; courts must also consider the effect of relief upon the selection process and other candidates."

Explanation:

- (a) Incorrect. Public recruitment remains subject to constitutional requirements of equality and fairness. The supplied principle specifically places recruitment decisions within the requirements imposed by Articles 14 and 16.
- (b) Incorrect. Article 16 is expressly concerned with equality of opportunity in matters of public employment. Limiting the issue to Article 14 would ignore the additional protection identified for recruitment matters.
- (c) Correct. The candidates are similarly placed, yet the recruitment process treats them differently without a fair basis. Such action engages the requirements of equality, fairness and non-arbitrariness under Articles 14 and 16.
- (d) Incorrect. The supplied principle does not permit unequal treatment merely for administrative convenience. Public recruitment must conform to the constitutional requirement that State action remain fair and non-arbitrary.

3. Correct Answer: (c) Statements i, ii and iv only

Reference Line: "Administrative action is reviewable on the grounds of illegality, irrationality and procedural impropriety, along with mala fides, absence of jurisdiction and violation of natural justice."

Explanation:

- (a) Incorrect. Statement i is correct, but statement iii is not. Judicial review does not permit interference merely because a court would have reached a different conclusion, while statements ii and iv identify recognised grounds.
- (b) Incorrect. Statements ii and iv correctly identify procedural impropriety and absence of jurisdiction as grounds of review. Statement i is also correct and therefore cannot be excluded from the proper

combination.

(c) Correct. Illegality, procedural impropriety and absence of jurisdiction are all expressly recognised grounds of judicial review. Statement iii is incorrect because a mere difference of opinion with the authority is insufficient.

(d) Incorrect. Statements i and iv are correct, but statement iii incorrectly converts judicial review into reconsideration of the merits. Statement ii, which identifies procedural impropriety, has also been wrongly omitted.

4. Correct Answer: (c) Vikram shows a material error in the key that is evident without inference or rationalisation.

Reference Line: "Interference is permissible only where a material error is demonstrated clearly and without any process of inference or rationalisation, and even then only in rare cases."

Explanation:

(a) Incorrect. A candidate's preference for another answer does not establish the clear material error required for judicial interference. Courts ordinarily defer to the academic assessment of the expert body.

(b) Incorrect. An objection that succeeds only through several inferential steps does not meet the stringent standard stated in the supplied principle. The error must be demonstrable without inference or rationalisation.

(c) Correct. Vikram identifies a material error that is apparent without the court reconstructing academic reasoning. This satisfies the limited circumstance in which interference with an expert determination may be permissible.

(d) Incorrect. Judicial review does not permit the candidate's preferred academic interpretation to replace the expert body's conclusion merely because another view is possible. The threshold requires a clearly demonstrated material error.

5. Correct Answer: (d) Article 320

Reference Line: "Article 315 provides for a Public Service Commission for the Union and for each State, and Article 320 entrusts them with the duty of conducting examinations for appointments to the public services."

Explanation:

(a) Incorrect. Article 315 is identified with the establishment of a Public Service Commission for the Union and each State. It is not the Article specified for the duty asked in the question.

(b) Incorrect. Article 316 governs the appointment and tenure of members of Public Service Commissions. The examination-conducting responsibility is assigned under a different constitutional provision.

(c) Incorrect. Article 317 concerns the removal of members of Public Service Commissions. It does not contain the examination function referred to in the supplied material.

(d) Correct. Article 320 is expressly identified as entrusting Public Service Commissions with the duty of conducting examinations for appointments to the public services.

7. Enquiry Necessary Before Dismissal for Suppression of Criminal Antecedents

1. Correct Answer: (d) Suppression cannot be established unless knowledge of the concealed fact is

attributable to Aarav.

Reference Line: "Both presuppose awareness on the part of the person making the declaration, so before a candidate is held guilty of either, knowledge of the concealed fact must be attributable to him."

Explanation:

- (a) Incorrect. Mere existence of the Non-Cognizable Report does not by itself establish deliberate suppression. The principle requires awareness of the concealed fact to be attributable to Aarav before suppressio veri can be found.
- (b) Incorrect. Suggestio falsi concerns assertion of what is false and also presupposes awareness. The supplied principle does not treat every omission in a verification form as sufficient to establish such misconduct.
- (c) Incorrect. The employer bears the burden of establishing deliberate suppression. Omission of information cannot dispense with the requirement of showing that the candidate knew of the fact allegedly concealed.
- (d) Correct. Aarav was never summoned, questioned or arrested, and no material establishes his awareness of the report. Without attributable knowledge, the essential foundation for suppressio veri or suggestio falsi is absent.

2. Correct Answer: (a) The High Court may entertain the writ despite the alternative remedy in such circumstances.

Reference Line: "A High Court may entertain a writ petition despite an available statutory remedy, particularly where the legality of the impugned order, a violation of fundamental rights, or a breach of natural justice is in question."

Explanation:

- (a) Correct. Meera specifically alleges that she was terminated without an opportunity of hearing. Since breach of natural justice is identified as a circumstance permitting writ intervention despite an alternative remedy, the High Court may entertain her petition.
- (b) Incorrect. Exhaustion of alternative remedies is described as a rule of self-imposed restraint rather than a restriction on jurisdiction. Its mere availability therefore does not completely exclude Article 226.
- (c) Incorrect. The supplied principle does not make prior refusal by the statutory appellate authority a condition for invoking Article 226. Recognised circumstances may justify approaching the High Court despite that remedy.
- (d) Incorrect. An alternative remedy does not create an automatic bar where natural justice is alleged to have been violated. The principle expressly preserves the High Court's discretion in such situations.

3. Correct Answer: (c) Statements i, ii and iii only

Reference Line: "A civil servant cannot be dismissed, removed or reduced in rank without an inquiry affording a reasonable opportunity of being heard."

Explanation:

- (a) Incorrect. Statement i concerns a consequence identified in the reference, but statement iv introduces compulsory retirement, which is not among the three listed consequences.
- (b) Incorrect. Statement ii is supported, but statement iv is not. Statements i and iii are also within the three consequences identified.
- (c) Correct. Dismissal, removal and reduction in rank are the three service consequences expressly

mentioned in the reference line.

(d) Incorrect. Statements i and iii are supported, but statement iv is not, while statement ii has been wrongly excluded.

4. Correct Answer: (b) Kavya had one minor Section 323 case ending in a clean acquittal and no other antecedent.

Reference Line: "The yardstick varies with the nature of the post and the duties attached to it, a trivial or petty offence, a clean acquittal, or a discharge after investigation calling for a materially different response from a serious charge or multiple pending cases."

Explanation:

(a) Incorrect. Multiple serious pending cases fall on the more serious side of the distinction drawn in the supplied principle. Such circumstances cannot be equated with a trivial offence or clean acquittal when assessing proportionality.

(b) Correct. Kavya's case involves a single minor offence followed by a clean acquittal and no other antecedent. The supplied principle expressly requires circumstances of this nature to receive a materially different response from serious or multiple cases.

(c) Incorrect. A serious charge connected with the responsibilities of the post is materially different from the minor or concluded matters identified as deserving a different response. The nature of the post also remains relevant.

(d) Incorrect. Deliberate concealment of multiple serious pending cases presents substantially different considerations from a petty offence or clean acquittal. The proportionality principle does not place these situations on the same footing.

5. Correct Answer: (d) Section 504

Reference Line: "Section 323 punishes voluntarily causing hurt and Section 504 punishes intentional insult with intent to provoke breach of the peace, both being minor, non-heinous offences not involving moral turpitude."

Explanation:

(a) Incorrect. Article 14 is identified in the supplied material with non-arbitrariness in State action. It is not the penal provision referred to for intentional insult.

(b) Incorrect. Section 323 is identified with voluntarily causing hurt. It does not correspond to the offence of intentional insult described in the question.

(c) Incorrect. Article 226 concerns the writ jurisdiction of High Courts. It is unrelated to the IPC provision dealing with intentional insult and provocation.

(d) Correct. Section 504 of the Indian Penal Code, 1860 is expressly identified as punishing intentional insult with intent to provoke breach of the peace.

8. Section 9 Application by Unsuccessful Party Maintainable in Exceptional Cases

1. Correct Answer: (b) The award remains enforceable unless Rohan obtains a separate stay from the court.

Reference Line: "An award becomes enforceable as a decree once the time for challenge expires or the

challenge is rejected, and the filing of a Section 34 application does not by itself render it unenforceable."
Explanation:

- (a) Incorrect. The supplied principle expressly states that filing a Section 34 application does not by itself prevent enforcement. Rohan must seek a separate stay rather than rely upon the mere existence of his challenge.
- (b) Correct. A Section 34 challenge and a stay of enforcement are treated separately. Unless Rohan obtains a stay on conditions fixed by the court, the challenge alone does not make the award unenforceable.
- (c) Incorrect. The material does not require the award-holder to wait until every conceivable proceeding has concluded. Enforcement depends upon Section 36 and any stay specifically granted by the court.
- (d) Incorrect. A Section 34 application does not change the character of the arbitral award into an interim determination. It merely invokes the limited statutory grounds available for challenging the award.

2. Correct Answer: (d) Meera cannot invoke the guarantee before the contingency specified by the court has occurred.

Reference Line: "Where a court order permits invocation only upon a specified contingency, that condition governs, and a mobilisation advance secured by such guarantees remains repayable only to the extent unutilised."

Explanation:

- (a) Incorrect. Although bank guarantees are ordinarily independent and encashable on demand, the supplied material recognises the effect of a court-imposed condition. Meera must therefore comply with the specified contingency.
- (b) Incorrect. The principle does not make invalidity of the underlying contract the only basis for restricting invocation. A court order may itself regulate when invocation is permitted.
- (c) Incorrect. Independence of the guarantee does not nullify an existing judicial condition governing invocation. The contingency imposed by the court continues to control Meera's entitlement to invoke it.
- (d) Correct. The court has expressly made invocation dependent upon a specified event. Until that event occurs, Meera cannot invoke the guarantee consistently with the supplied principle.

3. Correct Answer: (a) Statements i, ii and iv only

Reference Line: "An award may be set aside only on the limited grounds specified, such as incapacity of a party, invalidity of the agreement, want of proper notice, matters beyond the scope of submission, irregular composition or procedure, non-arbitrability, or conflict with the public policy of India."

Explanation:

- (a) Correct. Invalidity of the arbitration agreement, failure to give proper notice and conflict with the public policy of India are all expressly recognised in the supplied principle as grounds on which an award may be set aside. These are statutory defects going to the validity or fairness of the arbitral process rather than mere disagreement with the tribunal's conclusions.
- (b) Incorrect. Statement i identifies a recognised ground because an invalid arbitration agreement may undermine the tribunal's authority to make the award. Statement iii, however, converts Section 34 proceedings into an appeal on evidence. The statutory setting-aside jurisdiction does not permit interference simply because the court would have evaluated the evidence differently.

(c) Incorrect. Statements ii and iv correspond to recognised statutory grounds relating to proper notice and public policy. Statement iii is incorrect because Section 34 does not authorise a rehearing of the merits merely on the basis of judicial disagreement with the tribunal's conclusion.

(d) Incorrect. Statements i and ii correctly identify grounds relating to validity of the agreement and proper notice. Statement iii is not a permissible ground because the court does not sit as an ordinary appellate forum over the tribunal's evidentiary assessment. Statement iv, which is omitted here, is also expressly supported.

4. Correct Answer: (c) Meera promptly approaches the court, shows a strong prima facie case and demonstrates likely irreparable injury.

Reference Line: "The applicant must show a good prima facie case, that the balance of convenience favours the relief, that irreparable injury would otherwise result, and that the court was approached with reasonable expedition."

Explanation:

(a) Incorrect. Priya's delay and failure to show likely injury weaken two of the stated requirements for interim relief. Reasonable expedition and risk of irreparable injury are both relevant to the court's assessment.

(b) Incorrect. A possible claim alone is insufficient where the balance of convenience does not favour protection. The supplied principle requires the court to weigh the consequences of granting and refusing relief.

(c) Correct. Meera approaches promptly, establishes a strong prima facie case and shows likely irreparable injury. These circumstances most closely satisfy the guiding considerations identified for exercise of Section 9 power.

(d) Incorrect. The mere pendency of arbitration does not automatically justify interim protection. Arjun must still establish the relevant grounds supporting the need for judicial protection.

5. Correct Answer: (a) Section 70

Reference Line: "Doctrine of Unjust Enrichment and Section 70, Indian Contract Act, 1872: No person may retain a benefit received at another's expense without legal justification, and the law obliges restitution of money held without a lawful basis."

Explanation:

(a) Correct. Section 70 of the Indian Contract Act, 1872 is the provision identified in the supplied material alongside the doctrine of unjust enrichment and restitution.

(b) Incorrect. Section 9 belongs to the Arbitration and Conciliation Act, 1996 and concerns interim measures of protection. It is not the provision identified with restitution.

(c) Incorrect. Section 34 concerns challenges to arbitral awards on limited statutory grounds. It does not correspond to the unjust enrichment principle referred to in the question.

(d) Incorrect. Section 36 deals with enforcement and stay of arbitral awards. It is unrelated to the Section 70 restitution rule identified in the supplied material.

9. Speedy Trial is also a Right of the Victim

1. Correct Answer: (c) No rigid outer limit applies; the reasonableness of delay must be assessed on the

relevant circumstances.

Reference Line: "There is no uniform outer limit for the conclusion of a criminal trial, and the reasonableness of delay is judged on the length of delay, the reasons for it, the conduct of the accused and the prosecution, the complexity of the case, the number of accused and witnesses, and the prejudice caused."

Explanation:

(a) Incorrect. The supplied principle rejects any fixed time limit that automatically terminates a criminal trial. Delay must instead be evaluated in light of its causes, complexity, conduct of the parties and resulting prejudice.

(b) Incorrect. Conduct of the accused is expressly one of the factors relevant to assessing delay. If Rohan contributed to adjournments, that circumstance forms part of the overall evaluation.

(c) Correct. The principle requires a case-specific inquiry rather than application of a rigid numerical limit. The court must consider the length and reasons for delay along with complexity, conduct and prejudice.

(d) Incorrect. Length of delay is important but is not the sole consideration. The supplied material requires several surrounding factors to be weighed before determining whether the delay is unreasonable.

2. Correct Answer: (a) The adjournment should not be granted merely because counsel is engaged elsewhere.

Reference Line: "Corresponding to Section 309 of the Code of Criminal Procedure, 1973, it requires that an inquiry or trial proceed from day to day until all witnesses in attendance are examined, permits adjournment only for reasons recorded, caps remand at fifteen days at a time, and bars adjournment merely because counsel is engaged elsewhere."

Explanation:

(a) Correct. The stated reason for seeking adjournment is precisely the circumstance that Section 346 excludes. Engagement of counsel in another court, without more, does not justify postponing examination of witnesses who are present.

(b) Incorrect. The provision does not grant counsel an unrestricted entitlement to adjournment. Adjournments require recorded reasons and must conform to the statutory emphasis on continuous proceedings.

(c) Incorrect. Section 346 seeks to avoid unnecessary interruption when witnesses are already in attendance. Discharging and recalling them solely for counsel's other engagement would run against that mandate.

(d) Incorrect. The supplied provision specifically requires reasons to be recorded for an adjournment. It also states that another engagement of counsel, by itself, is insufficient.

3. Correct Answer: (d) Statements i, iii and iv only

Reference Line: "The right is not the exclusive preserve of the accused, and delay causes acute suffering and denial of closure to the victim as much as to the accused."

Explanation:

(a) Incorrect. Statement i correctly recognises that concerns relating to delay in criminal proceedings are not confined to the accused. Statement iv states the opposite by excluding victims altogether. The

supplied principle specifically recognises suffering and denial of closure to victims, making statement iv unsustainable.

(b) Incorrect. Statement ii correctly recognises that delay can cause acute suffering to the victim. Statement iv, however, denies any legal relevance to such consequences for victims. This directly conflicts with the victim-centred dimension of speedy justice expressed in the supplied principle.

(c) Incorrect. Statements i and ii correctly recognise both the broader scope of the right and the suffering caused to victims. Statement iv nevertheless excludes victims from consideration and is therefore inconsistent with those very propositions. Statement iii concerning denial of closure is also expressly supported.

(d) Correct. The supplied principle makes clear that the consequences of delay are not restricted to the accused. Victims may suffer prolonged uncertainty, emotional distress and denial of closure while criminal proceedings remain unresolved. Statements i, ii and iii therefore collectively reflect the principle.

4. Correct Answer: (b) Every other prosecution against the accused is indefinitely halted until the Special Court trial ends.

Reference Line: "It operates only to resolve a clash of dates so that the Special Court trial is not delayed, and cannot be read as suspending all other prosecutions until it concludes."

Explanation:

(a) Incorrect. Giving priority to the Special Court when hearing dates conflict is exactly the function attributed to Section 12. The provision accords precedence without extinguishing or suspending other prosecutions.

(b) Correct. Indefinitely stopping all other criminal cases converts precedence into suspension. The supplied principle expressly rejects that interpretation and confines Section 12 to resolving clashes of dates.

(c) Incorrect. Allowing another case to proceed when it does not interfere with the Special Court trial preserves both proceedings. This accords with the limited meaning of precedence stated in the material.

(d) Incorrect. Adjusting conflicting dates so that the Special Court proceeding receives priority gives effect to Section 12 without preventing other prosecutions from continuing.

5. Correct Answer: (c) Section 313, CrPC

Reference Line: "After the prosecution evidence is closed, the court must put to the accused the circumstances appearing against him so that he may personally explain them."

Explanation:

(a) Incorrect. Section 346 of the BNSS concerns continuous conduct of inquiry or trial, adjournments and related procedural matters. It is not the provision identified for examination of the accused.

(b) Incorrect. Section 12 of the U.P. Gangsters Act concerns precedence of the Special Court trial over other proceedings against the accused.

(c) Correct. Section 313 of the CrPC is the provision identified with the court putting incriminating circumstances to the accused after prosecution evidence has concluded.

(d) Incorrect. Article 21 provides the constitutional foundation for the right to speedy trial, but it is not the procedural provision governing examination of the accused.

10. Supreme Court Reduces Practice Requirement for Judicial Service To 1 Year

1. Correct Answer: (d) The altered criterion is ordinarily impermissible because the selection began under the earlier rules.

Reference Line: "In recruitment, the criteria prevailing at the commencement of a selection process ordinarily govern it, and altering the rules of the game after the process has begun is impermissible."

Explanation:

(a) Incorrect. The supplied principle does not permit unrestricted alteration of eligibility conditions after recruitment has begun. Candidates are ordinarily entitled to have the process governed by the criteria existing at its commencement.

(b) Incorrect. Legitimate expectation may arise where a person has arranged her affairs on the basis of an existing legal or administrative position. Meera entered the process while satisfying the originally declared eligibility conditions.

(c) Incorrect. A legitimate objective does not by itself validate alteration of recruitment criteria midway. The principle also requires notice or an appropriate transitional arrangement where the existing position is changed to a candidate's detriment.

(d) Correct. Meera was eligible under the criteria governing the process when it commenced, and the later change operates against her without transition. This is the type of midway alteration the supplied principle ordinarily prohibits.

2. Correct Answer: (d) Where practice is an eligibility condition, effective participation may be required beyond mere enrolment.

Reference Line: "Where practice is made a condition of eligibility, the law looks not merely to enrolment but to effective participation in judicial proceedings, verified through a prescribed certification mechanism."

Explanation:

(a) Incorrect. Seven years is the constitutional period identified for appointment from the Bar, but the supplied material distinguishes active practice from mere enrolment. Length of enrolment alone does not resolve Aarav's difficulty.

(b) Incorrect. Section 30 recognises the right of an enrolled advocate to practise, but the supplied principle separately requires effective participation where actual practice forms part of eligibility.

(c) Incorrect. Article 233(2) is described in terms of years of practice as an advocate or pleader, not simply presence on a State roll. The supplied material therefore rejects equating enrolment alone with active practice.

(d) Correct. Aarav has the required duration of enrolment but cannot demonstrate effective participation through the prescribed mechanism. Where practice itself is the qualification, the material permits scrutiny beyond formal enrolment.

3. Correct Answer: (a) Statements i, ii and iv only

Reference Line: "Article 233 governs appointment of District Judges, Article 234 the recruitment of other judicial officers by the Governor in accordance with rules made in consultation with the State Public Service Commission and the High Court, Article 235 vests control over the district judiciary in the High Court, and Article 236 defines the expressions used."

Explanation:

- (a) Correct. Article 233 concerns appointment of District Judges, while Article 234 deals with recruitment of judicial officers below that level. Article 236 supplies definitions relevant to the constitutional scheme governing the subordinate judiciary. Statement iii alone is incorrect because control under Article 235 belongs to the High Court.
- (b) Incorrect. Statement i correctly identifies Article 233. Statement iii, however, wrongly places control over the district judiciary with the State Public Service Commission. The constitutional scheme assigns that control to the High Court under Article 235.
- (c) Incorrect. Statements ii and iv correctly describe Articles 234 and 236. Statement iii is incorrect because consultation with the Public Service Commission in recruitment under Article 234 does not mean that the Commission controls the district judiciary. Article 235 vests that control in the High Court.
- (d) Incorrect. Statements i and ii correctly identify the functions of Articles 233 and 234. Statement iii incorrectly transfers the control vested in the High Court to the State Public Service Commission. Statement iv is also correct and has therefore been wrongly omitted.

4. Correct Answer: (c) A facially neutral requirement creates a disproportionate barrier for Priya because of disability, despite an available accommodation.

Reference Line: "The Rights of Persons with Disabilities Act, 2016 defines reasonable accommodation, prohibits discrimination in employment and provides for reservation in government establishments, so that a facially neutral eligibility condition may still require accommodation where it operates as a disproportionate barrier."

Explanation:

- (a) Incorrect. Mere disagreement with a uniformly applicable qualification does not establish the disproportionate barrier contemplated by substantive equality. Nothing in Rohan's facts indicates a basis requiring accommodation.
- (b) Incorrect. Additional preparation or inconvenience alone does not bring Kavya within the supplied principle concerning reasonable accommodation for a disproportionate barrier arising from disability.
- (c) Correct. Priya faces a disproportionate obstacle created by a facially neutral condition, and an accommodation is available. This situation most closely matches the substantive equality principle described in the material.
- (d) Incorrect. Comparative preparedness of another candidate does not establish discrimination or a need for reasonable accommodation. Arjun's situation does not involve the kind of barrier identified in the supplied principle.

5. Correct Answer: (b) Article 235

Reference Line: "Article 235 vests control over the district judiciary in the High Court"

Explanation:

- (a) Incorrect. Article 233 governs appointment of District Judges. It does not contain the constitutional allocation of control over the district judiciary asked in the question.
- (b) Correct. Article 235 is expressly identified as vesting control over the district judiciary in the High Court.
- (c) Incorrect. Article 309 concerns rules regulating recruitment and conditions of service. It is not the



MEDIA COVERAGE

BUREAUCRATS INDIA

Date: December 18, 2025

With a 90% strike rate, Delhi-based Nishant Prakash's students secure top ranks in CLAT and AILET



New Delhi: With both CLAT and AILET Rank 4 going to his students, corporate professional-turned-mentor Nishant Prakash on Thursday announced that 70 of his 78 students had qualified in India's two toughest law entrance examinations, with nine securing positions in the top 100.

The declaration of CLAT 2026 and AILET 2026 results has set off the next phase of admissions to India's premier law universities, once again underscoring the intense national competition among aspirants.

Against this backdrop, students trained at Nishant Prakash Law Classes (NPLC) posted a strong, widely distributed set of topnotch scores in both examinations, reinforcing the institute's consistent presence at the top. Of the 78 candidates from NPLC, 70 qualified in CLAT and AILET.

Hindustan Times

Date: December 31, 2025

CLAT and AILET 2026: How two AIR 4 rankers prepared, handled pressure and adapted when the paper changed



Arshnoor Singh, who secured All India Rank 4 in CLAT 2026 and AIR 202 in AILET, and Siddhant Rohit, who secured ...

Arshnoor Singh and Siddhant Rohit successfully navigated CLAT and AILET by prioritising adaptability and mock testing in preparation.

For law aspirants, entrance exams such as CLAT and AILET are as much a test of temperament as of preparation. That lesson comes through clearly in the journey of Arshnoor Singh, who secured All India Rank 4 in CLAT 2026 and AIR 202 in AILET, and Siddhant Rohit, who secured All India Rank 4 in AILET.

Both students began preparing ...
that ultimately ...
imposed.

India's Top Revolutionary Educationist: Talks About His Journey From Working In Premier Law Firm To Become The Most Sought After Educationist In Country Imparting Legal Education



CLAT Consortium has recently changed the pattern for CLAT. How do you see this?

Nishant Prakash students secure top ranks in CLAT, AILET

PIONEER NEWS SERVICE
New Delhi

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Arshnoor



Siddhant Rohit AILET (AIR 4)

provision assigning control over the district judiciary.

(d) Incorrect. Article 312(3) is identified with the contemplated creation of an All India Judicial Service, not control over the district judiciary.

11. 'Industry' Definition Given In Bangalore Water Supply Case Must Govern Pending Cases Under ID Act 1947

1. Correct Answer: (a) It may qualify as an industry because profit motive and capital investment are irrelevant.

Reference Line: "An undertaking is prima facie an industry where there is a systematic activity, organised by cooperation between employer and employee, for the production or distribution of goods and services calculated to satisfy human wants and wishes."

Explanation:

(a) Correct. The centre involves systematic activity, organised cooperation between employer and employees, and provision of services satisfying human wants. The supplied principle expressly makes absence of profit motive or capital investment irrelevant.

(b) Incorrect. The enquiry depends on the nature of the activity rather than the identity or object of the person conducting it. A State-run undertaking is therefore not excluded merely because it lacks a commercial objective.

(c) Incorrect. Generation of financial surplus is not an ingredient of the Triple Test. The supplied material specifically states that absence of profit motive does not prevent an undertaking from qualifying as an industry.

(d) Incorrect. Welfare character alone does not take an activity outside the definition. Where the functional requirements of systematic activity and employer-employee cooperation are satisfied, the nature of the service remains decisive.

2. Correct Answer: (c) The ruling is presumed retrospective unless the Court expressly limits it to future operation.

Reference Line: "Such prospectivity must be expressly declared, and in its absence retrospective operation is presumed."

Explanation:

(a) Incorrect. Completion of earlier transactions does not automatically make a judgment prospective. Protection of concluded transactions may justify prospectivity, but the Court must expressly adopt that course.

(b) Incorrect. Administrative dislocation may be a reason for the Court to limit a ruling prospectively. It does not itself convert an otherwise retrospective judgment into one operating only for the future.

(c) Correct. The judgment contains no express declaration confining its operation to future cases. The ordinary rule therefore applies, under which the judicial declaration is presumed to operate retrospectively.

(d) Incorrect. The supplied principle begins from the opposite position: a judgment ordinarily declares what the law always was. Earlier rights are not automatically insulated merely because they arose before the ruling.

3. Correct Answer: (a) Statements i, ii only

Reference Line: "Article 145(3) requires a minimum of five Judges where a substantial question of law as to the interpretation of the Constitution arises, so that a numerically large Bench is not necessarily a Constitution Bench."

Explanation:

(a) Correct. Article 145(3) prescribes a minimum strength of five Judges where the case involves a substantial question of law concerning interpretation of the Constitution. Statements i and ii therefore describe both the numerical requirement and the type of constitutional question that triggers it.

(b) Incorrect. Statement i correctly states the five-Judge minimum. Statement iii, however, wrongly assumes that every Bench of five or more Judges must automatically be a Constitution Bench. The reference specifically distinguishes numerical strength from the constitutional character of the question being decided.

(c) Incorrect. Statement ii correctly identifies a substantial constitutional interpretation question as the relevant trigger. Statement iii wrongly treats Bench size alone as conclusive, while statement iv incorrectly permits fewer than five Judges despite the minimum expressly prescribed by Article 145(3).

(d) Incorrect. Statements i and ii are both correct. Statement iii is not because merely having five or more Judges does not by itself establish that the Bench is exercising Constitution Bench jurisdiction under Article 145(3). The combination therefore includes an incorrect statement.

4. Correct Answer: (b) A constitutional authority performs the administration of law as an inalienable governmental function.

Reference Line: "Only functions strictly sovereign, being the primary and inalienable functions of a constitutional government such as legislation, administration of law and the judicial power, stand excluded."

Explanation:

(a) Incorrect. Economic ventures of the State do not fall within the narrow sovereign functions exception. A commercial transport service therefore cannot claim exclusion merely because a government department operates it.

(b) Correct. Administration of law is expressly identified as one of the primary and inalienable functions of constitutional government. It therefore falls most clearly within the sovereign functions exception.

(c) Incorrect. Welfare activities of the State are specifically stated not to attract the sovereign functions exception. Their governmental character alone does not remove them from the definition of industry.

(d) Incorrect. Even within a department performing sovereign functions, substantially severable units having an industrial character may remain within the definition. Such a unit is therefore not automatically excluded.

5. Correct Answer: (a) Section 2(j)

Reference Line: "Section 2(j), Industrial Disputes Act, 1947: The provision defined "industry" from the employer's standpoint as any business, trade, undertaking, manufacture or calling, and from the workman's standpoint as any calling, service, employment, handicraft, industrial occupation or avocation."

Explanation:

- (a) Correct. Section 2(j) of the Industrial Disputes Act, 1947 is the provision identified in the supplied material as defining the term “industry.”
- (b) Incorrect. Article 141 concerns the binding force of law declared by the Supreme Court. It does not define “industry” under the Industrial Disputes Act.
- (c) Incorrect. Article 145(3) concerns the minimum Bench strength for substantial constitutional interpretation questions. It is unrelated to the statutory definition of industry.
- (d) Incorrect. Section 6 is identified in the supplied material as a provision of the General Clauses Act concerning the effect of repeal. It does not define “industry.”

12. No Original Jurisdiction under Article 131 for Statutory Authorities

1. Correct Answer: (a) Article 131 does not extend merely because the corporation qualifies as “State” under Article 12.

Reference Line: "Article 12 defines "State" for the purposes of Part III to include the Government and Parliament of India, the Government and Legislature of each State, and all local or other authorities within the territory of India or under the control of the Government of India."

Explanation:

- (a) Correct. Article 12 uses an expanded definition of “State” only for Part III. A statutory corporation may therefore be subject to fundamental rights obligations without acquiring the constitutional status of a constituent State under Article 131.
- (b) Incorrect. Performance of public functions does not convert a statutory corporation into one of the constituent States of the Union. The supplied material preserves the corporation's separate legal personality.
- (c) Incorrect. Constitutional or governmental control is not the test for Article 131 standing. The provision is confined to disputes involving the Union and constituent States in the constitutionally specified combinations.
- (d) Incorrect. A statutory body does not become the State merely because it was created by or operates under it. Its separate juristic identity prevents it from claiming standing reserved for the constituent State itself.

2. Correct Answer: (d) Maintainability depends on the party that actually invoked the court's jurisdiction.

Reference Line: "The maintainability of a proceeding is determined by the party who actually invokes the jurisdiction of the court and not by the interests that may indirectly be affected by the outcome."

Explanation:

- (a) Incorrect. The court cannot replace the actual petitioner merely because the State has an indirect interest in the result. Maintainability turns on who instituted the proceeding.
- (b) Incorrect. Financial or administrative control does not erase the statutory authority's separate identity. The proceeding remains one instituted by that authority unless the State itself is the petitioner.
- (c) Incorrect. Public importance of the subject matter does not permit the court to disregard the identity of the party invoking jurisdiction. The petitioner named before the court remains legally significant.
- (d) Correct. The supplied principle makes the identity of the actual petitioner decisive. A court cannot recast a proceeding filed by a statutory authority as one filed by the State merely because State interests are affected.

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

Reference Line: "The Supreme Court has exclusive original jurisdiction in disputes between the Government of India and one or more States, between the Government of India and any State on one side and other States on the other, and between two or more States, provided the dispute involves a question of law or fact on which the existence or extent of a legal right depends."

Explanation:

(a) Incorrect. Statement i is correct, but statement iii is not. Article 12 entities do not automatically become constituent States for Article 131, while statements ii and iv are also supported.

(b) Correct. Statements i, ii and iv accurately reflect the scope of Article 131. Statement iii is incorrect because the wider Article 12 definition does not travel to Article 131.

(c) Incorrect. Statement ii is correct, but statement iii wrongly extends Article 131 standing to every Article 12 authority. Statements i and iv have also been omitted.

(d) Incorrect. Statements i and iv are correct, but statement iii is not. The expression "States" in Article 131 is confined to constituent States of the Union.

4. Correct Answer: (c) A State statutory corporation sues another State claiming Article 131 standing in its own name.

Reference Line: "The expression refers only to the constituent States of the Union enumerated in the First Schedule to the Constitution."

Explanation:

(a) Incorrect. A dispute between the Union and a constituent State involving the existence or extent of a legal right falls within the type of federal dispute contemplated by Article 131.

(b) Incorrect. Disputes between two constituent States are expressly included within Article 131 where the required legal-right element exists.

(c) Correct. A statutory corporation is legally distinct from the State that created it. Since Article 131 is confined to constituent States and the Union, the corporation cannot claim that jurisdiction merely in its own name.

(d) Incorrect. A dispute involving the Union and several States over a legal right fits one of the constitutional combinations expressly covered by Article 131.

5. Correct Answer: (a) Article 136

Reference Line: "The Supreme Court may, in its discretion, grant special leave to appeal from any judgment, decree, determination or order of any court or tribunal in the territory of India, save in respect of the Armed Forces."

Explanation:

(a) Correct. Article 136 is the provision identified in the supplied material as conferring the Supreme Court's discretionary special leave to appeal jurisdiction.

(b) Incorrect. Article 131 concerns the Supreme Court's original jurisdiction in specified federal disputes between the Union and States or between States.

(c) Incorrect. Article 226 confers writ jurisdiction on the High Courts for enforcement of fundamental rights and for any other purpose.

(d) Incorrect. Article 12 defines "State" for the purposes of Part III. It does not confer appellate jurisdiction on the Supreme Court.

13. Order VII Rule 11 of CPC

1. Correct Answer: (b) Decline partial rejection because the plaint cannot be rejected in part.

Reference Line: "A plaint must be rejected as a whole and cannot be rejected in part, so where several reliefs are claimed and even one is within limitation and otherwise maintainable, the plaint cannot be thrown out in its entirety."

Explanation:

(a) Incorrect. Order VII Rule 11 does not permit rejection of selected portions of a plaint while retaining the rest. Since one relief remains within limitation and maintainable, partial rejection of the other reliefs is not available under the stated principle.

(b) Correct. The plaint contains at least one maintainable relief, and the rule requires rejection of the plaint as a whole rather than in fragments. The defendant's request for partial rejection must therefore fail.

(c) Incorrect. The existence of some time-barred reliefs does not automatically make the entire plaint liable to rejection. The supplied principle specifically protects the plaint from wholesale rejection where even one relief remains maintainable.

(d) Incorrect. Separating and dismissing only particular reliefs would amount in substance to partial rejection. The stated rule does not permit Order VII Rule 11 to be used in that manner.

2. Correct Answer: (d) Rohan cannot revive an already time-barred claim through his own unilateral act.

Reference Line: "A step taken by the plaintiff in his own interest, such as issuing a public notice asserting title, cannot revive a claim that has already become time-barred."

Explanation:

(a) Incorrect. Publication of a notice by the plaintiff does not create a fresh limitation period merely because it formally restates the claim. Otherwise, limitation could be extended indefinitely through unilateral conduct.

(b) Incorrect. Reassertion of an existing disputed right does not change the date on which the cause of action first accrued. The plaintiff cannot choose a new starting point merely by repeating the claim later.

(c) Incorrect. The possibility that the defendant may respond differently does not itself generate a fresh cause of action. The supplied rule focuses on the original accrual of the right to sue rather than later unilateral steps.

(d) Correct. Rohan's right had already been repudiated years earlier, and his later public notice was an act taken by him alone. Such conduct cannot revive a claim that has already become barred by limitation.

3. Correct Answer: (a) Statements i, ii and iv only

Reference Line: "Only the averments in the plaint and the documents annexed to or referred to in it may be considered."

Explanation:

(a) Correct. Statements i and ii identify the material the court may examine, while statement iv correctly excludes outside material. Statement iii is incorrect because the written statement is irrelevant at this stage.

(b) Incorrect. Statement i is correct, but statement iii contradicts the confined scope of enquiry under Order VII Rule 11. Statements ii and iv are also correct and have been omitted.

- (c) Incorrect. Statements ii and iv are correct, but statement iii improperly permits reliance on the defendant's written statement. Statement i is also supported by the supplied principle.
- (d) Incorrect. Statements i and ii are correct, but statement iii is not. Statement iv correctly reflects the rule that the court cannot travel beyond the relevant material contained with the plaint.

4. Correct Answer: (c) The plaint itself states that the right to sue accrued five years earlier in a claim governed by Article 113.

Reference Line: "Where, however, the bar is glaring and apparent on the face of the plaint, the court must exercise the power rather than allow a hopelessly time-barred suit to proceed."

Explanation:

- (a) Incorrect. Where limitation depends on disputed facts or requires evidence, the matter is a mixed question of fact and law. Such a plaint cannot be rejected at the threshold on that basis.
- (b) Incorrect. Clause (d) requires the legal bar to appear from the statements contained in the plaint itself. A limitation defence emerging only from the written statement cannot support rejection at this stage.
- (c) Correct. Article 113 provides three years from accrual of the right to sue, while the plaint itself admits accrual five years before filing. The limitation bar is therefore apparent from the plaint without requiring evidence.
- (d) Incorrect. The supplied principle prohibits rejection of a plaint in part. Where another relief remains within limitation and maintainable, the entire plaint cannot be rejected under Order VII Rule 11.

5. Correct Answer: (b) Section 3

Reference Line: "Section 3 requires that every suit instituted after the prescribed period be dismissed, even where limitation has not been set up as a defence, making the bar one which the court is bound to notice."

Explanation:

- (a) Incorrect. Article 113 prescribes a three-year limitation period for suits for which no specific period is provided. It is not the provision imposing the general duty of dismissal asked in the question.
- (b) Correct. Section 3 of the Limitation Act, 1963 requires dismissal of a suit instituted after the prescribed period even when limitation has not been raised as a defence.
- (c) Incorrect. Order VII Rule 9 concerns a different procedural requirement referred to in the grounds for rejection of a plaint. It is not the Limitation Act provision imposing the duty to dismiss.
- (d) Incorrect. Order VII Rule 11 CPC governs rejection of plaints on specified grounds, including where a legal bar appears from the plaint. The general statutory bar of limitation referred to here arises under Section 3.

14. Senior Citizens Tribunal Can Order Eviction of Children from Parents'

Property

1. Correct Answer: (d) Meera may have the transfer declared void because the condition of care was breached.

Reference Line: "Where a senior citizen transfers property by gift or otherwise subject to the condition that the transferee shall provide basic amenities and physical needs, and the transferee fails to do so, the transfer is deemed to have been made by fraud, coercion or undue influence and may be declared void at

the option of the transferor."

Explanation:

- (a) Incorrect. Section 23 creates a specific consequence where a transfer is conditional upon care and that obligation is not fulfilled. Passage of ownership does not prevent the senior citizen from seeking avoidance of such a transfer.
- (b) Incorrect. The supplied principle gives the transferor more than a claim for maintenance in this situation. Where the agreed condition of providing basic amenities and physical needs is breached, the transfer itself may be declared void.
- (c) Incorrect. The provision deems the transfer to have been affected by fraud, coercion or undue influence when the stipulated care is not provided. Meera need not rely only upon separate proof of actual fraud at the time of execution.
- (d) Correct. Meera transferred the property subject to an express condition of care, and Arjun subsequently failed to fulfil that condition. The circumstances therefore fall within the rule allowing the transfer to be declared void at her option.

2. Correct Answer: (a) Vikram has no independent right to remain once Rohan revokes the permission.

Reference Line: "Ownership of self-acquired property carries the right to possession, enjoyment and exclusion of others, and adult children possess no independent legal right to reside in such property save by the parent's leave and licence."

Explanation:

- (a) Correct. Vikram's occupation depends upon Rohan's permission rather than an independent legal entitlement. Once that permission is revoked, continued occupation may expose him to eviction.
- (b) Incorrect. Mere duration of permitted residence does not convert the parent's leave and licence into an independent right. The supplied principle treats such permission as revocable.
- (c) Incorrect. Adult children do not acquire a legal right to possess a parent's self-acquired property merely because of the parent-child relationship. Ownership includes the parent's power to exclude others.
- (d) Incorrect. Revocation of permission does not depend upon a subsequent transfer of the property. The parent's existing ownership itself supports the right to withdraw the licence to reside.

3. Correct Answer: (b) Each Sub-Division

Reference Line: "State Governments must constitute Maintenance Tribunals for each Sub-Division to adjudicate claims for maintenance."

Explanation:

- (a) Incorrect. A district may contain more than one Sub-Division. The supplied statutory principle does not provide merely one Tribunal for every district but uses the Sub-Division as the relevant administrative unit for constitution of Maintenance Tribunals.
- (b) Correct. The reference expressly requires State Governments to constitute Maintenance Tribunals for each Sub-Division. This decentralised arrangement supports the Act's objective of providing an accessible and speedy forum for maintenance claims by parents and senior citizens.
- (c) Incorrect. Limiting Tribunals to State capitals would substantially narrow access to the statutory mechanism. The reference contains no such restriction and instead requires constitution at the Sub-Divisional level.

(d) Incorrect. High Court territorial jurisdiction is not the statutory unit identified for creation of Maintenance Tribunals. The Act envisages a local tribunal structure based upon Sub-Divisions rather than constitutional court jurisdictions.

4. Correct Answer: (b) Eviction is necessary to make the senior citizen's statutory protection and maintenance effective.

Reference Line: "Where a statute confers jurisdiction, it impliedly grants the power to do all such acts, or employ such means, as are essentially necessary to give effect to that jurisdiction."

Explanation:

(a) Incorrect. Implied powers arise only where they are necessary to make the conferred jurisdiction effective. Creating an entirely new inheritance right goes beyond an ancillary power connected with statutory enforcement.

(b) Correct. Where eviction is essential to secure the senior citizen's protection and make the statutory remedy effective, it may operate as an incident of the Tribunal's jurisdiction despite not being expressly stated.

(c) Incorrect. Ancillary power cannot be used merely to adopt an arrangement the Tribunal considers preferable. Its exercise must be essentially connected with giving effect to jurisdiction already conferred by the statute.

(d) Incorrect. An unrelated authority having no connection with enforcement of the Act cannot arise merely through implication. The doctrine extends only to powers necessary for effective exercise of the jurisdiction granted.

5. Correct Answer: (d) Section 27

Reference Line: "No Civil Court has jurisdiction in respect of any matter for which the tribunal is empowered under the Act, and no injunction may be granted in respect of any action taken under it."

Explanation:

(a) Incorrect. Section 7 concerns constitution of Maintenance Tribunals and does not contain the stated bar on Civil Court jurisdiction.

(b) Incorrect. Section 16 concerns the statutory right of appeal from orders of the Maintenance Tribunal.

(c) Incorrect. Section 23 deals with voidability of certain property transfers where the transferee fails to provide the stipulated care.

(d) Correct. Section 27 is the provision identified as excluding Civil Court jurisdiction over matters entrusted to the Tribunal under the Act.

15. Mere Official Reprimand by Superior Not Abetment of Suicide

1. Correct Answer: (b) Yes, because an act or illegal omission occurred in pursuance of the conspiracy.

Reference Line: "A person abets the doing of a thing by instigating another, by engaging in a conspiracy in pursuance of which an act or illegal omission takes place, or by intentionally aiding its commission."

Explanation:

(a) Incorrect. The supplied definition does not require Rohan personally to perform the ultimate unlawful act. Abetment by conspiracy may arise where an act or illegal omission takes place in pursuance of the agreement.

- (b) Correct. Rohan participated in the conspiracy, and Vikram's illegal omission occurred in pursuance of that arrangement. These facts satisfy the form of abetment by conspiracy described in Section 107.
- (c) Incorrect. Instigation is one mode of abetment, but it is not indispensable where the requirements of abetment by conspiracy are independently satisfied. The provision recognises distinct forms of abetment.
- (d) Incorrect. Intentional aid is another recognised mode of abetment, but Rohan's liability here is based on conspiracy. The supplied rule does not require personal assistance after completion of the unlawful act.

2. Correct Answer: (a) Discharge Arjun because there is no sufficient ground for proceeding.

Reference Line: "Where the entire prosecution material taken at face value fails to disclose the statutory ingredients of the offence, refusal of discharge is unsustainable; the corresponding provision is Section 250 of the Bharatiya Nagarik Suraksha Sanhita, 2023."

Explanation:

- (a) Correct. Even accepting the prosecution material as presented, an essential ingredient of the offence is absent. The supplied principle therefore requires discharge where there is no sufficient ground for proceeding.
- (b) Incorrect. Section 227 does not require a trial to continue merely in the hope that missing statutory ingredients may later emerge. The existing prosecution material must disclose sufficient ground for proceeding.
- (c) Incorrect. A formal allegation alone is insufficient where the material supporting it fails to disclose the ingredients of the charged offence. The Judge must consider the record and documents before proceeding.
- (d) Incorrect. The discharge enquiry described in the material does not require the accused to disprove the prosecution case through defence evidence. The question is whether the prosecution material itself supplies sufficient ground.

3. Correct Answer: (d) Statements i and iv only

Reference Line: "Actual words are not indispensable, but a reasonable certainty to incite the consequence must be capable of being spelt out, and words spoken in anger or emotion without intending the consequence do not qualify."

Explanation:

- (a) Incorrect. Statements i and iv are correct, but statement ii is not because actual words are expressly stated to be unnecessary. Instigation may therefore emerge from conduct and surrounding circumstances.
- (b) Incorrect. Statement ii wrongly makes express words indispensable, while statement iii wrongly treats angry words as necessarily sufficient. Both propositions conflict with the qualifications stated in the supplied principle.
- (c) Incorrect. Statements i and iv are correct, but statement iii ignores the requirement of intended consequence. Words spoken merely in anger or emotion do not automatically amount to instigation.
- (d) Correct. Statement i reflects the stated meaning of instigation, while statement iv captures the requirement of a reasonably certain tendency to incite the consequence. Statements ii and iii are incorrect.

4. Correct Answer: (c) Kavya's disagreements with Arjun ended six months earlier, followed by no further interaction.

Reference Line: "There must be a positive act proximate in time to the occurrence which left the deceased with no option, described as the final trigger in a series."

Explanation:

(a) Incorrect. The conduct culminates in a fresh act shortly before the occurrence, supplying the temporal connection required by the principle. It therefore presents a stronger case of proximity.

(b) Incorrect. A positive act immediately preceding the occurrence closely matches the requirement of a proximate final trigger. The factual connection is considerably stronger than remote past conduct.

(c) Correct. The disagreements ended six months earlier and were followed by no further interaction. Such remote allegations lack the live and proximate link required to sustain the charge on this principle.

(d) Incorrect. The fresh act follows earlier conduct and operates as the final trigger close to the occurrence. This fits the stated requirement far more closely than allegations that ended months earlier.

5. Correct Answer: (a) Section 108

Reference Line: "The offence is cognizable, non-bailable and non-compoundable, and is triable by a Court of Session; it now corresponds to Section 108 of the Bharatiya Nyaya Sanhita, 2023."

Explanation:

(a) Correct. Section 108 of the Bharatiya Nyaya Sanhita, 2023 is expressly identified as the provision corresponding to Section 306 IPC.

(b) Incorrect. Section 45 of the Bharatiya Nyaya Sanhita, 2023 is identified in the supplied material as corresponding to Section 107 IPC concerning abetment.

(c) Incorrect. Section 250 is identified as the corresponding provision under the Bharatiya Nagarik Suraksha Sanhita, 2023 for Section 227 CrPC concerning discharge.

(d) Incorrect. Section 117 is identified in the supplied material in relation to the Bharatiya Sakshya Adhiniyam, 2023, not as the BNS provision corresponding to Section 306 IPC.

16. Section 180 BNSS

1. Correct Answer: (c) Rohan may refuse because Section 180 protects answers exposing him to a criminal charge.

Reference Line: "An investigating officer may orally examine any person believed to be acquainted with the facts of the case, and such person is bound to answer truthfully all questions other than those which would expose him to a criminal charge, penalty or forfeiture."

Explanation:

(a) Incorrect. The protection stated in Section 180 is not made dependent upon formal arrest. It applies to a person being examined where answering a question may expose that person to criminal liability, penalty or forfeiture.

(b) Incorrect. The supplied principle protects any person examined by police under Section 180, not only someone already treated as an accused. Rohan may therefore decline the particular incriminating question.

(c) Correct. Rohan is generally bound to answer truthfully, but the statute creates an exception where the answer may expose him to a criminal charge. His refusal falls within that stated protection.

(d) Incorrect. The supplied provision does not make prior judicial recognition a condition for invoking the protection. The limitation arises from the nature of the question and its potential consequence for the person examined.

2. Correct Answer: (d) An investigation aimed at building a case rather than discovering facts offends Article 21.

Reference Line: "An investigation designed to build a case rather than to discover facts vitiates the process and offends the guarantee of life and personal liberty."

Explanation:

(a) Incorrect. The supplied principle expressly extends the requirement of fairness backwards to the investigative stage. Police conduct must therefore satisfy standards of fairness even before the matter reaches trial.

(b) Incorrect. Later judicial scrutiny does not justify an investigative process deliberately structured to support a predetermined theory. The investigation itself must remain impartial and truth-oriented.

(c) Incorrect. Meera need not establish that every witness statement is false before questioning the fairness of the process. The defect lies in the manner and purpose of the investigation itself.

(d) Correct. The police have ignored contrary material and attempted to construct a predetermined case instead of objectively ascertaining facts. This closely matches the investigative unfairness prohibited by the supplied principle.

3. Correct Answer: (a) Statements i, ii and iv only

Reference Line: "Delay is not fatal in itself, but it must be satisfactorily explained, and its effect is assessed in the light of the surrounding circumstances."

Explanation:

(a) Correct. Statements i and iv reflect that delay is not automatically fatal and must be assessed with its explanation and surrounding circumstances. Statement ii also reflects the risks created by unexplained delay.

(b) Incorrect. Statement i is correct, but statement iii contradicts the principle because delayed FIRs are not automatically rejected. Statements ii and iv are also supported by the supplied material.

(c) Incorrect. Statements ii and iv are correct, but statement iii wrongly imposes an automatic consequence. Statement i also correctly recognises that delay alone does not destroy the prosecution case.

(d) Incorrect. Statements i and ii are correct, but statement iii is not. Statement iv is also necessary because satisfactory explanation and surrounding circumstances affect the significance of delay.

4. Correct Answer: (b) Kavya faces a less serious accusation, has no shown risk of tampering, and is unlikely to repeat the offence.

Reference Line: "In considering bail, a court examines the nature and gravity of the accusation, the nature of the evidence, the severity of the potential punishment, the character of the accused, the likelihood of the offence being repeated, and the risk of tampering with evidence or influencing witnesses."

Explanation:

(a) Incorrect. The seriousness of the accusation, threats to witnesses and previous breach of conditions

all weigh against release. These facts engage several considerations identified as relevant to bail.

(b) Correct. Kavya's case involves a less serious accusation and lacks the stated risks of tampering, influencing witnesses or repetition. Among the four situations, these circumstances most strongly favour bail.

(c) Incorrect. Serious charges combined with an attempt to influence a material witness create a substantial concern specifically recognised in the supplied bail principles.

(d) Incorrect. A severe potential sentence and evidence-related interference both weigh against release. These circumstances make Meera's position weaker than Kavya's under the stated factors.

5. Correct Answer: (d) Article 20(3)

Reference Line: "Article 20(3) protects an accused against compelled testimonial self-incrimination."

Explanation:

(a) Incorrect. Article 21 is discussed in the supplied material in relation to fair investigation and the guarantee of life and personal liberty, not as the specific provision asked here.

(b) Incorrect. Article 226 concerns the High Court's power of judicial oversight and writ jurisdiction. It is not the constitutional privilege against compelled testimonial self-incrimination.

(c) Incorrect. Section 180(2) BNSS separately protects persons examined by police from certain incriminating questions. The question, however, asks for the constitutional provision protecting an accused.

(d) Correct. Article 20(3) is expressly identified as protecting an accused against compelled testimonial self-incrimination.

17. Habeas Corpus Not Maintainable to Enforce Ex-Parte Custody Order

1. Correct Answer: (c) Habeas corpus need not issue unless the custody is shown to be unlawful or contrary to the child's welfare.

Reference Line: "A natural guardian derives authority from personal law rather than from any order of court, and custody of a minor with such a guardian is presumed lawful."

Explanation:

(a) Incorrect. A parental objection does not by itself establish illegal detention. Habeas corpus in child custody matters requires examination of whether the custody is unlawful and whether intervention serves the child's welfare.

(b) Incorrect. The supplied principle expressly states that habeas corpus cannot substitute for a substantive custody proceeding. Ordinary guardianship remedies remain the appropriate forum where the dispute requires fuller adjudication.

(c) Correct. Meera's custody carries a presumption of lawfulness as that of a natural guardian, and no contrary material is shown. Without illegality or a welfare concern, habeas corpus need not be issued.

(d) Incorrect. Filing a writ petition does not itself destroy the lawful character of custody with a natural guardian. The presumption must be displaced by showing unlawful custody or circumstances contrary to the child's welfare.

2. Correct Answer: (a) The order may be set aside if summons was not duly served or sufficient cause prevented appearance.

Reference Line: "An ex parte decree may be set aside where the defendant shows that summons was not duly served or that he was prevented by sufficient cause from appearing, and an order under challenge in such an application has not attained finality."

Explanation:

- (a) Correct. Aarav alleges absence of proper service, one of the grounds expressly identified for setting aside an ex parte order. The order also does not attain finality while such a challenge remains pending.
- (b) Incorrect. The supplied principle rejects automatic finality where an ex parte order is under challenge for want of service or sufficient cause. Pronouncement alone does not foreclose the available remedy.
- (c) Incorrect. The issue at this stage is whether Aarav was duly served or had sufficient cause for non-appearance. He need not first disprove the substantive custody allegations to invoke that procedural protection.
- (d) Incorrect. Habeas corpus is not presented as the exclusive remedy against an ex parte custody order. The supplied material specifically recognises a procedure for setting aside an ex parte order where service was defective.

3. Correct Answer: (d) Statements i, iii and iv only

Reference Line: "Article 32 empowers the Supreme Court to issue writs for enforcement of fundamental rights and is itself a fundamental right, while Article 226 confers wider power on High Courts to issue writs both for fundamental rights and for any other purpose."

Explanation:

- (a) Incorrect. Statement i is correct, but statement ii is not because Article 226 extends beyond enforcement of fundamental rights. Statements iii and iv are also supported by the supplied material.
- (b) Incorrect. Statement iii is correct, but statement ii wrongly restricts Article 226. Statements i and iv correctly describe Article 32 and have been omitted.
- (c) Incorrect. Statements i and iv are correct, but statement ii is incorrect. Statement iii is also correct because exercise of Article 226 jurisdiction is discretionary.
- (d) Correct. Statements i, iii and iv accurately reflect the respective scope and character of Articles 32 and 226. Statement ii is the only incorrect proposition.

4. Correct Answer: (b) The child is with a lawful guardian, and disturbing the existing custody would not serve the child's welfare.

Reference Line: "The writ lies where detention of a minor by a parent or another is illegal and without authority of law, but the court retains discretion to decline relief where disturbing the existing custody would not serve the child's interest."

Explanation:

- (a) Incorrect. Illegal custody by a person lacking lawful authority is precisely the situation in which habeas corpus may properly be invoked. These facts therefore support rather than weaken the case for relief.
- (b) Correct. Even in a child custody matter, the court may decline habeas corpus where existing custody is lawful and interference would not advance the child's welfare. This most clearly fits the stated discretionary exception.
- (c) Incorrect. Removal of the child without any legal basis points toward unlawful detention. Such facts strengthen the case for judicial intervention rather than justify declining relief.

(d) Incorrect. Inability to show lawful authority for detention supports the core purpose of habeas corpus, which is to test and remedy illegal custody.

5. Correct Answer: (c) Section 25

Reference Line: "Section 25 enables the court to order return of a ward who has left or been removed from the custody of the guardian."

Explanation:

(a) Incorrect. Section 7 empowers the court to appoint or declare a guardian for the welfare of the minor.

(b) Incorrect. Section 17 identifies the matters the court must consider while appointing or declaring a guardian.

(c) Correct. Section 25 is the provision identified with ordering return of a ward who has left or been removed from the guardian's custody.

(d) Incorrect. Section 43 concerns orders regulating the conduct of guardians and enforcement of disobedience in the manner of an injunction.

18. Article 161 of the COI

1. Correct Answer: (b) The Governor must exercise the Article 161 power on the aid and advice of the Council of Ministers.

Reference Line: "The power is exercised on the aid and advice of the Council of Ministers under Article 163 and not as a personal discretion."

Explanation:

(a) Incorrect. The supplied principle specifically rejects the view that Article 161 is exercised as the Governor's personal discretion. The constitutional power operates through the aid and advice of the Council of Ministers.

(b) Correct. Although Article 161 formally vests the clemency power in the Governor, its exercise is governed by ministerial aid and advice under Article 163. The Governor cannot substitute an independent personal assessment.

(c) Incorrect. The material does not distinguish between different forms of clemency for the purpose of ministerial advice. The Article 161 power as a whole is exercised on the aid and advice of the Council of Ministers.

(d) Incorrect. Finality of conviction does not convert the Governor's constitutional role into one of personal discretion. The supplied rule regarding aid and advice continues to govern the exercise of Article 161.

2. Correct Answer: (d) Kavya has a right to fair and timely consideration, but not an automatic right to release.

Reference Line: "A convict who satisfies the eligibility conditions is entitled to have his case considered fairly and within a reasonable time, and inordinate delay or mechanical rejection offends Article 21."

Explanation:

(a) Incorrect. Eligibility under the remission policy creates a right to consideration rather than an absolute entitlement to release. The final decision still depends upon assessment of the relevant factors identified in the policy.

- (b) Incorrect. A mechanical rejection without considering relevant circumstances conflicts with the requirement of fair consideration. The authority must meaningfully evaluate factors such as conduct, age, health and prospects of reintegration.
- (c) Incorrect. Eligibility is significant because it triggers the convict's right to have the case considered fairly and within reasonable time. Mechanical or arbitrary rejection may therefore attract constitutional scrutiny.
- (d) Correct. Kavya satisfies the eligibility threshold and is therefore entitled to proper consideration of her case. The supplied principle, however, does not convert eligibility into an enforceable right to immediate premature release.

3. Correct Answer: (a) Statements i and ii only

Reference Line: "A pardon absolves the offender entirely and removes both the conviction and its disqualifications; commutation substitutes a lighter form of punishment for a harsher one; remission reduces the quantum without altering the nature of the sentence; respite awards a lesser sentence on special grounds such as illness or pregnancy; and reprieve temporarily stays execution to enable recourse to further remedies."

Explanation:

- (a) Correct. Statement i correctly describes pardon, while statement ii accurately states the effect of commutation. Statements iii and iv confuse remission and reprieve with other forms of clemency.
- (b) Incorrect. Statements i and ii are correct, but statement iii is not. Remission reduces the quantum of punishment without changing the nature of the sentence.
- (c) Incorrect. Statement ii is correct, but statement iv is not. Reprieve merely postpones execution temporarily and does not permanently substitute a lesser punishment.
- (d) Incorrect. Statement i is correct, but statements iii and iv incorrectly describe remission and reprieve. Neither proposition matches the definitions supplied.

4. Correct Answer: (c) The authority rejects clemency solely on an extraneous consideration unrelated to the convict or the case.

Reference Line: "Though the power is sovereign and the court cannot sit in appeal over the merits of the decision, the exercise is reviewable where it is arbitrary, mala fide, founded on wholly irrelevant or extraneous considerations, arrived at without application of mind, or rests on non-consideration of relevant material."

Explanation:

- (a) Incorrect. Judicial review does not permit the court to replace the authority's conclusion merely because it would have preferred another outcome. Review concerns defects in the decision-making process rather than disagreement on merits.
- (b) Incorrect. Consideration of relevant factors such as prison conduct and prospects of rehabilitation reflects application of mind. A different judicial preference would not by itself justify interference.
- (c) Correct. Reliance solely on an extraneous consideration falls squarely within the recognised grounds of judicial review. Such a decision is vulnerable because the constitutional power must still satisfy standards of relevance and non-arbitrariness.
- (d) Incorrect. The reformatory theory may inform remission policy, but the court cannot grant relief

merely because it considers leniency preferable. Its role is to examine legality of the process rather than substitute its own clemency decision.

5. Correct Answer: (b) Article 72

Reference Line: "The President's power extends to offences against laws within the executive power of the Union, to sentences by court martial, and to all cases where the sentence is one of death."

Explanation:

(a) Incorrect. Article 161 concerns the clemency power of the Governor in relation to matters within the executive power of the State.

(b) Correct. Article 72 is the constitutional provision identified with the President's power of pardon and other forms of clemency.

(c) Incorrect. Article 163 concerns the Governor acting on the aid and advice of the Council of Ministers. It does not confer the President's pardoning power.

(d) Incorrect. Article 226 deals with the writ jurisdiction of High Courts and is unrelated to the President's constitutional clemency power.

19. No Right to Take Any Particular Route for Religious Procession Under Article 25

1. Correct Answer: (b) The route may be regulated because Article 25 does not guarantee practice at a particular place or along a particular route.

Reference Line: "The right to practise one's religion is distinct from a right to practise it in a particular way, at a particular place or along a particular route."

Explanation:

(a) Incorrect. Regulation of the route does not necessarily extinguish the religious observance itself. Here the procession remains permitted on the same date and at the same time, while only the route is altered in response to an identified risk. The option therefore wrongly equates regulation with prohibition.

(b) Correct. Article 25 protects religious practice but does not create an absolute entitlement to practise religion at every chosen place or along every preferred route. Where authorities identify a genuine public-order concern and permit the observance through a reasonable alternative route, regulation of the route may be constitutionally permissible.

(c) Incorrect. Regulation is not confined to the timing of a procession. The place and manner in which a public procession is conducted may also affect public order and the rights of others. A preferred route therefore does not become constitutionally immune from reasonable regulation.

(d) Incorrect. Article 25 is subject to public order, morality, health and the other provisions of Part III. A religious character does not exempt a public procession from reasonable regulatory measures intended to address legitimate public-order concerns.

2. Correct Answer: (d) Kavya may exclude the procession because no one can compel a private owner to permit such use.

Reference Line: "No person can compel a private owner to permit his premises to be made part of a public event, and a place of worship in private hands stands on a different footing from one vested in a trust or the State."

Explanation:

- (a) Incorrect. Neither religious practice nor assembly creates an automatic entitlement to use another person's private property. The owner's right to exclude remains relevant under the supplied principle.
- (b) Incorrect. Peaceful conduct does not itself create authority to enter private property without the owner's consent. The legal issue concerns Kavya's control over her premises, not merely the manner of the procession.
- (c) Incorrect. The fact that an event is public or religious does not extinguish private ownership. Article 300A protects the owner's property interest, including the ability to exclude others.
- (d) Correct. Kavya owns the courtyard and has withheld consent to its use. The supplied principle expressly states that a private owner cannot be compelled to make the premises part of a public event.

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

Reference Line: "These three concepts form concentric circles of decreasing width, public order being narrower than law and order and security of the State narrower still."

Explanation:

- (a) Correct. Statements ii and iii accurately describe the relative scope of the three concepts, while statement iv reflects the permissible response to a reasonable apprehension of large-scale disturbance. Statement i is incorrect.
- (b) Incorrect. Statement iii is correct, but statement i is not because every law-and-order disturbance does not automatically rise to the level of public disorder. Statements ii and iv are also supported.
- (c) Incorrect. Statements ii and iv are correct, but statement i wrongly equates law and order with public order. Statement iii is also correct and has been omitted.
- (d) Incorrect. Statements ii and iv are correct, but statement iii is also supported by the supplied material. The combination is therefore incomplete.

4. Correct Answer: (c) Authorities divert a procession to a nearby route after identifying a specific clash risk on the original road.

Reference Line: "The measure adopted should be the least intrusive available, and permitting an activity along a modified route rather than prohibiting it outright reflects this graded approach."

Explanation:

- (a) Incorrect. A permanent city-wide prohibition based on one minor incident is substantially broader than the identified concern. Such a measure would be difficult to reconcile with the requirement that restrictions not be excessive.
- (b) Incorrect. A district-wide prohibition without material indicating a public-order risk lacks the required connection between the restriction and its asserted objective.
- (c) Correct. The authorities address a specific risk while allowing the procession to continue through an alternative route. This closely reflects the least-intrusive and graded approach described in the supplied principle.
- (d) Incorrect. An indefinite prohibition is more restrictive than necessary where narrower timing controls would adequately address the problem. The proportionality principle favours the less intrusive available measure.

5. Correct Answer: (d) Article 19(3)

Reference Line: "Citizens have the right to assemble peaceably and without arms, subject to reasonable restrictions in the interests of the sovereignty and integrity of India or public order."

Explanation:

- (a) Incorrect. Article 25 concerns freedom of conscience and the profession, practice and propagation of religion. It is not the provision specified for restrictions on the freedom of assembly.
- (b) Incorrect. Article 300A protects the right to property from deprivation except by authority of law. It does not regulate the constitutional freedom of peaceful assembly.
- (c) Incorrect. Article 226 concerns the writ jurisdiction of High Courts. It is not the constitutional clause authorising reasonable restrictions on assembly.
- (d) Correct. Article 19(3) permits reasonable restrictions on the freedom of peaceful assembly in the interests of sovereignty and integrity of India or public order.

20. Prosecution Must Establish Dacoity was the First Intention for Conviction

1. Correct Answer: (b) Every participant may incur liability because the murder occurred in the course of the dacoity.

Reference Line: "Where any one of five or more persons conjointly committing dacoity commits murder in the course of that dacoity, every participant may incur liability under Section 396 IPC."

Explanation:

- (a) Incorrect. The supplied principle does not confine Section 396 liability to the person who physically commits the murder. Where the murder occurs in the course of dacoity, every participant may incur liability under the provision.
- (b) Correct. The five persons were conjointly committing dacoity, and the killing occurred during execution of that design. These facts bring the case within the constructive liability contemplated by Section 396 IPC.
- (c) Incorrect. The supplied principle does not require proof that every participant separately formed an intention to murder. The relevant requirement is the established nexus between the murder and the commission of dacoity.
- (d) Incorrect. A murder committed during the dacoity does not terminate the liability arising from participation in that offence. Section 396 specifically addresses murder occurring in the course of dacoity.

2. Correct Answer: (c) Misappropriation of property possessed by a deceased person may arise if its ingredients are proved.

Reference Line: "Where property is taken after a killing without a pre-existing design to rob, liability under this provision may arise if its independent ingredients are established."

Explanation:

- (a) Incorrect. Dacoity requires robbery committed or attempted conjointly by five or more persons. Arjun acted alone, and the facts also negate any antecedent design to rob Rohan.
- (b) Incorrect. The supplied material does not state that every taking following a killing automatically becomes robbery. The timing and existence of a prior design to take property remain legally significant.
- (c) Correct. Arjun formed the dishonest intention to take the wallet only after Rohan's death. Section 404 IPC may therefore apply if the independent requirements concerning the deceased's property are established.

(d) Incorrect. A later decision to take property cannot retrospectively establish that dacoity was the antecedent design. Section 396 requires murder to have the necessary connection with an existing dacoity.

3. Correct Answer: (a) Statements i, ii and iv only

Reference Line: "Section 149 IPC imposes constructive liability upon members of an unlawful assembly for an offence committed in prosecution of its common object, or one which the members knew was likely to be committed."

Explanation:

(a) Correct. Statements i and ii correctly distinguish common object under Section 149 from common intention under Section 34. Statement iv is also correct because the relevant shared object or intention must be proved.

(b) Incorrect. Statement i is correct, but statement iii is not. Mere presence does not satisfy the supplied requirement that liability depend upon proof of the particular common object or common intention.

(c) Incorrect. Statements ii and iv are correct, but statement iii incorrectly makes physical presence sufficient. Statement i is also a correct description of Section 149 and has been omitted.

(d) Incorrect. Statements i and ii are correct, but statement iii conflicts with the requirement of proving the legally relevant common object or intention. Statement iv is therefore also necessary.

4. Correct Answer: (d) Four persons commit robbery while a fifth remains present and aids them during its commission.

Reference Line: "Where five or more persons conjointly commit or attempt to commit robbery, or where the persons committing or attempting robbery together with those present and aiding them number five or more, every such person commits dacoity."

Explanation:

(a) Incorrect. Although five persons are physically present in the broader setting, the fifth neither participates in nor aids the robbery. The stated rule requires conjoint commission or presence coupled with assistance.

(b) Incorrect. The primary offence described is theft rather than robbery, and the additional persons assist only afterward. The ingredients identified for dacoity are therefore not established.

(c) Incorrect. The fifth person arrives only after the attempted robbery has ended and therefore was neither conjointly attempting it nor present and aiding during the attempt.

(d) Correct. Four persons commit the robbery while a fifth is present and aids them, bringing the relevant number to five. This falls squarely within the statutory definition supplied for dacoity.

5. Correct Answer: (b) Section 310

Reference Line: "Under the BNS, robbery is dealt with in Section 309 and dacoity in Section 310."

Explanation:

(a) Incorrect. Section 309 of the BNS is identified in the supplied material with robbery, not dacoity.

(b) Correct. Section 310 of the Bharatiya Nyaya Sanhita, 2023 is the provision identified with dacoity.

(c) Incorrect. Section 315 is identified as the BNS provision corresponding to misappropriation of property possessed by a deceased person.



(d) Incorrect. Section 351 is identified in the supplied material as the BNSS provision corresponding to Section 313 CrPC, not as the provision for dacoity.





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NISHANT PRAKASH LAW CLASSES



A1/5, Lower Ground Floor,
Safdarjung Enclave,
New Delhi, Delhi 110029



(011) 42420442
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