

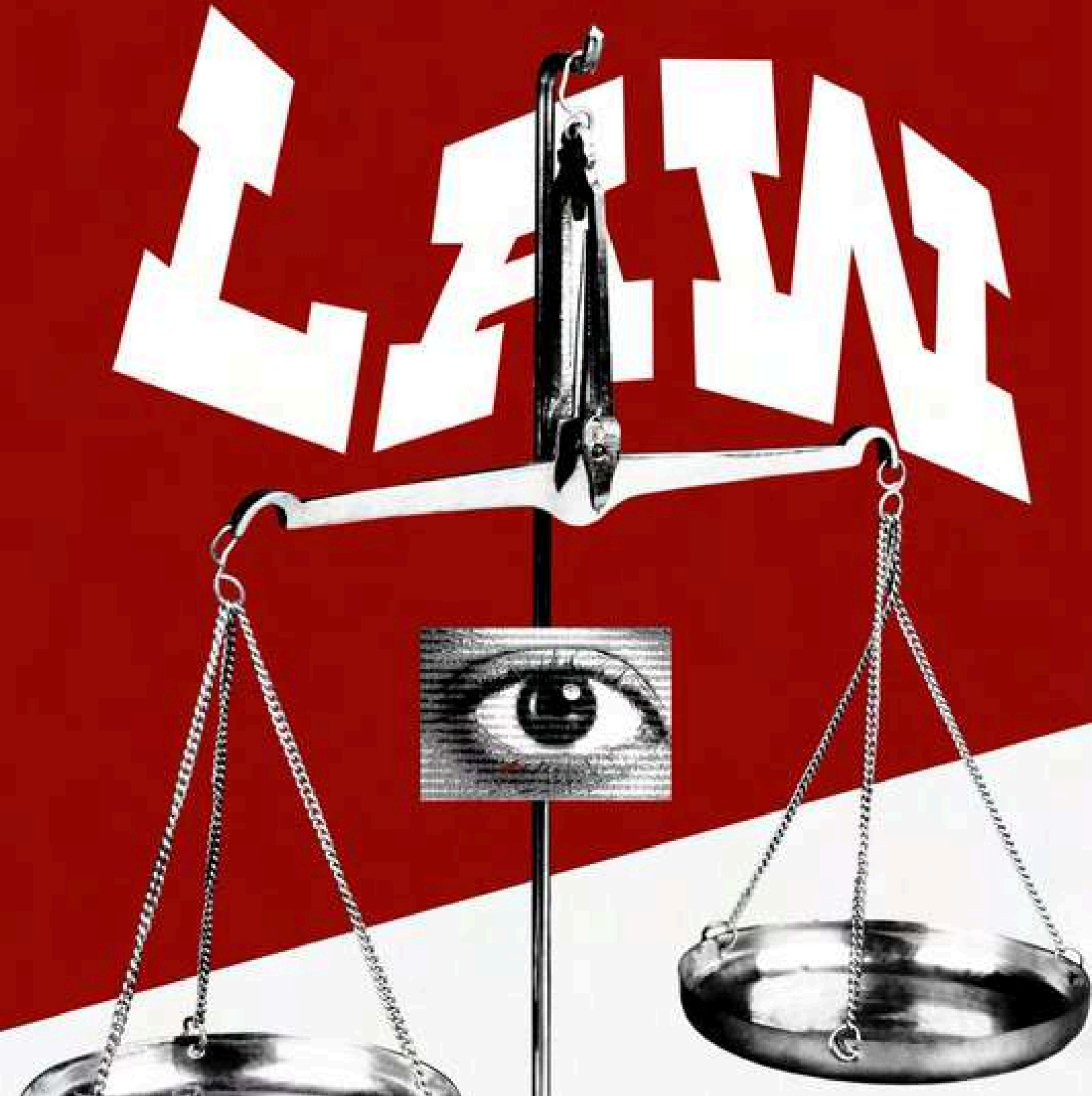
OCTOBER 2026

Legal Tathya

Your Monthly Guide to Legal Reasoning and Legal Current Affairs



NISHANT PRAKASH
LAW CLASSES



NPLC's TOP 10 GLORY 2025&26

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

AIR

2

CLAT 2025



Daiwik Agarwala

AIR

2

AILET 2025



Chaitanya Ghosh

AIR

4

CLAT 2026



Arshnoor Singh

AIR

4

AILET 2026



Siddhant Rohit

AIR

4

CLAT 2025



Aditya Gautam
Ankhad



REAL MENTORSHIP. REAL RESULTS.



NPLC's TOP PERFORMERS 2026



AIR 04, CLAT



Arshnoor Singh



AIR 04, AILET



Siddhant Rohit



AIR 22, AILET



Aryan Gupta



AIR 30, CLAT



Aarav Sachdeva



AIR 43, AILET



Nandini Gupta



AIR 69, AILET



Yamyia Alag



AIR 74, AILET



Samarth Kumar



AIR 77, AILET



Sabhyata Singh



AIR 86, AILET



Medhini Srinath

YE POSTER NAHI, PROOF HAI!



NPLC's TOP PERFORMERS 2025



AIR 02, AILET



Chaitanya Ghosh



AIR 02, CLAT



Daiwik Agarwala



AIR 04, CLAT



Aditya Ankhad



AIR 6, AILET



Dhruv Kamath



AIR 10, AILET



Vidisha Singh



AIR 24, AILET



Samyuktha Kovilakath



AIR 30, AILET



Goohika Joshi



AIR 51, AILET



Aditya Mehta



AIR 78, AILET



Yutika Kumar

YE POSTER NAHI, PROOF HAI!

N^{PO} NISHANT PRAKASH LAW CLASSES

"Gurukul for CLAT & AILET"

Founded in 2011, Nishant Prakash Law Classes (NPLC) has earned the reputation of being the 'Gurukul for CLAT'—a space where commitment, discipline, and mentorship come together to build India's finest legal minds. Often referred to as the 'Super 30 of CLAT', NPLC is not just a coaching institute—it's a movement for serious law aspirants.

What makes NPLC truly unique is its strictly limited intake—only 90 students offline and 30 online each year. With batch sizes of just 25, every student is thoughtfully selected to ensure they are not just coached, but personally mentored. This one-of-its-kind model helps create a tightly-knit academic environment where no student is left behind, and every performance is tracked, sharpened, and elevated.

Since its inception, NPLC has consistently delivered extraordinary results, with a CLAT success rate of over 90% every year, and most recently, rank 4 in both CLAT & AILET 2026. In 2025, 5 of the top 10 ranks in CLAT & AILET were from NPLC. We do not offer test series, correspondence courses, or shortcut-based programs—only full-time classroom learning, because we believe greatness is built with time, discipline, and relentless hard work.

At NPLC, students are not identified by roll numbers but by their potential—and we make it our mission to ensure they live up to it.

What sets us apart?



91% Success Rate



Online & Offline Classes



Personalized Mentorship



Detailed Study Materials
& Tests



1:15 Mentor - Student
Ratio



Only 90 intakes per year
Offline + 30 Students Online

N
NAVIGATE.
P
PREPARE.
L
LEAD.
C
CONQUER.

Nishant Prakash



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

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

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

Know your Mentor |



What sets Nishant apart is not just his knowledge, but his unwavering dedication to each student's growth. Every batch under his guidance is not just taught, but molded. He pushes students beyond their limits—while offering the support, discipline, and insight they need to thrive in competitive legal exams and beyond.

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

INDEX

SUPREME COURT - LANDMARK JUDGEMENTS

	Pg.
1. Certiorari Jurisdiction u/A 226 Can Quash Grossly Perverse Tribunal Findings.....	01
2. Section 362 CrPC Does Not Curtail High Court's Inherent Power to Recall Judgment	07
3. Litigant Cannot Be Placed Worse Off for Filing an Appeal	13
4. Attribution of Mens Rea to a Company	19
5. Widow's Family Pension Payable from Date of Husband's Death	25
6. Outgoing Partner's Share Must Be Valued on Date of Assessment, Not Date Of Dissolution	31
7. Supreme Court Explains Section 69 BNS	37
8. When Can Court Convict a Person for a Charge Not Framed	42
9. Article 220 Doesn't Block Ex-Judges' Bar Council Co-option	48
10. Equal Pay Doctrine Cannot Be Mechanically Applied	54
11. Police Officer Not Furnishing Written Grounds of Arrest Must Face Departmental Enquiry	60
12. Article 311 Bar Inapplicable to Removal by Equal-Rank Authority	66
13. Pre-Cognizance Hearing Mandatory Where Cognizance Taken After BNSS	72
14. Order XXIII of CPC Liberty Cannot Cure Order 2 Rule 2 Bar	78
15. Compromise Decree without Necessary Party is a Nullity	84

HIGH COURT - LANDMARK JUDGEMENTS

	Pg.
16. Fine in Addition to Sentence Cannot Be Imposed Where Statute Does Not Provide for It	90
17. Biological Father Can Adopt His Own Illegitimate Son under HAMA	96
18. Does Conversion Automatically End Scheduled Tribe Status?	102
19. Queer Partners Can Take Medical Decisions in Emergencies If Authorised by Patient	109
20. No Written Grounds of Arrest not an Automatic Ground for Bail	115

ANSWERS & EXPLANATIONS

121-173



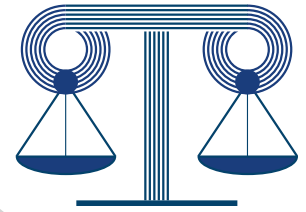
NISHANT PRAKASH
LAW CLASSES

"Gurukul for CLAT & AILET"



SUPREME COURT

Landmark Judgements



1

Certiorari Jurisdiction u/A 226 Can Quash Grossly Perverse Tribunal Findings

Background

- The dispute concerned the membership of Shri S.N. Sharma in the Burmah Shell Co-operative Housing Society and his claimed entitlement to the allotment of a residential plot.
- The claimant resigned from the Society in 1951, following which his shares were transferred to another member. His subsequent application for fresh membership was rejected by the Managing Committee in November 1952.
- Despite these developments, the claimant asserted continuing membership on the basis of his name appearing in certain Society records and initiated proceedings for plot allotment under Section 61 of the Delhi Co-operative Societies Act, 1972.
- On 7 October 2003, the Registrar acting as Arbitrator presumed that the claimant had continued as a member and directed the Society to allot a plot to his legal heir. The Delhi Co-operative Tribunal upheld this award on 18 March 2004.
- The Society challenged both orders before the Delhi High Court under Articles 226 and 227 of the Constitution. On 6 October 2010, the High Court set aside the orders, holding that material documentary evidence had been ignored and that the claimant was not a valid member.
- Aggrieved by the High Court's intervention, the claimant's legal representative approached the Supreme Court, contending that the High Court had exceeded its supervisory jurisdiction by interfering with concurrent factual findings.

Case Details

Case Title: Shri Prakash Narain Sharma (Dead) Through Legal Representative v. M/s. Burmah Shell Co-operative Housing Society (Regd.) & Ors.

Citation: Civil Appeal Nos. 10693–10694 of 2026 | 2026 LiveLaw (SC) 873

Bench: Justice Ujjal Bhuyan and Justice Atul S. Chandurkar

Issue Before the Court

- Whether a High Court exercising certiorari jurisdiction under Article 226 can interfere with concurrent findings of fact recorded by an Arbitrator and a statutory Tribunal.
- Whether findings based on assumptions, conjectures, or an absence of supporting evidence constitute an error of law apparent on the face of the record.
- Whether the failure to consider material documentary evidence renders an adjudicatory decision perverse and amenable to judicial review.

Judgement of the Court

- The Supreme Court clarified that certiorari jurisdiction under Article 226 is supervisory rather than appellate. A High Court cannot ordinarily reassess evidence or substitute its own factual conclusions merely because an alternative interpretation is possible.
 - The Court explained that this restriction does not prevent interference where a subordinate authority records findings without supporting evidence, disregards decisive documentary material, or bases its conclusions on conjectures.
 - The Bench observed that a finding unsupported by evidence or wholly inconsistent with the evidentiary record may constitute perversity amounting to an error of law. Such errors fall within the permissible scope of certiorari jurisdiction.
 - Examining the records, the Court found that the claimant's resignation had been accepted on 5 May 1951, his shares had been transferred on 18 August 1951, and his fresh membership application had been rejected on 5 November 1952.
 - The Court further noted that the Society had rejected the claimant's request to deposit money towards a plot on 4 November 1979. These documents established that he had ceased to be a member and had not subsequently acquired valid membership.
 - The Bench rejected the Arbitrator's presumption that the claimant remained a member throughout his lifetime merely because his name appeared in earlier membership lists. Such an inference disregarded the documentary evidence establishing his resignation and unsuccessful application for readmission.
 - The Court found that the Arbitrator had failed to examine material evidence and that the Tribunal had affirmed the award through a brief order without adequately addressing the central question of membership.
 - It held that the Delhi High Court had corrected a fundamentally perverse finding rather than undertaken an impermissible reassessment of factual evidence. Consequently, its intervention under certiorari jurisdiction was legally justified.
 - The Court also recognised the distinction between Articles 226 and 227, observing that the two provisions operate in different fields. Since the Society had invoked both provisions, the appellant's jurisdictional objection did not undermine the High Court's intervention.
 - The Bench approved the consideration of equitable factors, particularly the existence of four other members possessing prior claims to plot allotment. Granting a plot to someone without valid membership would have prejudiced their competing entitlements.
 - Since the claimant had not established valid membership, the Court found it unnecessary to examine whether vacant plots were available for allotment.
 - Accordingly, the Supreme Court upheld the Delhi High Court's decision, dismissed the civil appeals, and made no order as to costs.
- Whether the Delhi High Court exceeded its constitutional jurisdiction under Articles 226 and 227 by setting aside the arbitral award and the Tribunal's decision concerning the claimant's membership.
 - Whether the original claimant could establish continuing membership despite his accepted resignation in 1951 and the rejection of his subsequent membership application.
 - Whether equitable considerations, including the existence of other eligible members with prior claims, justified denying the claimant's request for plot allotment.

Key Takeaway for CLAT Aspirant**1. Article 226 of the Constitution: Writ Jurisdiction of High Courts**

Article 226 empowers High Courts to issue directions, orders, and writs for the enforcement of Fundamental Rights and other legal rights. Its scope is wider than Article 32 because it extends beyond Fundamental Rights. High Courts may exercise this power against authorities whose decisions are amenable to judicial review, subject to constitutional and jurisdictional limitations.

2. Article 227: Supervisory Jurisdiction of High Courts

Article 227 grants High Courts the power of superintendence over subordinate courts and tribunals within their territorial jurisdiction, subject to constitutional exceptions. Unlike ordinary appellate jurisdiction, this supervisory power primarily ensures that judicial bodies exercise their authority lawfully. It does not ordinarily permit fresh appreciation of evidence or unrestricted substitution of factual findings.

3. Writ of Certiorari: Scope and Grounds of Interference

Certiorari is a corrective writ used to quash decisions of subordinate courts, tribunals, or authorities exercising adjudicatory functions. It may be issued where an authority exceeds its jurisdiction, fails to exercise jurisdiction, violates natural justice, or commits an error of law apparent on the record. The reviewing court examines the legality of the decision rather than functioning as an appellate authority.

4. Delhi Co-operative Societies Act, 1972: Sections 61 and 76

Section 61 provided for the statutory resolution of specified disputes concerning the constitution, management, or business of co-operative societies through the Registrar. Section 76 established an appellate mechanism for specified decisions and orders under the Act. These provisions illustrate how specialised legislation can create adjudicatory and appellate authorities whose decisions remain subject to constitutional judicial review.

5. Burden of Proof: Sections 104–106 of the Bharatiya Sakshya Adhiniyam, 2023

Sections 104–106 embody the general principles governing the burden of proof, corresponding to Sections 101–103 of the Indian Evidence Act, 1872. A person asserting a legal right must ordinarily establish the facts necessary to sustain that claim. Where membership or another statutory entitlement is disputed, documentary records and legally admissible evidence become essential to proving the asserted right.

6. Doctrine of Perversity and the No-Evidence Rule

A factual finding is perverse when it lacks an evidentiary foundation, relies on conjectures, or is wholly unsupported by the material on record. Such a finding may constitute an error of law rather than an ordinary factual mistake. The no-evidence rule permits judicial intervention where a conclusion has no legally sustainable evidentiary basis, while discouraging interference merely because competing interpretations of evidence exist.

7. Error of Law Apparent on the Face of the Record

An error of law apparent on the face of the record is a legal defect identifiable from the proceedings without requiring an elaborate reconsideration of disputed facts. It may arise from the application of an incorrect legal principle, jurisdictional illegality, or a factual conclusion lacking any evidentiary foundation. Such

errors may justify certiorari even when ordinary factual disagreements would not.

8. Judicial Review versus Appellate Jurisdiction

Judicial review examines whether an authority acted within its lawful powers, followed proper procedures, and reached conclusions through a legally sustainable process. Appellate jurisdiction may permit reconsideration of evidence and factual findings within the limits prescribed by law. The distinction prevents supervisory courts from becoming additional appellate forums while preserving their authority to correct jurisdictional and fundamental legal errors.

9. Concurrent Findings of Fact and Judicial Restraint

Concurrent findings arise when two adjudicatory authorities reach substantially similar conclusions on factual questions. Such findings ordinarily receive judicial deference because evaluating evidence primarily belongs to the competent fact-finding authorities. However, concurrence does not protect findings based on no evidence, the disregard of decisive material, or other defects amounting to reviewable errors of law.

10. Reasoned Orders, Natural Justice, and Equitable Relief

Adjudicatory authorities must ordinarily provide reasons that demonstrate consideration of material evidence and relevant legal submissions. This requirement supports procedural fairness, accountability, and meaningful judicial scrutiny. Equitable relief also requires consideration of competing legal entitlements and potential prejudice to others, but fairness cannot ordinarily be used to create a right contrary to statutory requirements.



Practice Questions

1. Meera seeks recognition as a member of a co-operative society and claims an associated statutory entitlement. The society disputes her membership. She produces neither membership records nor other legally admissible evidence and argues that the society must first establish her ineligibility. How should her claim be assessed under the applicable burden-of-proof principle?

- (a) The society bears the burden because it disputes her admission.
- (b) The Registrar must presume membership until the society disproves it.
- (c) Meera must establish the facts supporting her asserted entitlement.
- (d) The evidentiary burden rests on whichever party possesses more records.

2. Kavya challenges a decision concerning the management of a co-operative society. Her dispute is determined through the Registrar under Section 61. The resulting order belongs to a category for which the Act provides an appeal, but the society argues that Registrar-led adjudication prevents any statutory challenge. Which conclusion is legally sustainable?

- (a) An appeal remains available under Section 76 for the specified order.
- (b) Section 61 itself supplies the appellate forum for the disputed order.
- (c) Constitutional judicial review substitutes for the specified statutory appellate process.
- (d) The Registrar's involvement makes the decision unchallengeable under the Act.

3. Consider the following statements regarding Article 226 of the Constitution:

- i. High Courts may issue directions and orders for enforcing legal rights beyond Fundamental Rights.
- ii. Article 32 extends to additional legal rights that Article 226 cannot protect.
- iii. Authorities whose decisions are amenable to judicial review may fall within the High Court's writ jurisdiction.
- iv. An authority's amenability to judicial review removes territorial restrictions on the High Court.

Which of the above statements correctly describe the constitutional position?

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

4. Examine the following situations involving decisions of adjudicatory authorities. Which situation provides the weakest legal basis for obtaining a writ of certiorari?

- (a) A tribunal declines to decide a dispute falling within its jurisdiction.
- (b) An adjudicator adopts one supported interpretation of disputed testimony.
- (c) A tribunal applies an incorrect legal principle apparent from its order.
- (d) An adjudicating authority violates natural justice while deciding a claim.

5. Which of the following most accurately describes the relationship between equitable relief and

statutory entitlements?

- (a) Fairness may replace an unmet statutory condition when hardship is substantial.
- (b) Potential prejudice may be disregarded where a claimant demonstrates urgent need.
- (c) Equitable relief considers competing rights without creating entitlements contrary to statute.
- (d) Procedural fairness permits adjudicators to recognise rights despite unmet statutory requirements.



SUPREME COURT

Landmark Judgements



2 Section 362 CrPC Does Not Curtail High Court's Inherent Power to Recall Judgment

Background

- The appellant, Mahavir alias Avnish, was prosecuted in connection with the deaths of Bhuri and her infant daughter in September 2004. Although the charges of murder and dowry death under Sections 302 and 304B IPC were not proved, he was convicted under Section 201 Part II IPC for causing the disappearance of evidence.
- On 21 December 2005, the Trial Court sentenced him to three years of rigorous imprisonment, which the Madhya Pradesh High Court affirmed on 17 March 2017. His subsequent Special Leave Petition before the Supreme Court was dismissed as withdrawn on 11 May 2018 without adjudication on merits.
- The appellant approached the High Court under Section 482 read with Section 362 CrPC, seeking recall of the conviction on the ground that he was a juvenile when the offence occurred on 13 September 2004.
- Pursuant to a judicial inquiry, the Juvenile Justice Board examined school records, birth certificates, and witness testimony and concluded that the appellant was born on 1 July 1987, making him 17 years, 2 months, and 12 days old on the date of the offence.
- Despite the finding of juvenility, the High Court declined to reopen the conviction, reasoning that the judgment had attained finality and that its inherent powers under Section 482 CrPC could not override the statutory prohibition against reviewing concluded criminal judgments.
- Aggrieved, the appellant approached the Supreme Court, challenging the High Court's refusal to exercise

Case Details

- Case Title:** Mahavir alias Avnish v. State of Madhya Pradesh
- Citation:** 2026 INSC 942 | Criminal Appeal arising out of SLP (Criminal) No. 5654 of 2026
- Bench:** Justice Prashant Kumar Mishra and Justice Shree Chandrashekhar

Issue Before the Court

- Whether the prohibition against altering or reviewing a signed criminal judgment under Section 362 CrPC restricts the High Court's inherent power to recall its judgment under Section 482 CrPC.
- Whether a High Court can recall an earlier judgment where the proceedings suffered from jurisdictional illegality, violation of natural justice, or a judicial mistake resulting in a miscarriage of justice.
- Whether the withdrawal of a Special Leave Petition without adjudication on merits prevents the High Court from subsequently considering a claim of juvenility.
- Whether a claim of juvenility can be

its inherent jurisdiction and arguing that denying the statutory protection available to juveniles had resulted in a serious miscarriage of justice.

Judgement of the Court

- The Supreme Court held that Section 362 CrPC generally prohibits criminal courts from altering or reviewing signed judgments or final orders, except for correcting clerical or arithmetical errors. However, this prohibition does not extinguish the High Court's inherent jurisdiction to recall decisions affected by fundamental procedural or jurisdictional defects.
- The Bench distinguished substantive review from procedural recall. While substantive review involves reconsidering the merits of a concluded judgment and is ordinarily prohibited, procedural recall addresses defects such as lack of jurisdiction, denial of hearing, fraud, or judicial mistakes that cause serious prejudice.
- The Court explained that Section 482 CrPC preserves the High Court's pre-existing inherent powers to prevent abuse of judicial process and secure the ends of justice. These powers cannot be exercised merely to circumvent statutory restrictions, but they remain available to remedy recognised procedural and jurisdictional injustices.
- The Court observed that the principle of finality cannot be applied mechanically where an earlier decision was rendered without jurisdiction or resulted from a judicial mistake. Procedural requirements must facilitate justice rather than prevent correction of a fundamental legal wrong.
- Examining the earlier proceedings, the Court found that the High Court had incorrectly assumed that the appellant's conviction had been affirmed by the Supreme Court on merits. His Special Leave Petition had merely been withdrawn, whereas the petitions filed by his parents had been decided separately with a reduction in their sentences.
- The Bench accepted the significance of the Juvenile Justice Board's inquiry, which established through documentary and oral evidence that the appellant was below eighteen years of age when the offence occurred. The State had not challenged this determination.
- The Court emphasised that Section 7A of the Juvenile Justice (Care and Protection of Children) Act, 2000 permits a plea of juvenility to be raised at any stage, including after final disposal of criminal proceedings. Courts are obligated to examine such claims through the prescribed statutory procedure.
- The Bench observed that juvenility constitutes a jurisdictional fact affecting the competence of an ordinary criminal court to try and sentence an accused under the procedure applicable to adults. Consequently, the failure to consider the appellant's age had deprived him of statutory protections.
- The Court invoked the principle of *parens patriae*, explaining that the State and judiciary possess a protective responsibility towards children. Juvenile justice legislation must receive a purposive interpretation that advances rehabilitation, welfare, and the best interests of children.

- raised and adjudicated after the conviction has attained finality, particularly when the accused was below eighteen years of age on the date of the offence.
- Whether the denial of statutory protections under juvenile justice legislation renders a conviction and sentence imposed through ordinary criminal proceedings legally unsustainable.
- Whether a conviction under Section 201 Part II IPC can be sustained without establishing the commission of an underlying offence and the accused's intention to conceal evidence to shield an offender from punishment.

- It further clarified that High Courts possess inherent authority to correct their own orders where judicial mistakes cause grave prejudice. This authority is governed by judicial restraint and propriety, but cannot be treated as unavailable merely because the earlier judgment has been signed.
- Examining the substantive conviction, the Court observed that Section 201 Part II IPC requires proof that an underlying offence was committed, that the accused knew or had reason to believe that such an offence had occurred, and that evidence was concealed with the intention of shielding an offender.
- Since the charges of murder and dowry death had not been established and there was no finding identifying the underlying offence, the Court held that the appellant's conviction under Section 201 Part II IPC was legally unsustainable.
- Accordingly, the Supreme Court allowed the appeal, set aside the appellant's conviction and sentence dated 21 December 2005, and discharged him from his bail bonds.

Key Takeaway for CLAT Aspirant

1. Section 362 CrPC and Section 403 BNSS: Prohibition Against Review of Criminal Judgments

Section 362 CrPC, corresponding to Section 403 BNSS, prohibits criminal courts from altering or reviewing a signed judgment or final order disposing of a case, except to correct clerical or arithmetical errors. This restriction operates subject to express statutory exceptions and protects the finality of criminal adjudication. It does not ordinarily permit reconsideration of the merits merely because a party disputes the conclusion.

2. Section 482 CrPC and Section 528 BNSS: Inherent Powers of High Courts

Section 482 CrPC, corresponding to Section 528 BNSS, preserves the High Court's inherent authority to give effect to orders under criminal procedure, prevent abuse of judicial process, and secure the ends of justice. This provision recognises pre-existing judicial powers rather than creating a new jurisdiction. Such powers must be exercised with restraint and cannot ordinarily be used to defeat express statutory prohibitions.

3. Section 7A of the Juvenile Justice Act, 2000: Claim of Juvenility

Section 7A permits a claim of juvenility to be raised before any court at any stage, including after the final disposal of proceedings. When such a claim arises, the court must conduct the prescribed inquiry and determine whether the accused was a juvenile on the date of the offence. The protection remains available even where the person has subsequently attained adulthood, subject to satisfactory proof of age.

4. Sections 2(13), 9 and 94 of the Juvenile Justice Act, 2015: Juvenility and Age Determination

Section 2(13) defines a child in conflict with law as a person below eighteen years on the date of commission of the offence. Section 9 governs claims of juvenility before courts, while Section 94 prescribes the evidentiary hierarchy for age determination, prioritising specified educational and birth records over medical testing. Age is determined with reference to the date of the alleged offence, not the date of trial.

5. Sections 201 IPC and 238 BNS: Causing Disappearance of Evidence

Section 201 IPC, corresponding to Section 238 BNS, criminalises causing the disappearance of evidence of an offence or providing false information with the intention of screening an offender from legal punishment. Liability requires proof of an underlying offence, knowledge or reason to believe that it occurred, and the requisite intention to shield the offender. The punishment varies according to the seriousness of the underlying offence.

6. Article 21 of the Constitution: Fair Procedure and Personal Liberty

Article 21 protects life and personal liberty and requires deprivation of liberty to follow a just, fair, and reasonable procedure established by law. Criminal proceedings must comply with applicable jurisdictional requirements and statutory safeguards. A conviction or sentence imposed through a fundamentally defective procedure may violate the constitutional guarantee of fairness and justify appropriate judicial correction.

7. Articles 15(3), 39(e), 39(f), and 45: Constitutional Protection of Children

Article 15(3) permits special provisions for women and children, while Articles 39(e) and 39(f) direct the State to protect children from exploitation and ensure their healthy development in conditions of freedom and dignity. Article 45 addresses early childhood care and education for children below six years. These provisions support a welfare-oriented approach to legislation concerning children.

8. Procedural Recall versus Substantive Review

Substantive review involves reconsidering the correctness of a judgment on its merits, whereas procedural recall addresses defects affecting the validity of the adjudicatory process. Recall may be permissible where an order was passed without jurisdiction, without a required hearing, through fraud, or because of a prejudicial judicial mistake. The distinction prevents procedural correction from becoming an unrestricted power to reopen concluded disputes.

9. Doctrine of Parens Patriae and Purposive Interpretation

Parens patriae recognises the State's protective responsibility towards persons unable to adequately safeguard their own interests, particularly children. Under purposive interpretation, beneficial legislation is construed in a manner that advances its protective objectives while respecting statutory language. In juvenile justice, these principles emphasise rehabilitation, procedural safeguards, and the child's best interests rather than an exclusively punitive approach.

10. Doctrine of Functus Officio, Finality, and Ex Debito Justitiae

The doctrine of functus officio generally prevents a court from reopening a matter after exercising its adjudicatory function and issuing a final decision. However, recognised powers of procedural recall may survive where an order suffers from a fundamental defect. The principle of ex debito justitiae, meaning as a debt of justice, supports correction of legally remediable judicial wrongs so that procedural finality does not perpetuate a miscarriage of justice.



Practice Questions

1. Devansh is convicted by a criminal court that lacks the jurisdiction legally required to try his case. He was given an opportunity to present evidence, and the court considered his submissions. The prosecution argues that these procedural opportunities are sufficient to establish the constitutional validity of his conviction. Which conclusion is most consistent with Article 21?
 - (a) The opportunity to present evidence ordinarily cures the jurisdictional defect.
 - (b) The jurisdictional defect may undermine fairness despite his participation.
 - (c) The validity of the conviction depends principally on evidentiary reliability.
 - (d) The jurisdictional defect matters only where statutory evidence was excluded.

2. Charvi knows that an offence has been committed and deliberately provides investigators with a fabricated account placing the offender elsewhere. Her intention is to prevent the offender from facing punishment. However, she neither concealed physical evidence nor participated in the original offence. Which conclusion correctly assesses her conduct?
 - (a) Liability requires participation in the offence before false information becomes relevant.
 - (b) The false account attracts liability only if physical evidence was also concealed.
 - (c) Her knowledge establishes liability regardless of the intention behind her statement.
 - (d) Providing false information with the stated intention may attract criminal liability.

3. Consider the following statements regarding the constitutional protection of children:
 - i. Article 15(3) permits the State to make special provisions for women and children.
 - ii. Article 45 addresses early childhood care and education for children below eighteen years.
 - iii. Articles 39(e) and 39(f) support protection against exploitation and healthy development in dignity.
 - iv. Article 15(3) specifically governs early childhood education rather than permitting special provisions.Which of the above statements are correct?
 - (a) Statements i and iii only
 - (b) Statements i and ii only
 - (c) Statements ii and iv only
 - (d) Statements iii and iv only

4. Four parties seek to reopen adjudicatory orders for different reasons. Which of the following requests most clearly involves substantive review rather than procedural recall?
 - (a) A litigant seeks recall of an order obtained through fraudulent conduct.
 - (b) An accused seeks recall because a required hearing was denied.
 - (c) A party seeks reconsideration through a fresh assessment of existing testimony.
 - (d) An applicant seeks recall because the deciding authority lacked jurisdiction.

5. Which doctrine recognises the State's protective responsibility towards persons unable to safeguard their own interests, particularly children?



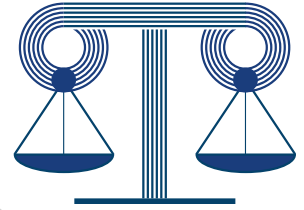
- (a) Functus Officio
- (b) Purposive Interpretation
- (c) Parens Patriae
- (d) Ex Debito Justitiae





SUPREME COURT

Landmark Judgements



3 Litigant Cannot Be Placed Worse Off for Filing an Appeal

Background

- The appellant, Saudi Arabian Airlines, was authorised under Section 35 of the Finance Act, 1979 to collect Foreign Travel Tax (FTT) from passengers undertaking international journeys and deposit the collected amount into the Government treasury.
- Between 1994 and 1997, the airline delayed depositing FTT on six occasions. In five instances, demand drafts had been purchased before the prescribed deadlines but were deposited late due to security restrictions, while the sixth delay resulted from an employee's emergency leave.
- On 14 June 1999, the adjudicating authority imposed a penalty of ₹12,000 for these six instances of delayed payment under Section 38(3) of the Finance Act, 1979.
- The airline challenged the penalty before the appellate authority, which remanded the matter for fresh adjudication. Following remand, the adjudicating authority passed a fresh order on 8 August 2001, increasing the penalty from ₹12,000 to ₹71,29,140.
- The airline challenged the enhanced penalty before the appellate authority, revisional authority, and Bombay High Court, arguing that delayed payment differed from non-payment and that the enhancement unfairly worsened its position merely because it had exercised its statutory right of appeal.
- The Bombay High Court upheld the penalty, reasoning that the original amount was below the

Case Details

- Case Title:** M/s. Saudi Arabian Airlines v. Union of India & Ors.
- Citation:** Civil Appeal No. 1052 of 2013 | 2026 INSC 933
- Bench** Justice J.B. Pardiwala and Justice Ujjal Bhuyan

Issue Before the Court

- Whether delayed deposit of Foreign Travel Tax amounts to failure to pay tax under Section 38(3) of the Finance Act, 1979, or constitutes a breach governed by Section 38(4) read with the Foreign Travel Tax Rules, 1979.
- Whether the imposition of a statutory penalty is automatic upon breach of a fiscal obligation or whether the adjudicating authority retains discretion to consider the circumstances of the default and condone the delay.
- Whether enhancing a penalty following an appeal filed by the affected party violates the doctrine of no reformatio in peius, which

statutory minimum and that the unrestricted remand permitted its correction. Aggrieved, the airline approached the Supreme Court, challenging both the applicability of Section 38(3) and the substantial enhancement of the penalty.

prohibits placing an appellant in a worse position merely for exercising a legal remedy.

Judgement of the Court

- The Supreme Court examined Sections 35, 35A, and 38 of the Finance Act, 1979, alongside the Foreign Travel Tax Rules, 1979, to determine the distinction between non-payment of tax and delayed payment of tax.
- The Court observed that Section 38(3) applies when a carrier fails to pay the Foreign Travel Tax collected from passengers into the Government treasury. The expressions concerning failure to pay and the amount of tax remaining unpaid indicate a situation of non-payment rather than mere delayed deposit.
- The Bench clarified that delayed payment falls within the framework of Section 38(4), read with the relevant Foreign Travel Tax Rules. It held that the two forms of default cannot be treated as interchangeable when the legislature has provided distinct consequences.
- The Court noted that Rule 4 of the Foreign Travel Tax Rules permits the Collector of Customs to extend the prescribed period for depositing tax upon sufficient cause being shown. Similarly, Rule 9 permits an extension of time for filing monthly returns.
- The Bench rejected the proposition that penalty becomes automatic whenever a statutory deadline is breached. It explained that even where a statute prescribes a minimum penalty, the adjudicating authority must first determine whether the circumstances justify imposing any penalty.
- The Court emphasised that the opportunity of hearing contemplated under Section 38(5) and Rule 12 would become meaningless if the adjudicating authority were required to impose a penalty regardless of the explanation offered by the affected party.
- The Bench distinguished the absence of mens rea from automatic liability, explaining that certain statutory penalties may not require proof of guilty intention, but this does not necessarily eliminate the authority's discretion to determine whether a penalty is warranted.
- Applying these principles, the Court found that the airline had purchased demand drafts before the prescribed deadlines in five instances and had explained the delays through security restrictions. The sixth delay was attributed to the emergency leave of the responsible employee.
- The Court held that the appellate authority, revisional authority, and Bombay High Court had erred in treating the delays as automatically attracting penalties under Section 38(3), without properly considering the statutory power to condone delay.
- Addressing the enhancement of penalty, the Court examined the doctrine of reformatio in peius, which denotes a change towards a worse position, and its negative formulation, no reformatio in peius, which prohibits worsening an appellant's position merely because the appellant has pursued a legal remedy.
- The Bench observed that the airline would have faced a penalty of ₹12,000 had it accepted the original order. However, its decision to appeal resulted in a fresh penalty of ₹71,29,140, placing it in a substantially more disadvantageous position.

- The Court held that such an enhancement violated the principle of fair procedure underlying no reformatio in peius. The doctrine protects litigants from suffering a harsher outcome merely because they exercised their right to challenge an adverse decision.
- The Bench rejected the justification that the enhanced penalty merely corrected an earlier statutory error, observing that the appellant's exercise of its appellate remedy could not itself become the occasion for worsening its position.
- Accordingly, the Supreme Court allowed the appeal and set aside the penalty relating to the six instances of delayed FTT deposit, along with the corresponding decisions of the adjudicating, appellate, revisional, and High Court authorities.
- The Court directed that any amount already paid towards the penalty be refunded with interest at 9% per annum within three months. It also ordered the discharge of the bank guarantee furnished by the airline.

Key Takeaway for CLAT Aspirant

1. Section 35(2) of the Finance Act, 1979: Collection and Deposit of Foreign Travel Tax

Section 35(2) provided for the collection of Foreign Travel Tax by authorised customs officers, government officers, or carriers, followed by its payment into the Central Government's account. The collecting authority acts as an intermediary responsible for transferring the tax. Failure to comply with statutory collection and deposit obligations may attract consequences prescribed under the legislation.

2. Section 35A of the Finance Act, 1979: Interest on Delayed Payment

Section 35A provided for interest where a carrier or other responsible person failed to deposit Foreign Travel Tax within the prescribed period. The provision prescribed an annual interest rate of not less than 20% and not exceeding 30%, as notified by the Central Government. Interest compensates for delayed payment and is conceptually distinct from a penalty imposed for statutory non-compliance.

3. Section 38(3) of the Finance Act, 1979: Penalty for Non-Payment

Section 38(3) prescribed a penalty for failure to pay Foreign Travel Tax into the Central Government's account. The penalty ranged from one-fifth to three times the unpaid tax, in addition to the tax and applicable interest. The expression "fails to pay" concerns non-payment and must be distinguished from delayed payment where the collected tax has already been deposited before issuance of the relevant notice.

4. Section 38(4) of the Finance Act, 1979: Penalty for Breach of Rules

Section 38(4) authorised penalties for contraventions of rules framed under the relevant chapter of the Finance Act. The prescribed range was ₹500 to ₹50,000, with an additional penalty extending to ₹500 per day for a continuing breach. Delayed compliance with obligations prescribed by the Foreign Travel Tax Rules falls within this statutory framework rather than the provision governing non-payment.

5. Rules 4 and 9 of the Foreign Travel Tax Rules, 1979: Statutory Deadlines and Condonation

Rule 4 required carriers to deposit collected Foreign Travel Tax within 30 days from the end of the relevant month, while Rule 9 prescribed a corresponding deadline for monthly returns. Both rules permitted the Collector of Customs to allow additional time in appropriate circumstances. When delay is

validly condoned, penal consequences cannot arise merely from non-compliance with the original deadline.

6. Section 38(5) and Rule 12: Natural Justice in Penalty Proceedings

Section 38(5) required an opportunity of hearing before imposing a penalty, while Rule 12 prescribed written notice, an opportunity to submit representations, and a reasonable hearing. These safeguards embody audi alteram partem, meaning that an affected person must be heard before an adverse decision. The adjudicating authority must meaningfully consider the explanation before determining whether a penalty is justified.

7. Rule 11 of the Foreign Travel Tax Rules, 1979: Adjudication of Penalties

Rule 11 authorised specified customs officers to adjudicate penalties under Section 38 and contained a proviso restricting such officers from imposing a penalty exceeding ₹5,000 in any case. Where subordinate rules conflict with the parent statute, the parent legislation ordinarily prevails. The applicability and interaction of provisions must first be determined through their respective statutory scopes.

8. Strict Interpretation of Fiscal and Penal Statutes

Fiscal statutes are interpreted according to the language employed by the legislature, without extending liability through assumptions or implications unsupported by the text. Penal provisions likewise require careful identification of the conduct that attracts liability. Where legislation distinguishes non-payment from delayed payment, an adjudicating authority cannot disregard that distinction merely to impose a harsher statutory consequence.

9. Discretionary Penalties, Mens Rea, and Interpretation of 'Shall'

The absence of a requirement to prove mens rea, or guilty intention, does not necessarily make the imposition of a statutory penalty automatic. Similarly, the use of the word "shall" does not invariably eliminate adjudicatory discretion. Whether a penalty is mandatory depends on the statutory scheme, including provisions for notice, hearing, reasonable explanations, and consideration of the circumstances of non-compliance.

10. Doctrine of No Reformatio in Peius: Protection Against Worsening an Appellant's Position

The Latin expression reformatio in peius means a change for the worse, while no reformatio in peius prohibits worsening a party's position merely because that party exercised a legal remedy. Rooted in procedural fairness, natural justice, and equity, the doctrine protects the effective exercise of appellate rights. Its application depends on the governing statutory framework and the scope of the proceedings, including whether an independent lawful challenge permits enhancement.



Practice Questions

1. Nakul, the finance manager of an airline, deposits the entire Foreign Travel Tax collected from passengers twelve days after the prescribed deadline. Before any notice alleging non-payment is issued, the outstanding amount has been credited to the Central Government's account. Nevertheless, the authority imposes a penalty under Section 38(3) solely because the deposit was delayed. Which conclusion is legally sustainable?

- (a) Delayed remittance necessarily constitutes non-payment for imposing the prescribed penalty.
- (b) Payment before the relevant notice undermines the penalty based on non-payment.
- (c) Collection of tax establishes liability regardless of its subsequent deposit.
- (d) Missing the original deadline requires imposition of the highest statutory penalty.

2. Ishani represents a carrier in penalty proceedings under the Foreign Travel Tax framework. The adjudicating officer issues written notice, accepts her written representation, and conducts a hearing. However, the final order imposes a penalty without examining the documentary explanation submitted by her. The officer maintains that conducting the hearing fulfilled the procedural requirements. Which conclusion best reflects the applicable legal position?

- (a) The order is sustainable because notice and hearing satisfy procedural requirements.
- (b) Documentary explanations require consideration only when the liability is disputed.
- (c) The order remains valid if the penalty falls within the prescribed statutory range.
- (d) The order is defective because the explanation requires meaningful consideration.

3. Consider the following statements regarding Rules 4 and 9 of the Foreign Travel Tax Rules, 1979:

- i. The prescribed period for depositing collected tax is calculated from the end of the relevant month.
- ii. The monthly return must be submitted within a corresponding period prescribed under Rule 9.
- iii. The Collector of Customs may extend the deposit deadline but cannot extend the return deadline.
- iv. A valid extension of time does not affect penal liability arising merely from missing the original deadline.

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. Four adjudicating authorities adopt different approaches while deciding whether statutory penalties should be imposed. Which approach is most consistent with the principles governing discretionary penalties?

- (a) An officer excludes liability upon finding no guilty intention, without examining the statutory scheme.
- (b) An authority treats the word "shall" as excluding consideration of explanations for non-compliance.
- (c) An adjudicator examines the statutory scheme, representations, and circumstances before deciding

liability.

(d) An officer imposes the maximum penalty because a hearing has already been provided.

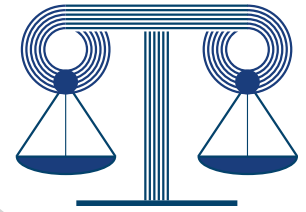
5. Which provision of the Finance Act, 1979 prescribed interest on delayed payment of Foreign Travel Tax?

- (a) Section 35A
- (b) Section 38(3)
- (c) Section 35(2)
- (d) Section 38(4)



SUPREME COURT

Landmark Judgements



4

Attribution of Mens Rea to a Company

Background

- The appellant, Sanofi India Ltd., a pharmaceutical company, supplied medicines to the Rare Materials Project of the Bhabha Atomic Research Centre (BARC) through tender processes conducted during 2011–2016.
- The Central Bureau of Investigation (CBI) alleged that Dr. P. Anand, a Scientific Officer at BARC, had conspired with pharmaceutical companies to procure medicines at inflated prices and in quantities exceeding actual requirements, causing financial loss to BARC.
- A chargesheet filed in 2017 accused Sanofi India Ltd. and Dr. Anand of criminal conspiracy and cheating under Sections 120B and 420 IPC, along with offences under the Prevention of Corruption Act, 1988. However, no director, employee, or official of the appellant company was named as an accused.
- The company approached the Karnataka High Court seeking quashing of the criminal proceedings, contending that a corporation could not be prosecuted for an offence requiring criminal intention unless the natural persons acting on its behalf were identified and arraigned.
- On 15 February 2019, the Karnataka High Court dismissed the petition, holding that corporate entities could face criminal prosecution independently of their directors or persons in charge, provided the allegations disclosed an offence requiring adjudication.
- Aggrieved, Sanofi India Ltd. appealed to the Supreme Court, challenging the maintainability of criminal proceedings against the company in the absence of any identified or separately prosecuted individual whose criminal intention could be attributed to it.

Case Details

- Case Title:** Sanofi India Ltd. v. Central Bureau of Investigation
- Citation:** Criminal Appeal No. 4250 of 2026 | 2026 INSC 957
- Bench** Justice J.B. Pardiwala and Justice Manoj Misra

Issue Before the Court

- Whether criminal proceedings against a corporation for offences requiring mens rea can be quashed solely because no natural person acting on its behalf has been identified or arraigned as a co-accused.
- What legal principles govern the attribution of a natural person's conduct and criminal intention to a corporation, and whether the allegations against the appellant disclosed a sufficient prima facie basis for prosecution.

Judgement of the Court

- The Supreme Court held that corporations are legally capable of possessing mens rea and can be prosecuted for offences requiring criminal intention. Although a company is an artificial legal person, the conduct and mental state of natural persons acting for it may be attributed to the company under applicable legal principles.
- The Court distinguished between two questions: whether a corporation can possess criminal intention and how the intention of a natural person can legally be attributed to it. While the former was already settled, the Bench found it necessary to clarify the principles governing attribution.
- The Bench explained that corporate criminal liability through attribution is distinct from vicarious liability. Under attribution, the act and state of mind of an authorised individual are legally treated as those of the corporation itself, whereas vicarious liability arises from responsibility imposed for another person's wrongdoing.
- The Court established a three-stage sequential framework for corporate attribution, under which each succeeding stage becomes relevant only when the preceding stage fails to establish attribution.
- At the first stage, the Court must examine the company's constitutional documents, particularly its Memorandum and Articles of Association, and relevant rules implied by company law to determine whether the individual possessed authority to undertake the act in question.
- At the second stage, where the constitutional documents do not establish attribution, the Court must determine whether the relevant authority was expressly or impliedly delegated to the individual. Such delegation must confer sufficient discretion and independence concerning the particular act.
- At the third stage, where the previous inquiries fail, the Court must examine whether the purpose of the statute creating the offence requires a special rule of attribution. This determination involves statutory interpretation and, where appropriate, consideration of the surrounding circumstances.
- The Bench rejected a purely status-based approach to corporate criminal liability. Merely holding the position of director, manager, or senior officer does not automatically establish that an individual's conduct and criminal intention should be attributed to the company.
- The Court emphasised that attribution must be transaction-specific. The relevant inquiry concerns the individual's authority and involvement in the particular transaction rather than their general position within the corporate hierarchy.
- The Bench clarified that the attribution framework operates from the natural person to the corporation and does not independently determine the criminal liability of that individual. The framework also need not be invoked where legislation expressly establishes attribution, creates vicarious liability, or imposes strict or absolute liability.
- Addressing the principal dispute, the Court held that criminal proceedings against a corporation cannot be quashed under Section 482 CrPC merely because no individual employee, director, or officer has been identified or arraigned as a co-accused.
- The Court explained that a chargesheet must disclose the corporation's alleged involvement in the offence, but it need not necessarily identify the particular natural person through whom the

- corporation acted. Requiring such identification at the preliminary stage could prematurely terminate otherwise maintainable prosecutions.
- The Bench nevertheless clarified that corporate prosecutions are not immune from judicial scrutiny. The allegations must prima facie disclose that some natural person acted on behalf of the corporation, that the conduct relates to the alleged offence, and that the surrounding circumstances reasonably permit the existence of the required criminal intention.
- Applying these principles, the Court found that the chargesheet disclosed sufficient material indicating that individuals had acted on behalf of Sanofi India Ltd. in the alleged procurement irregularities and that the circumstances supported a prima facie possibility of the requisite mens rea.
- The Court held that conclusively determining whether the conduct and intention of those individuals could be attributed to the appellant required examination of evidence during trial, making interference at the preliminary stage inappropriate.
- Accordingly, the Supreme Court dismissed the appeal and upheld the Karnataka High Court's refusal to quash the criminal proceedings. The question of the company's criminal liability was left for determination during trial.

Key Takeaway for CLAT Aspirant

1. Sections 120A and 120B IPC and Section 61 BNS: Criminal Conspiracy

Section 120A IPC defined criminal conspiracy as an agreement between two or more persons to commit an illegal act or a legal act by illegal means, while Section 120B prescribed punishment. Section 61 BNS now governs criminal conspiracy. The offence primarily concerns the unlawful agreement, and a corporate entity may incur liability where the required agreement and criminal intention are legally attributable to it.

2. Section 420 IPC and Section 318(4) BNS: Cheating and Dishonest Inducement

Section 420 IPC punished cheating involving dishonest inducement to deliver property or alter or destroy a valuable security. Its corresponding provision is Section 318(4) BNS. Cheating requires deception accompanied by the requisite dishonest or fraudulent intention. A company may incur criminal liability where the relevant acts and mental elements are attributable to it under applicable legal principles.

3. Prevention of Corruption Act, 1988: Sections 11, 12, and 13

Section 11 concerns specified unlawful receipt of valuable benefits by public servants, while Section 12 deals with abetment of prescribed corruption offences. Section 13 addresses criminal misconduct by public servants, with Section 13(2) prescribing punishment. The relevant ingredients and scope of these provisions must be determined according to the statutory version applicable to the alleged conduct.

4. Section 9 of the Prevention of Corruption Act, 1988: Bribery by Commercial Organisations

Section 9, as introduced through the 2018 amendment, establishes liability for commercial organisations where an associated person provides or promises an undue advantage to a public servant with the prescribed intention of obtaining or retaining business or a business advantage. The provision also

recognises a defence based on adequate procedures designed to prevent such conduct, as provided by law.

5. Section 482 CrPC and Section 528 BNSS: Quashing of Criminal Proceedings

Section 482 CrPC, corresponding to Section 528 BNSS, preserves the High Court's inherent powers to prevent abuse of judicial process and secure the ends of justice. Proceedings may be quashed where allegations fail to disclose an offence or are legally unsustainable. However, the Court ordinarily does not conduct a detailed examination of contested evidence at the preliminary stage.

6. Companies Act, 2013: Memorandum and Articles of Association

Sections 2(56) and 2(5) of the Companies Act, 2013 define the Memorandum and Articles of Association respectively. These constitutional documents help determine the distribution of authority within a company. For corporate attribution, they may establish whether a particular individual possessed the authority to undertake the relevant act, although authority may also arise through valid delegation.

7. Section 141 of the Negotiable Instruments Act, 1881: Corporate Vicarious Liability

Section 141 establishes statutory liability for specified persons responsible for the conduct of a company's business when the company commits an offence under Section 138, subject to statutory conditions. This is distinct from attributing an individual's conduct to the company itself. In vicarious prosecutions under Section 141, arraigning the company is ordinarily necessary for maintaining proceedings against responsible individuals.

8. Doctrine of Corporate Attribution: Three-Stage Sequential Test

Corporate attribution determines when a natural person's conduct and mens rea are treated as those of the company. The inquiry follows three stages: first, authority under constitutional documents or implied company-law rules; second, express or implied delegation with sufficient independence; and third, a special rule derived from statutory purpose. Each subsequent stage applies only when the earlier stage fails to establish attribution.

9. Doctrine of Mens Rea, Actus Reus, and Corporate Criminal Liability

Actus reus refers to the prohibited conduct, while mens rea denotes the mental element required for an offence, such as intention, knowledge, or recklessness. Corporations, despite being artificial legal persons, can incur liability for offences involving these elements through legally recognised attribution. Formal managerial status alone does not establish attribution, which must be assessed in relation to the specific transaction.

10. Direct Corporate Liability versus Vicarious Liability and the Prima Facie Test

Under direct corporate liability, an individual's authorised conduct and mental state may be treated as the corporation's own, whereas vicarious liability arises through an express statutory basis. At the quashing stage, the prosecution need not always name or arraign the individual concerned. However, allegations must prima facie indicate action on behalf of the company, its connection with the offence, and circumstances supporting the required mens rea.



Practice Questions

1. Bhargavi, an associated sales agent of a commercial organisation, promises an undue advantage to a public servant to secure a government supply contract for the organisation. During subsequent proceedings, the organisation produces evidence that it had established adequate procedures to prevent such conduct. Which conclusion best reflects its legal position under Section 9 of the Prevention of Corruption Act, 1988?

- (a) Her external agency status prevents liability arising against the commercial organisation.
- (b) The organisation may invoke its adequate preventive procedures as a statutory defence.
- (c) Liability arises only when the promised advantage is transferred to the public servant.
- (d) The agent's conduct attracts liability only upon approval by the organisation's directors.

2. Ritvik, a finance executive of a company, knowingly submits inaccurate financial representations during negotiations undertaken on its behalf. The company's constitutional documents and implied company-law rules do not establish his authority. However, a valid delegation gives him sufficient independence to conduct the relevant transactions. How should the corporate attribution inquiry proceed?

- (a) Attribution requires a special statutory rule despite the established delegation.
- (b) Absence of authority under constitutional documents excludes further attribution.
- (c) Sufficiently independent delegation may establish attribution at the second stage.
- (d) Recognition of his managerial position completes the required attribution inquiry.

3. Consider the following statements regarding Section 141 of the Negotiable Instruments Act, 1881:

- i. It establishes liability for specified persons responsible for a company's business when the company commits an offence under Section 138.
- ii. Liability under this provision arises through corporate attribution without requiring an express statutory basis.
- iii. In vicarious prosecutions, arraigning the company is ordinarily necessary for maintaining proceedings against responsible individuals.
- iv. The provision treats an individual's conduct as the company's own rather than establishing statutory vicarious liability.

Which of the above statements are correct?

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

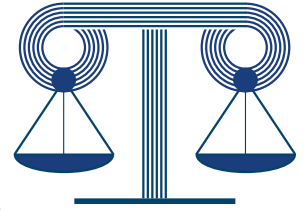
4. Examine the following situations involving requests to quash criminal proceedings under Section 482 CrPC or Section 528 BNSS. Which situation provides the strongest legal basis for quashing at the preliminary stage?

- (a) A forgery complaint alleges criminal conduct, but the accused disputes the handwriting evidence.
 - (b) A criminal intimidation complaint alleges threats, but the accused challenges witness credibility.
 - (c) A theft complaint describes unlawful taking, but the accused produces disputed ownership records.
 - (d) A commercial complaint describes a failed arrangement without allegations disclosing any offence.
5. Which provision of the Prevention of Corruption Act, 1988 deals with abetment of prescribed corruption offences?
- (a) Section 13(2)
 - (b) Section 11
 - (c) Section 12
 - (d) Section 9



SUPREME COURT

Landmark Judgements

**5**

Widow's Family Pension Payable from Date of Husband's Death

Background

- The appellant, Maya Banerjee, was the widow of K.M. Banerjee, a Railway employee working as a Leverman who died while in service on 12 November 2000. Due to a marital dispute, the couple had been living separately, and the appellant was unaware of her husband's employment particulars.
- Despite his death, the Railways dismissed her husband from service on 10 October 2001, contrary to a Railway Board circular requiring disciplinary proceedings to be closed upon the death of the employee.
- The appellant challenged the dismissal, but her departmental appeal was rejected on 24 July 2012 because of delay and discrepancies concerning her husband's date of death. She subsequently instituted a civil suit, which resulted in a declaration confirming 12 November 2000 as the correct date of death.
- The appellant approached the Central Administrative Tribunal (CAT) seeking family pension and consequential benefits. However, the Tribunal dismissed her application on the ground of limitation.
- The Bombay High Court subsequently recognised her entitlement to family pension but restricted its payment to 2014, the year she first approached the CAT, instead of granting arrears from her husband's death in 2000.
- Aggrieved by this restriction, the appellant approached the Supreme Court, contending that her entitlement arose upon her husband's death and that delays caused by administrative errors and circumstances beyond her control could not deprive her of past pension benefits.

Case Details

Case Title: Maya Banerjee v. Union of India & Ors.

Citation: 2026 INSC 959 | Civil Appeals arising out of Diary No. 43299 of 2024

Bench Justice Prashant Kumar Mishra and Justice Shree Chandrashekhar

Issue Before the Court

- Whether a widow whose husband died while in service is entitled to family pension arrears from the date of his death, or whether the relief may be restricted to the date on which she first approached the judicial forum.
- Whether the general restriction on recovery of pension arrears can prevail over an earlier binding decision concerning a widow's family pension, particularly when the subsequent decision was rendered without considering the earlier precedent.

Judgement of the Court

- The Supreme Court observed that pension and gratuity are valuable legal rights and property, rather than discretionary payments or governmental bounty. An eligible beneficiary cannot be deprived of these entitlements through arbitrary administrative action or unjustified delays.
- The Court held that the obligation to calculate and offer family pension rests upon the employer once the entitlement arises. Relying on *S.K. Mastan Bee v. General Manager, South Central Railway*, it emphasised that compelling an eligible widow to initiate litigation for such benefits could amount to a violation of Article 21.
- The Bench examined *Union of India v. Tarsem Singh*, which recognised that pension-related claims involving recurring wrongs may remain maintainable despite delay. However, it also provided that consequential relief concerning arrears should ordinarily be restricted to three years preceding the filing of the writ petition.
- The Court distinguished this general principle from the earlier decision in *S.K. Mastan Bee*, which specifically concerned a widow's entitlement to family pension. That decision recognised that illiteracy, financial hardship, and lack of knowledge concerning legal rights could justify granting pension arrears from the date the entitlement originally arose.
- The Bench observed that *Tarsem Singh* and *S.K. Mastan Bee* were delivered by Benches of equal strength, but the later decision had not considered the earlier ruling. Applying the doctrine of *per incuriam*, the Court explained that a subsequent decision inconsistent with an earlier binding precedent may lose its precedential authority where the earlier decision was overlooked.
- The Court reiterated that the doctrine of *stare decisis* requires coordinate Benches to follow earlier binding decisions of equal strength. A Bench disagreeing with an established precedent must refer the matter to a larger Bench rather than independently adopt a conflicting legal position.
- Applying these principles, the Court held that *S.K. Mastan Bee* governed the present dispute because it addressed the specific question of family pension arrears payable to a widow. Consequently, the general three-year restriction discussed in *Tarsem Singh* could not justify limiting the appellant's entitlement to 2014.
- The Bench found serious administrative irregularities in the Railways' conduct, particularly the dismissal of the appellant's husband on 10 October 2001 despite his death on 12 November 2000. This dismissal violated the Railway Board's circular requiring disciplinary proceedings to be closed following the employee's death.
- The Court observed that the appellant was an illiterate widow earning her livelihood through domestic work and was unaware of her husband's service particulars. Her pension claim had been rejected because of discrepancies concerning his date of death, compelling her to obtain a civil court declaration despite possessing a death certificate. The resulting delay was therefore not attributable to her fault.
- Accordingly, the Supreme Court held that restricting the appellant's family pension to 2014 would cause substantial injustice. It allowed the appeals and modified the High Court's order, directing payment of family pension arrears from 12 November 2000, the date of her husband's death, together with 6% annual interest, within three months.

Key Takeaway for CLAT Aspirant**1. Rule 75 of the Railway Services (Pension) Rules, 1993: Family Pension Entitlement**

Rule 75 governed the Family Pension Scheme for Railway Servants, 1964, providing pensionary benefits to eligible family members upon the death of a railway employee or pensioner. Entitlement depends on prescribed service and eligibility conditions. The corresponding family pension framework is now contained in Rule 50 of the Railway Services (Pension) Rules, 2026, which ordinarily provides payment from the day following the employee's death.

2. Railway Board Circular RBE No. 115/2000: Termination of Disciplinary Proceedings on Death

Railway Board Letter No. E(D&A) 99 RG6-26, dated 19 June 2000, clarifies that disciplinary proceedings pending against a railway employee must be closed immediately upon the employee's death. Such proceedings cannot ordinarily continue towards the imposition of a disciplinary punishment against the deceased. Administrative authorities must therefore account for the employee's death when determining consequential service and pensionary benefits.

3. Sections 19 and 21 of the Administrative Tribunals Act, 1985: Service Disputes and Limitation

Section 19 allows an aggrieved person to approach an Administrative Tribunal concerning matters within its jurisdiction. Section 21 generally prescribes a one-year limitation period, calculated according to the applicable statutory circumstances. Section 21(3) permits admission of a delayed application where sufficient cause is established, distinguishing statutory limitation from the equitable doctrine of laches.

4. Article 21 of the Constitution: Right to Life, Dignity, and Social Security

Article 21 guarantees that no person shall be deprived of life or personal liberty except according to a fair, just, and reasonable procedure established by law. Its interpretation extends to the protection of human dignity and essential aspects of livelihood. Arbitrary denial of legally due family pension may undermine the constitutional protection of dignity and financial security.

5. Article 300A of the Constitution: Protection of Property Rights

Article 300A provides that no person shall be deprived of property except by authority of law. Pensionary entitlements recognised by applicable service rules constitute valuable legal rights with a proprietary character. Once such an entitlement becomes legally payable, the State cannot arbitrarily withhold or extinguish it without lawful authority. Article 300A protects property as a constitutional right rather than a Fundamental Right.

6. Article 141 of the Constitution: Binding Nature of Supreme Court Decisions

Article 141 declares that the law laid down by the Supreme Court is binding on all courts within India. The binding element of a decision is its ratio decidendi, meaning the legal principle necessary for resolving the dispute. Observations not essential to the determination, known as obiter dicta, do not ordinarily carry the same binding authority.

7. Article 226 of the Constitution: Judicial Review of Administrative Decisions

Article 226 empowers High Courts to issue writs, orders, and directions for enforcing Fundamental

Rights and other legal rights. Administrative decisions concerning pension, service benefits, and statutory entitlements may be challenged where they suffer from illegality, arbitrariness, or procedural unfairness. High Courts may also grant consequential monetary relief, subject to applicable legal and equitable considerations.

8. Doctrine of Per Incuriam: Exception to Binding Precedent

Per incuriam means a decision rendered in ignorance of a relevant binding statutory provision or judicial precedent. Where the ratio of a subsequent decision conflicts with an earlier binding decision of a coordinate or larger Bench because the earlier authority was overlooked, the subsequent ruling may lack precedential value on that issue. The doctrine applies to ratio decidendi and must be invoked sparingly.

9. Doctrine of Stare Decisis and Judicial Discipline

Stare decisis requires courts to follow established legal precedents to promote consistency, predictability, and certainty. A Bench of lesser strength must follow the law declared by a larger Bench, while a coordinate Bench ordinarily remains bound by an earlier decision of equal strength. Where disagreement arises, the appropriate course is reference to a larger Bench rather than independently overruling the earlier ruling.

10. Doctrine of Continuing Wrong, Laches, and Recovery of Pension Arrears

A continuing or recurring wrong arises where a legal obligation remains unfulfilled or repeated breaches generate fresh causes of action, as may occur with periodic pension payments. Although a delayed pension claim may remain maintainable, courts ordinarily consider laches when determining retrospective monetary relief. The restriction on arrears is not inflexible and may depend on the nature of the entitlement, reasons for delay, and whether third-party rights are affected.



Practice Questions

1. A disciplinary inquiry against Suhani, a railway employee, remains pending when she dies. The railway administration proposes to complete the inquiry and impose a punishment before determining her family's pensionary benefits. What is the legally appropriate course regarding the disciplinary proceedings?

- (a) Continue the inquiry until a final finding on misconduct is recorded.
- (b) Suspend the inquiry until the family submits its pension claim.
- (c) Complete the inquiry if its findings could affect pensionary benefits.
- (d) Close the inquiry immediately without imposing disciplinary punishment.

2. Aradhya's entitlement to family pension has been established under the applicable railway service rules. However, the department withholds payment without citing any lawful authority, arguing that pension is a discretionary benefit rather than a protected property right. Which conclusion is legally sustainable under Article 300A?

- (a) The department may reconsider payment because pension remains discretionary.
- (b) The entitlement cannot be arbitrarily withheld without authority of law.
- (c) Constitutional protection arises only after the pension reaches her account.
- (d) The withholding is valid unless the pension constitutes a Fundamental Right.

3. Consider the following statements regarding Sections 19 and 21 of the Administrative Tribunals Act, 1985:

- i. Section 19 enables an aggrieved person to approach an Administrative Tribunal concerning matters within its jurisdiction.
- ii. Section 21 establishes a uniform limitation period commencing from the employee's retirement in every service dispute.
- iii. Section 21(3) permits admission of a delayed application where the applicant establishes sufficient cause.
- iv. Statutory limitation and equitable laches constitute interchangeable grounds governed by identical requirements.

Which of the above statements are correct?

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

4. Four judicial Benches encounter earlier decisions while resolving legal disputes. Which situation most clearly attracts the doctrine of per incuriam?

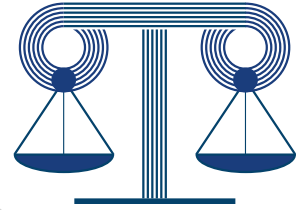
- (a) A subsequent Bench declines to adopt an earlier judgment's incidental observations.
- (b) A coordinate Bench distinguishes an earlier ruling after examining its material differences.

- (c) A larger Bench expressly replaces a legal principle established by a smaller Bench.
 - (d) A coordinate Bench overlooks an earlier binding ratio and delivers a conflicting ruling.
5. Which Article of the Constitution makes the law declared by the Supreme Court binding on all courts within India?
- (a) Article 226
 - (b) Article 141
 - (c) Article 21
 - (d) Article 300A



SUPREME COURT

Landmark Judgements

**6**

Outgoing Partner's Share Must Be Valued on Date of Assessment, Not Date Of Dissolution

Background

- M/s Viraj Constructions was constituted as a partnership firm in 1964, primarily undertaking railway construction works. The firm owned land measuring 3 acres and 27 guntas at Begumpet, Hyderabad, and Kasireddy Lakshmi Narayana Reddy held a 25% share in the partnership.
- In 1970, Lakshmi Narayana Reddy attempted to retire from the firm in exchange for ₹22,500. However, an earlier suit established that his retirement had not taken effect. He subsequently issued a notice seeking dissolution of the partnership, which stood dissolved on 18 October 1983.
- Lakshmi Narayana Reddy instituted proceedings for rendition of accounts and payment of his partnership share. A preliminary decree passed in 1995 was modified by the Andhra Pradesh High Court in 2001, fixing 18 October 1983 as the date up to which partnership accounts were to be rendered.
- Despite dissolution, the remaining partners constituted a new partnership and continued retaining the immovable property of the dissolved firm without settling the outgoing partner's share. The dispute subsequently concerned whether the property's value should be determined as of the dissolution date or its actual valuation.
- In April 2012, the Andhra Pradesh High Court held that the outgoing partner's legal representative was entitled to 25% of the value realised from the partnership property after discharging liabilities. It directed a public auction unless the parties mutually agreed to settle their respective shares.

Case Details

- Case Title:** V. Sumitra Reddy & Anr. v. K. Ranganadha Reddy & Ors.
- Citation:** Civil Appeal No. 8167 of 2017 | 2026 LiveLaw (SC) 918
- Bench** Justice Ujjal Bhuyan and Justice Vipul M. Pancholi

Issue Before the Court

- Whether, upon dissolution of a partnership at will, an outgoing partner's share in the firm's immovable assets must be valued as on the date of dissolution or as on the date of actual valuation or liquidation.
- Whether the remaining partners can retain and utilise the assets of a dissolved partnership through a newly constituted firm without settling the outgoing partner's entitlement under Sections 46 and 48 of the Indian Partnership Act, 1932.

- Aggrieved, the continuing partners approached the Supreme Court, contending that the outgoing partner's entitlement should be restricted to the property's value on 18 October 1983, rather than its appreciated value at the time of assessment or sale.

Judgement of the Court

- The Supreme Court explained that a partnership firm is not a separate legal entity comparable to a company. Its property belongs collectively to the partners, whose interests are determined by their respective shares in the partnership and the settlement of its liabilities.
- The Court examined Sections 7 and 43 of the Indian Partnership Act, 1932, and observed that a partnership at will may be dissolved through written notice by a partner. Accordingly, M/s Viraj Constructions stood dissolved on 18 October 1983, following the communication of the dissolution notice.
- The Bench held that Section 46 confers upon every partner or their legal representative the right to have the dissolved firm's assets applied towards its debts and liabilities, with the remaining surplus distributed according to the partners' respective entitlements.
- Referring to Section 47, the Court clarified that dissolution does not preserve an unrestricted authority to continue using partnership assets. The partners' continuing powers and obligations are confined to winding up the firm's affairs and completing transactions that remained unfinished at dissolution.
- The Court emphasised that Section 48 prescribes the settlement of accounts following dissolution. After satisfying the firm's liabilities, advances, and capital entitlements in the statutory order, the remaining assets or their realised value must be distributed among the partners according to their profit-sharing proportions.
- The Bench distinguished between the ascertainment of business profits and losses and the valuation of partnership assets. While profits and losses must be calculated as on the dissolution date, the outgoing partner's entitlement to the residual assets is determined according to their value at the time of actual assessment or liquidation.
- The Court rejected the argument that the preliminary decree's reference to 18 October 1983 restricted the outgoing partner's entitlement to the historical value of the property. That date determined the accounting period and did not extinguish the partner's continuing right to receive a proportionate share of the firm's residual assets.
- The Bench distinguished retirement from dissolution, observing that a retiring partner who has transferred his share under a settlement may have a monetary claim arising on retirement. In contrast, dissolution terminates the entire partnership and requires the winding up and distribution of assets under Section 48. Consequently, authorities concerning completed retirement arrangements could not determine the present dispute.
- The Court held that the newly constituted partnership could not lawfully retain the land belonging to the dissolved firm without purchasing it or obtaining a mutually agreed settlement with the erstwhile partners. Permitting the continuing partners to retain an appreciating asset while restricting the outgoing partner to its 1983 valuation would cause substantial prejudice and unjustly benefit the remaining partners.
- Accordingly, the Supreme Court upheld the High Court's direction requiring settlement of the outgoing partner's 25% share based on actual valuation or the proceeds of a public auction, after

discharging partnership liabilities. It dismissed the civil appeal, vacated the interim stay orders, and directed compliance with the High Court's directions, without imposing costs.

Key Takeaway for CLAT Aspirant

1. Sections 4 and 14 of the Indian Partnership Act, 1932: Partnership and Partnership Property

Section 4 defines partnership as a relationship between persons who agree to share the profits of a business carried on by all or any of them acting for all. Section 14 identifies property belonging to the firm, including property brought into or acquired for the partnership business. A partner does not possess an exclusive right over a particular firm asset but has an interest in the net partnership property according to the applicable rights and obligations.

2. Section 7 of the Indian Partnership Act, 1932: Partnership at Will

Section 7 provides that a partnership is at will where the agreement between partners contains no provision fixing its duration or determining how the partnership will end. Such a partnership continues according to the partners' willingness to maintain the relationship. Any partner may initiate its dissolution by complying with the notice requirements prescribed under Section 43.

3. Sections 39 and 43 of the Indian Partnership Act, 1932: Dissolution of a Firm

Section 39 defines dissolution of a firm as the dissolution of the partnership between all its partners. Under Section 43, any partner in a partnership at will may dissolve the firm by giving written notice to the remaining partners. Dissolution takes effect from the date specified in the notice or, where no date is specified, from the date of its communication.

4. Section 37 of the Indian Partnership Act, 1932: Rights of an Outgoing Partner

Section 37 protects an outgoing partner, or the estate of a deceased partner, where the continuing partners use the outgoing partner's share of firm property without a final settlement of accounts. Subject to the contract between the partners, the outgoing partner may elect to receive profits attributable to that share or interest at 6% annually on the amount of the share. This entitlement differs from the settlement of an entire firm following dissolution.

5. Section 46 of the Indian Partnership Act, 1932: Right to Have Business Wound Up

Section 46 entitles every partner or their representative, upon dissolution, to require that partnership property be applied towards the firm's debts and liabilities. Any surplus remaining after satisfying these obligations must be distributed according to the partners' respective rights. This provision prevents one group of partners from retaining the firm's assets while excluding others from their lawful entitlement.

6. Section 47 of the Indian Partnership Act, 1932: Continuing Authority After Dissolution

Section 47 provides that the authority of partners to bind the firm and their mutual rights and obligations continue after dissolution only so far as necessary for winding up the firm's affairs and completing unfinished transactions. It does not authorise unrestricted continuation of business using partnership property. The provision also contains an exception concerning acts of a partner adjudicated insolvent.

7. Section 48(a) of the Indian Partnership Act, 1932: Settlement of Partnership Losses

Section 48(a) prescribes that losses, including deficiencies of capital, must first be paid from profits, then from capital, and finally, where necessary, by the partners individually in their profit-sharing proportions. These rules apply subject to an agreement between the partners. The provision establishes the order for allocating financial losses when partnership accounts are settled after dissolution.

8. Section 48(b) of the Indian Partnership Act, 1932: Distribution of Assets After Dissolution

Section 48(b) establishes the order for applying partnership assets: first, payment of debts owed to third parties; second, repayment of partners' advances distinct from capital; third, repayment of partners' capital; and finally, distribution of any residue according to profit-sharing proportions. Subject to the partnership agreement, this sequence governs winding up and prevents premature distribution before liabilities are satisfied.

9. Order XX Rule 15 CPC: Preliminary and Final Decrees in Partnership Suits

Order XX Rule 15 of the Code of Civil Procedure, 1908 permits a court hearing a suit for dissolution or partnership accounts to pass a preliminary decree declaring the partners' shares, fixing the dissolution date, and directing the taking of accounts. A final decree subsequently determines and implements their monetary entitlements. The date fixed for closing business accounts does not necessarily determine the valuation date of assets remaining to be realised.

10. Order XL Rule 1 CPC: Appointment and Powers of a Receiver

Order XL Rule 1 CPC empowers courts to appoint a receiver where it appears just and convenient, including to manage, preserve, or take possession of disputed property under judicial supervision. In partnership dissolution proceedings, a receiver may assist with protecting and administering firm assets pending their lawful distribution. Powers to realise or dispose of property depend on the court's authorisation and the applicable procedural requirements.



Practice Questions

1. Following the dissolution of a partnership firm, Madhav completes delivery under a supply order accepted before dissolution. Meanwhile, Tishya enters into a fresh, unrelated supply agreement in the firm's name. Both claim that their authority continues until the firm's assets are distributed. Which conclusion is legally sustainable under Section 47 of the Indian Partnership Act, 1932?
 - (a) Tishya's agreement is permissible because the firm's assets remain unsettled after dissolution.
 - (b) Madhav may complete the pending transaction, but Tishya's fresh agreement exceeds continuing authority.
 - (c) Both transactions remain authorised because the winding-up process has not yet concluded.
 - (d) Neither transaction can bind the firm because dissolution immediately extinguishes all authority.
2. Following Jalaj's retirement from a partnership, the remaining partners continue using his share of firm property to generate business income. No final settlement of accounts has occurred, and the partnership agreement contains no contrary provision. Jalaj seeks compensation for the continued use of his share. Which entitlement is available to him under Section 37 of the Indian Partnership Act, 1932?
 - (a) A proportion of all subsequent profits, regardless of their connection to his share.
 - (b) Exclusive ownership of a firm asset equivalent to his previous capital contribution.
 - (c) Interest at a rate determined by the continuing partners instead of business profits.
 - (d) Profits attributable to his share or annual interest of 6% on that share.
3. Consider the following statements regarding dissolution under Sections 39 and 43 of the Indian Partnership Act, 1932:
 - i. A partner in a partnership at will may dissolve the firm by giving written notice to the remaining partners.
 - ii. Where a written notice specifies a dissolution date, dissolution takes effect from that date.
 - iii. Dissolution of a firm refers to termination of the partnership relationship between only some of its partners.
 - iv. Where no dissolution date is specified, dissolution takes effect from the date the notice is signed.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. Four partnership firms adopt different arrangements for distributing assets following dissolution. Which arrangement complies with the statutory priority under Section 48(b) of the Indian Partnership Act, 1932?
 - (a) A dissolved firm pays an outside creditor before reimbursing a partner's separate advance.
 - (b) A firm returns contributed capital while a partner's separate advance remains outstanding.
 - (c) Partners distribute the residue according to capital contributions despite different profit-sharing proportions.

(d) A firm repays partners' advances before settling the outstanding claims of external creditors.

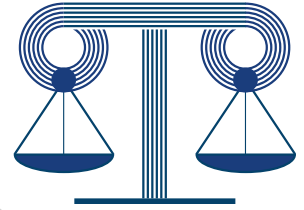
5. Which provision of the Code of Civil Procedure, 1908 empowers courts to appoint a receiver to manage or preserve disputed property?

- (a) Order XX Rule 15
- (b) Order XL Rule 1
- (c) Section 46 of the Indian Partnership Act, 1932
- (d) Section 47 of the Indian Partnership Act, 1932



SUPREME COURT

Landmark Judgements



7

Supreme Court Explains Section 69 BNS

Background

- The appellant, Kunal Rameshbhai Kalyani, and the complainant became acquainted through a digital platform. Their friendship subsequently developed into a romantic relationship, during which the appellant expressed his desire to marry the complainant.
- On 12 February 2024, the complainant engaged in sexual intercourse with the appellant after agreeing to his requests. The parties subsequently stayed together at a hotel for two days in April 2024.
- The appellant later declined to proceed with the proposed marriage, explaining that his mother did not approve of the relationship. The complainant alleged that he had established physical relations with her under the pretext of marriage and subsequently withdrawn his promise.
- On 20 May 2025, an FIR bearing No. 11196030250292 was registered against the appellant at Sayajiganj Police Station, Vadodara, Gujarat, under Section 69 of the Bharatiya Nyaya Sanhita, 2023, concerning sexual intercourse through deceitful means.
- The appellant approached the Gujarat High Court seeking quashing of the FIR, contending that the relationship was consensual and that his subsequent inability to marry did not establish any fraudulent intention when the promise was originally made.
- The Gujarat High Court declined to quash the proceedings, relying on the principles concerning false promises of marriage. Aggrieved, the appellant approached the Supreme Court, challenging the continuation of criminal proceedings in the absence of allegations establishing deceitful inducement.

Case Details

- Case Title:** Kunal Rameshbhai Kalyani v. State of Gujarat & Anr.
- Citation:** 2026 INSC 987 | Criminal Appeal arising out of SLP (Criminal) No. 11526 of 2026
- Bench** Justice J.B. Pardiwala and Justice K. Vinod Chandran

Issue Before the Court

- Whether the subsequent failure to fulfil a promise of marriage constitutes an offence under Section 69 BNS when there is no indication that the promise was made with fraudulent intention from its inception.
- Whether criminal proceedings under Section 69 BNS can continue when the FIR discloses a consensual relationship but does not establish that sexual intercourse was induced by a deceitful promise of marriage.

Judgement of the Court

- The Supreme Court examined the legal treatment of sexual intercourse allegedly induced by a false promise of marriage under the Indian Penal Code, 1860. It observed that such allegations were previously considered under Section 375 read with Section 90 IPC, requiring examination of whether consent was obtained under a misconception of fact arising from a promise the accused never intended to fulfil.
- The Court clarified that Section 69 BNS creates a distinct statutory offence concerning sexual intercourse obtained through deceitful means or a promise of marriage made without any intention of fulfilling it. Unlike the earlier IPC framework, the provision separately penalises specified deceptive conduct where the sexual intercourse does not amount to rape.
- The Bench emphasised that the words used in Section 69 require fraudulent intention to exist when the promise of marriage is made. The offence cannot be established merely because a person subsequently fails to fulfil a promise that was originally made with genuine intentions.
- The Court referred to *Deepak Gulati v. State of Haryana* and reiterated the distinction between a false promise made from the beginning and a genuine promise that subsequently remains unfulfilled. It observed that circumstances arising after the promise may explain its non-fulfilment without necessarily establishing an earlier dishonest intention.
- Examining the allegations in the FIR, the Court noted that the appellant and complainant had become acquainted through a digital platform, developed a friendship, and subsequently entered into a romantic relationship. The narrative indicated a developing personal relationship rather than an arrangement founded upon an established fraudulent representation.
- The Bench observed that the appellant had expressed his desire to marry the complainant during their first physical meeting. However, merely communicating an intention or desire to marry could not establish deceit without additional circumstances indicating that the representation was knowingly false when made.
- The Court attached significance to the complainant's own statement concerning their first sexual encounter. Although she stated that she had agreed to the appellant's requests, the complaint did not allege that she had permitted sexual intercourse specifically because of an assurance that marriage would subsequently take place.
- The Bench also considered the continuation of the relationship, including the parties' subsequent stay together at a hotel in April 2024. Reading the complaint as a whole, it found no sufficient indication that the physical relationship had resulted from a deliberately false promise or other deceitful conduct attributable to the appellant.
- The Court examined the allegation that the appellant eventually refused marriage because his mother did not approve of the proposed relationship. It held that this explanation did not establish deceit and, in the circumstances disclosed, indicated that the promise, if made, could have been accompanied by a genuine intention to marry.
- Accordingly, the Supreme Court concluded that the FIR did not disclose the essential element of deceitful inducement required under Section 69 BNS. Finding no justification for continuing the criminal proceedings, it allowed the appeal and quashed FIR No. 11196030250292 dated 20 May 2025, registered at Sayajiganj Police Station, Vadodara.

Key Takeaway for CLAT Aspirant**1. Section 69 BNS: Sexual Intercourse by Employing Deceitful Means**

Section 69 of the Bharatiya Nyaya Sanhita, 2023 criminalises sexual intercourse with a woman through deceitful means or a promise of marriage made without any intention of fulfilling it, where the act does not amount to rape. The provision prescribes imprisonment extending to ten years and a fine. Liability requires the deceptive conduct contemplated by the statute, rather than the mere failure of a relationship or marriage proposal.

2. Explanation to Section 69 BNS: Meaning of Deceitful Means

The Explanation to Section 69 provides an inclusive description of deceitful means, covering false promises of employment or promotion and inducement or marriage after suppressing identity. These examples demonstrate that the provision extends beyond fraudulent promises of marriage. However, the existence of a representation must be examined alongside its deceptive character and its connection with the sexual intercourse.

3. Section 28 BNS: Consent Given Under Fear or Misconception of Fact

Section 28 BNS, corresponding to Section 90 IPC, provides that consent given under fear of injury or misconception of fact does not constitute legally valid consent where the person performing the act knows or has reason to believe that such consent resulted from that fear or misconception. The provision concerns the legal validity of consent and requires an examination of the circumstances in which consent was obtained.

4. Section 63 BNS: Rape and the Legal Significance of Consent

Section 63 BNS defines rape and identifies circumstances in which specified sexual acts constitute the offence, including acts committed without consent or where consent is legally ineffective. Consent involves an unequivocal voluntary agreement communicated through words, gestures, or other verbal or non-verbal means. Unlike Section 63, Section 69 separately addresses specified deceitful conduct resulting in sexual intercourse that does not amount to rape.

5. Section 528 BNSS: Inherent Powers of the High Court

Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, corresponding to Section 482 CrPC, preserves the High Court's inherent powers to prevent abuse of judicial process and secure the ends of justice. These powers may be exercised to quash criminal proceedings where the allegations, even if accepted as stated, do not disclose the essential ingredients of an offence. Such jurisdiction does not ordinarily involve conducting a full evidentiary trial.

6. Doctrine of Mens Rea: Criminal Intention at the Inception of a Promise

Mens rea refers to the mental element required to establish criminal responsibility. In allegations involving a promise of marriage made without any intention of fulfilment, the relevant inquiry concerns the promisor's intention when the representation was made. A subsequent change of circumstances or decision does not, by itself, establish the existence of fraudulent intention at the earlier stage.

7. Distinction Between a False Promise and Breach of a Genuine Promise

A false promise involves a representation made without a genuine intention of fulfilment, whereas breach of a genuine promise occurs when an initially sincere commitment remains unfulfilled because of subsequent circumstances or decisions. Criminal liability under provisions requiring deceit depends on the existence of dishonest intention at the relevant time. Failure to perform a commitment is not automatically equivalent to fraud.

8. Doctrine of Deceitful Inducement: Connection Between Promise and Conduct

Deceitful inducement requires a meaningful connection between the fraudulent representation and the conduct allegedly resulting from it. In the context of Section 69 BNS, the prosecution must establish that sexual intercourse occurred through the specified deceitful means or a marriage promise made without genuine intention. The mere existence of a promise during a relationship does not establish that the promise induced the sexual intercourse.

9. Consensual Relationships and Criminal Liability for Deception

A consensual romantic relationship does not automatically exclude criminal liability where the statutory elements of deception are established. Equally, a relationship that ends without marriage does not automatically constitute a criminal offence. The legal inquiry requires consideration of the nature of the consent, the alleged representations, their connection with the sexual conduct, and the accused's state of mind when those representations were made.

10. Prima Facie Disclosure of an Offence and Quashing of an FIR

At the preliminary stage, courts ordinarily examine whether the allegations in an FIR, taken at face value, disclose the essential ingredients of the alleged offence. Where the complaint describes conduct that does not satisfy the statutory requirements, continuation of prosecution may constitute an abuse of judicial process. The distinction is between testing the legal sufficiency of allegations and deciding disputed evidence that properly belongs to a criminal trial.



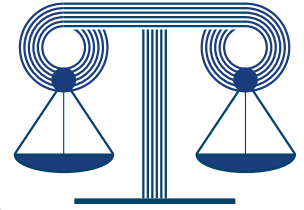
Practice Questions

1. Vihan tells Kashvi that her promotion has been approved, although he knows no such approval exists. Kashvi agrees to sexual intercourse because of this assurance, and the act does not amount to rape. Vihan argues that Section 69 BNS concerns marriage promises rather than workplace representations. Which conclusion is legally sustainable?
 - (a) The false promotion assurance may constitute deceitful means under Section 69.
 - (b) Liability requires the promised promotion to have been formally cancelled afterwards.
 - (c) His conduct falls outside Section 69 because no marriage assurance was involved.
 - (d) The assurance is irrelevant unless Kashvi subsequently demands the promised promotion.
2. Abeer threatens to injure Niyati's brother unless she permits him to remove a sculpture from her studio. Niyati agrees because she fears the threatened injury, and Abeer knows why she has given permission. How should her consent be assessed under Section 28 BNS?
 - (a) Her permission remains valid because she verbally agreed to the removal.
 - (b) Threatened injury affects consent only after the threatened harm occurs.
 - (c) Her agreement remains effective unless the removal itself causes injury.
 - (d) Her consent is ineffective because Abeer knew it arose from fear.
3. Consider the following statements regarding Section 63 of the Bharatiya Nyaya Sanhita, 2023:
 - i. Section 63 recognises the absence of consent as a circumstance relevant to the offence of rape.
 - ii. Specified sexual acts may constitute rape where the consent obtained is legally ineffective.
 - iii. Consent must be communicated through spoken words to receive legal recognition under Section 63.
 - iv. Sexual intercourse falling within Section 69 necessarily constitutes rape under Section 63.Which of the above statements are correct?
 - (a) Statements i and iii only
 - (b) Statements i and ii only
 - (c) Statements ii and iv only
 - (d) Statements iii and iv only
4. Four courts consider requests to quash criminal proceedings. Which approach most accurately follows the prima facie test applicable at the preliminary stage?
 - (a) A court resolves conflicting witness accounts to determine the credibility of allegations.
 - (b) A court accepts the accused's disputed defence to reject the prosecution's factual version.
 - (c) A court examines whether the allegations, taken as stated, disclose essential offence ingredients.
 - (d) A court determines criminal intention by resolving disputed communications between the parties.
5. Which legal term refers to the mental element required to establish criminal responsibility?
 - (a) Prima Facie Disclosure
 - (b) Deceitful Inducement
 - (c) Mens Rea
 - (d) Consent



SUPREME COURT

Landmark Judgements



8 When Can Court Convict a Person for a Charge Not Framed

Background

- On 27 November 2019, an FIR was lodged at Khliehriat Women Police Station, Meghalaya, alleging that the appellant, Pynchemalangaki Bareh, had sexually assaulted a girl on 26 November 2019. The complainant asserted that the victim was thirteen years old at the time of the incident.
- Following investigation, the appellant was charged under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (POCSO Act), for penetrative sexual assault and Section 506 IPC for criminal intimidation. No separate charge of rape under Section 376 IPC was framed.
- On 16 June 2021, the Special POCSO Court convicted the appellant and sentenced him to twenty years of rigorous imprisonment under Section 4 POCSO, along with two years of rigorous imprisonment under Section 506 IPC. The Meghalaya High Court upheld the conviction on 8 July 2024.
- The prosecution relied upon the victim's mother's testimony, a Baptismal Certificate recording the victim's date of birth as 5 March 2006, and medical evidence to establish her minority. However, no prescribed school or municipal birth certificate was produced, and no medical age-determination test was conducted.
- The appellant challenged the conviction before the Supreme Court, arguing that the prosecution had failed to establish the victim's age in accordance with Section 94 of the Juvenile Justice Act, 2015. He also questioned the reliability of the medical and forensic evidence supporting the allegations.

Case Details

Case Title: Pynchemalangaki Bareh v. State of Meghalaya
Citation: 2026 INSC 984 | Criminal Appeal No. 4337 of 2026
Bench Justice Prashant Kumar Mishra and Justice N.V. Anjaria

Issue Before the Court

- Whether the prosecution had established the victim's minority in accordance with Section 94 of the Juvenile Justice (Care and Protection of Children) Act, 2015, to sustain the appellant's conviction under Sections 3 and 4 of the POCSO Act.
- Whether an accused charged with penetrative sexual assault under the POCSO Act can be convicted for rape under Section 376 IPC despite the absence of a separately framed charge, where the essential facts were proved and no failure of justice occurred.

- The appellant further contended that if the POCSO conviction failed because the victim's minority remained unproved, he could not subsequently be convicted under Section 376 IPC, since no charge of rape had been framed and he had not been separately informed of that accusation.

Judgement of the Court

- The Supreme Court examined the statutory requirements for determining the age of a victim under the POCSO Act. Relying on *Jarnail Singh v. State of Haryana* and *P. Yuvaprakash v. State*, it held that Section 94 of the Juvenile Justice Act provides the prescribed procedure for establishing minority, including in proceedings involving child victims of sexual offences.
- The Bench observed that Section 94 establishes a hierarchy of evidence for determining age, prioritising prescribed school or examination certificates, followed by birth certificates issued by competent local authorities. Medical age-determination tests become relevant when the required documentary evidence is unavailable.
- Applying this framework, the Court found that the prosecution had relied principally on a Baptismal Certificate and the victim's mother's testimony. Since the certificate did not fall within the prescribed categories under Section 94 and no ossification or equivalent medical test had been conducted, the prosecution failed to establish the victim's minority in the legally required manner.
- The Court distinguished the failure to prove the victim's age from the proof of sexual assault itself. It held that although the conviction under the POCSO Act could not be sustained without establishing minority, the available evidence could still support a conviction for rape under the IPC if the essential ingredients of that offence were proved.
- The Bench examined Section 464 CrPC, which provides that a conviction is not automatically invalidated merely because a charge was omitted or improperly framed. The decisive consideration is whether the omission resulted in an actual failure of justice or caused substantial prejudice to the accused in presenting his defence.
- The Court explained that the relevant inquiry requires determining whether the accused knew the essential ingredients of the offence, understood the material allegations against him, and received a fair opportunity to defend himself. Relying on *Dalbir Singh v. State of U.P.* and *Willie (William) Slaney v. State of Madhya Pradesh*, it reiterated that procedural irregularities do not necessarily invalidate an otherwise fair trial.
- The Bench held that rape under Section 375 IPC and penetrative sexual assault under Section 3 POCSO are cognate offences involving substantially overlapping prohibited sexual acts. In the circumstances of the case, the absence of proof of minority prevented the POCSO conviction but did not preclude conviction under Section 376 IPC, provided the facts establishing rape were proved.
- The Court further referred to Sections 222 and 386 CrPC, explaining that criminal procedure permits conviction for certain cognate or included offences despite defects in framing charges, subject to the absence of prejudice. It emphasised that appellate courts possess powers to alter findings and sentences within statutory limits, and that the omission to frame a necessary charge does not automatically restrict those powers.
- Examining the evidence, the Bench noted that the victim had identified the appellant during the

- Test Identification Parade and that her account was supported by medical findings, injuries sustained by the appellant, and forensic evidence. The Court found that the evidence sufficiently established the commission of rape and criminal intimidation, notwithstanding the prosecution's failure to prove minority.
- Accordingly, the Supreme Court partly allowed the appeal and modified the conviction from Section 4 POCSO to Section 376 IPC. It sentenced the appellant to ten years of rigorous imprisonment and a fine of ₹10,000, with an additional six months of rigorous imprisonment in default of payment, while maintaining the conviction and sentence under Section 506 IPC for criminal intimidation.

Key Takeaway for CLAT Aspirant

1. Sections 3 and 4 of the POCSO Act, 2012: Penetrative Sexual Assault

Section 3 defines penetrative sexual assault against a child, including specified acts of penetration involving a person below eighteen years of age. Section 4 prescribes punishment for the offence, with enhanced punishment in specified circumstances involving younger children. Establishing the victim's minority is essential because the POCSO Act provides special protection based on the person's age at the time of the offence.

2. Section 2(1)(d) and Section 34 of the POCSO Act: Definition of Child and Age Determination

Section 2(1)(d) defines a child as any person below eighteen years of age. Section 34 addresses procedures concerning offences committed by children and questions relating to age determination before Special Courts. Where the age of a victim is disputed, courts must examine legally acceptable evidence and follow the applicable statutory framework for establishing minority.

3. Section 94 of the Juvenile Justice Act, 2015: Statutory Hierarchy for Age Determination

Section 94(2) prioritises a school date-of-birth certificate or matriculation or equivalent examination certificate for determining age. In their absence, a birth certificate issued by a corporation, municipal authority, or panchayat is considered. Where these documents are unavailable, an ossification test or another appropriate medical age-determination examination may be used under the prescribed procedure.

4. Sections 375 and 376 IPC: Definition and Punishment of Rape

Section 375 IPC defines rape through specified sexual acts committed in circumstances such as absence of consent, legally invalid consent, or other statutory conditions. Section 376 prescribes punishment for rape, with enhanced penalties for specified categories of offences. Under the Bharatiya Nyaya Sanhita, 2023, the corresponding provisions are Sections 63 and 64, respectively.

5. Section 506 IPC: Criminal Intimidation

Section 506 IPC prescribes punishment for criminal intimidation as defined under Section 503 IPC. Criminal intimidation involves threatening another person with injury to their person, reputation, or property, with the requisite intention of causing alarm or compelling particular conduct. The corresponding provisions under the Bharatiya Nyaya Sanhita, 2023 are contained in Section 351, which defines criminal intimidation and prescribes its punishment.

6. Section 464 CrPC and Section 510 BNSS: Effect of Omission or Error in Framing Charges

Section 464 CrPC, corresponding to Section 510 BNSS, provides that a conviction or sentence is not invalid merely because a charge was omitted or contained an error. The appellate, confirming, or revisional court must determine whether the defect caused an actual failure of justice. Where substantial prejudice is established, the court may order appropriate corrective proceedings, including reframing charges or conducting a new trial.

7. Section 222 CrPC: Conviction for a Minor or Included Offence

Section 222 CrPC permits conviction for a minor offence contained within the particulars of a more serious charged offence, even where the minor offence was not separately charged. The determination depends on whether the proved facts establish the essential ingredients of the lesser offence. Merely prescribing a lighter punishment does not make an unrelated offence a minor offence for this purpose.

8. Section 386 CrPC: Powers of the Appellate Court

Section 386 CrPC provides appellate courts with powers to reverse, alter, or modify findings and sentences, depending on the nature of the appeal. In an appeal against conviction, the court may alter the finding or modify the nature or extent of punishment, subject to statutory restrictions against enhancement in that category of appeal. These powers enable correction of legal errors while preserving procedural fairness.

9. Article 21 of the Constitution: Fair Trial and Protection Against Prejudice

Article 21 guarantees life and personal liberty through a procedure established by law that must be fair, just, and reasonable. In criminal proceedings, this includes adequate notice of the accusations, knowledge of the essential allegations, and a meaningful opportunity to present a defence. A procedural defect becomes legally significant where it undermines these safeguards and results in substantial prejudice.

10. Doctrine of Cognate Offences and the Failure of Justice Test

Cognate offences share significant common ingredients or arise from substantially related prohibited conduct, although their statutory requirements may differ. A conviction for an uncharged cognate offence may be permissible where the necessary elements are proved and the accused had a fair opportunity to contest them. The failure of justice test focuses on actual prejudice rather than treating every procedural omission as automatically fatal to the prosecution.



Practice Questions

1. Darshil is convicted of a criminal offence despite an error in the charge framed against him. During the trial, he was informed of the essential allegations, questioned prosecution witnesses, and presented his defence. On appeal, he seeks reversal of the conviction solely because of the defective charge. Which conclusion is legally sustainable under Section 464 CrPC?

- (a) The conviction must be reversed because every charge-related defect invalidates the proceedings.
- (b) The conviction remains valid because participation eliminates all procedural objections.
- (c) The appellate court must examine whether the defect caused an actual failure of justice.
- (d) The error requires a fresh trial irrespective of its effect on the accused's defence.

2. Ojas is charged with a serious offence involving a prohibited act and an additional aggravating circumstance. During the trial, the prohibited act is proved, but the aggravating circumstance is not established. The particulars of the original charge contain every ingredient of a lesser offence, although no separate charge was framed for it. Which conclusion is legally sustainable?

- (a) Conviction requires a separate charge for every offence ultimately established.
- (b) The court may convict Ojas of the lesser offence contained within the charge.
- (c) Failure to prove the aggravating circumstance requires acquittal of every offence.
- (d) A lesser punishment permits conviction for any offence arising from the incident.

3. Consider the following statements regarding Section 386 CrPC:

- i. In an appeal against conviction, the appellate court may alter the finding recorded by the lower court.
- ii. The appellate court may modify the nature or extent of punishment, subject to applicable statutory restrictions.
- iii. An appeal against conviction permits enhancement of punishment without regard to restrictions governing such appeals.
- iv. The appellate court's authority is confined to reversing findings and excludes modification of sentences.

Which of the above statements are correct?

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

4. Examine the following situations and determine which is least likely to constitute criminal intimidation under Section 506 IPC.

- (a) A tenant threatens property damage to compel the landlord to reduce rent.
- (b) An applicant threatens reputational injury to secure a favourable recruitment decision.
- (c) A neighbour communicates another person's threat to help its intended victim avoid harm.
- (d) A debtor threatens physical injury unless the creditor abandons a repayment demand.

5. Which provision of the POCSO Act, 2012 defines the offence of penetrative sexual assault against a



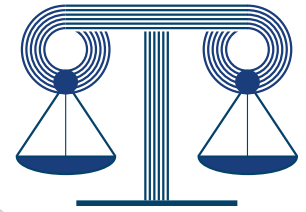
child?

- (a) Section 4
- (b) Section 34
- (c) Section 3
- (d) Article 15(3)



SUPREME COURT

Landmark Judgements



9

Article 220 Doesn't Block Ex-Judges' Bar Council Co-option

Background

- On 8 December 2025, the Supreme Court directed that women should occupy 30% of the total seats in State Bar Councils. Under this arrangement, 20% of the seats were to be filled through elections and the remaining 10% through co-option, with the objective of improving women's representation in the legal profession.
- On 4 August 2026, the Court issued further directions permitting the co-option of two women members to State Bar Councils. Eligible candidates were to be selected from two categories: former women Judges of the jurisdictional High Court and senior women members of the Bar having fair standing in the concerned State or Union Territory.
- The Court's earlier proceedings had also considered the nomination process, with broad agreement that the Chief Justices of the respective High Courts could participate in identifying and nominating eligible women members for co-option.
- Subsequently, several miscellaneous applications were filed seeking modification of the co-option mechanism. The applicants proposed that co-opted members should either be chosen through a transparent election conducted by elected State Bar Council members or selected from unsuccessful women candidates who had secured the highest votes in the elections.

Case Details

- Case Title:** Swati Sinha & Ors. v. Union of India & Ors.
- Citation:** 2026 LiveLaw (SC) 943 | Miscellaneous Applications arising out of Writ Petition (Civil) No. 581 of 2024
- Bench** Chief Justice Surya Kant, Justice Joymalya Bagchi and Justice V. Mohana

Issue Before the Court

- Whether Article 220 of the Constitution prohibits former permanent High Court Judges from being co-opted as women members of State Bar Councils.
- Whether the expression "senior women members of the Bar" includes experienced women advocates who have not been formally designated as Senior Advocates, and whether candidates unsuccessful in State Bar Council elections remain eligible for co-option.
- Whether the existing co-option mechanism should be modified to require selection through elected State Bar Council members or according to the votes obtained by unsuccessful women candidates.

Judgement of the Court

- The Supreme Court reiterated its earlier direction dated 8 December 2025, requiring 30% representation of women in State Bar Councils, with 20% of seats filled through elections and 10% through co-option. The Court emphasised that this arrangement was intended to address the inadequate representation of women in the elected bodies governing the legal profession.
- The Bench referred to its order dated 4 August 2026, identifying two categories of women eligible for co-option: former women Judges of the jurisdictional High Court and senior women advocates of fair standing belonging to the concerned State or Union Territory. The clarification proceedings concerned the implementation of these directions.
- The Court examined the applicants' proposals to modify the selection procedure, including allowing elected State Bar Council members to elect co-opted candidates or giving preference to unsuccessful women candidates who had received the highest votes. After considering the submissions, it retained the existing co-option framework subject to the clarifications issued in the order.
- The Bench clarified that women advocates who had contested State Bar Council elections but were unsuccessful remained eligible for nomination through co-option. Their electoral defeat did not operate as a disqualification, although it also did not create an automatic entitlement to nomination.
- The Court explained that the expression "senior women members of the Bar" was not restricted to advocates formally designated as Senior Advocates. It included women who had practised law for a substantially long period and possessed the experience and professional standing necessary for consideration.
- The Bench further clarified that the suitability of experienced women advocates was to be assessed by the elected members of the State Bar Council, with shortlisting by the Chief Justice of the jurisdictional High Court. Accordingly, professional experience, suitability, and fair standing were relevant considerations in the co-option process.
- Addressing Article 220 of the Constitution, the Court observed that the provision restricts former permanent High Court Judges from pleading or acting before courts and authorities in India, except the Supreme Court and other High Courts. The constitutional restriction concerns professional legal practice rather than every position that a former Judge may subsequently occupy.
- The Bench held that co-option as a State Bar Council member does not require a former High Court Judge to resume legal practice before the concerned High Court. Consequently, the restriction imposed by Article 220 does not constitute a legal impediment to the appointment of former women High Court Judges as co-opted members of State Bar Councils.
- The Court also considered the composition of the Tripura State Bar Council, which consisted of fifteen members. Taking account of its comparatively smaller membership, the Bench clarified that only one woman member would be co-opted to that Council under the existing arrangement.
- Accordingly, the Supreme Court disposed of the miscellaneous applications with the stated

clarifications. It emphasised that the mechanism represented an important initiative towards women's representation in the legal profession and could encourage greater electoral participation. The Court further observed that Parliament and the Executive might eventually establish an appropriate mechanism, but until then, the existing court-directed arrangement would continue

Key Takeaway for CLAT Aspirant

1. Article 220 of the Constitution: Restriction on Practice by Former High Court Judges

Article 220 prohibits a person who has held office as a permanent Judge of a High Court from pleading or acting before courts or authorities in India, except the Supreme Court and other High Courts. The restriction applies to professional legal practice and does not automatically disqualify former Judges from holding administrative or representative positions unrelated to such practice.

2. Article 217 of the Constitution: Appointment and Conditions of Office of High Court Judges

Article 217 governs the appointment, tenure, and conditions relating to the office of a High Court Judge. It provides that High Court Judges are appointed by the President through the constitutionally prescribed consultative process and ordinarily hold office until attaining sixty-two years of age. Their post-retirement professional restrictions must be understood alongside Article 220.

3. Section 3 of the Advocates Act, 1961: Constitution of State Bar Councils

Section 3 provides for the establishment and composition of State Bar Councils, which are statutory bodies regulating the legal profession within their respective jurisdictions. The provision contemplates ex officio and elected members, with the elected component generally chosen through proportional representation by the single transferable vote. Any supplementary court-directed co-option arrangement must be distinguished from the ordinary statutory election framework.

4. Section 6 of the Advocates Act, 1961: Functions of State Bar Councils

Section 6 identifies the functions of State Bar Councils, including admission of advocates on their rolls, maintenance of those rolls, regulation of professional conduct, and safeguarding the rights and interests of advocates. State Bar Councils also undertake legal aid, professional development, and other statutory functions. Their representative composition therefore has significance for the governance of the legal profession.

5. Section 16 of the Advocates Act, 1961: Senior Advocates and Other Advocates

Section 16 recognises two classes of advocates: Senior Advocates and other advocates. Formal designation as a Senior Advocate is conferred by the Supreme Court or a High Court based on prescribed considerations concerning professional ability, standing, or specialised knowledge. However, an ordinary reference to a senior or experienced advocate does not necessarily require formal designation under this provision.

6. Article 14 of the Constitution: Equality Before the Law

Article 14 guarantees equality before the law and equal protection of the laws. It requires State action to comply with constitutional standards of non-arbitrariness and reasonable classification. Measures

intended to improve representation in public or statutory institutions must be examined within the broader framework of constitutional equality and their governing legal authority.

7. Article 15(3) of the Constitution: Special Provisions for Women and Children

Article 15(3) expressly permits the State to make special provisions for women and children notwithstanding the general prohibition against specified forms of discrimination under Article 15. It provides a constitutional basis for appropriate protective and affirmative measures concerning women. The provision must be distinguished from the particular legal authority under which any individual institutional arrangement is introduced.

8. Election and Co-option: Distinct Methods of Institutional Representation

Election involves choosing representatives through a prescribed voting process, while co-option involves selecting additional members through an authorised nomination or selection procedure. Co-option may be used to improve representation or incorporate relevant expertise where legally permitted. Eligibility for co-option does not necessarily depend on whether a candidate previously contested or won an election.

9. Eligibility of Experienced Women Advocates for Co-option

A co-option framework may recognise substantial professional experience and fair standing without confining eligibility to a formal statutory designation. Unsuccessful election candidates may also remain eligible where the governing arrangement does not prohibit their consideration. Suitability assessments and nomination procedures must nevertheless follow the specific conditions established by the competent authority.

10. Judicial Directions and Representation Pending Legislative Action

Courts may issue directions within their constitutional jurisdiction to address institutional concerns requiring effective remedies. Where an arrangement is established through a judicial order, its scope and duration are governed by the terms of that order and subsequent modifications. A court-directed mechanism may continue while the competent legislative or executive authorities consider a more permanent framework.



Practice Questions

1. Justice Tanmayi, a retired permanent Judge of a High Court, accepts an administrative position on a legal advisory board. She subsequently proposes to represent a client before a district court and another before a different High Court. Which conclusion correctly applies the restrictions under Article 220 of the Constitution?

- (a) Her administrative appointment is barred, while both proposed court appearances are permitted.
- (b) Her administrative appointment is not barred, district court practice is prohibited, and High Court practice is permitted.
- (c) Her administrative appointment is permitted, but professional practice before every Indian court is prohibited.
- (d) Her administrative appointment and district court practice are permitted, but appearing before another High Court is barred.

2. Falguni, an advocate with substantial professional experience and fair standing, applies for co-option to a State Bar Council. She previously contested and lost a Bar Council election and has not been formally designated as a Senior Advocate. The authorised co-option framework contains no restriction concerning either circumstance. The selection committee rejects her application without assessing her suitability. Which conclusion is legally sustainable?

- (a) Her previous electoral defeat disqualifies her from consideration under the co-option process.
- (b) Her professional experience establishes an entitlement to appointment without further assessment.
- (c) Her candidature remains eligible for consideration despite both stated objections.
- (d) Her absence of formal Senior Advocate designation prevents consideration for co-option.

3. Consider the following statements regarding Section 3 of the Advocates Act, 1961:

- i. State Bar Councils may include members who hold their positions ex officio rather than through election.
- ii. The elected component is generally chosen through proportional representation using the single transferable vote.
- iii. Supplementary court-directed co-option constitutes the ordinary statutory method of electing State Bar Council members.
- iv. The single transferable vote is the prescribed method for selecting both elected and ex officio members.

Which of the above statements are correct?

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

4. A court introduces an interim representation mechanism for a statutory professional body while the competent authorities consider legislative reforms. The judicial order remains operative and has not been modified. Which of the following institutional responses most accurately respects the legal effect of the

judicial directions?

- (a) The body maintains the court-directed arrangement while proposals for a permanent framework are considered.
- (b) The body expands the arrangement to additional institutions beyond the scope authorised by the court.
- (c) The body terminates the arrangement upon circulation of a draft legislative proposal.
- (d) The body declares the arrangement permanent without regard to the order's specified duration.

5. Which Section of the Advocates Act, 1961 specifies the functions of State Bar Councils?

- (a) Section 16
- (b) Section 3
- (c) Section 6
- (d) Section 7

Their Next Chapter



NLSIU - Bengaluru

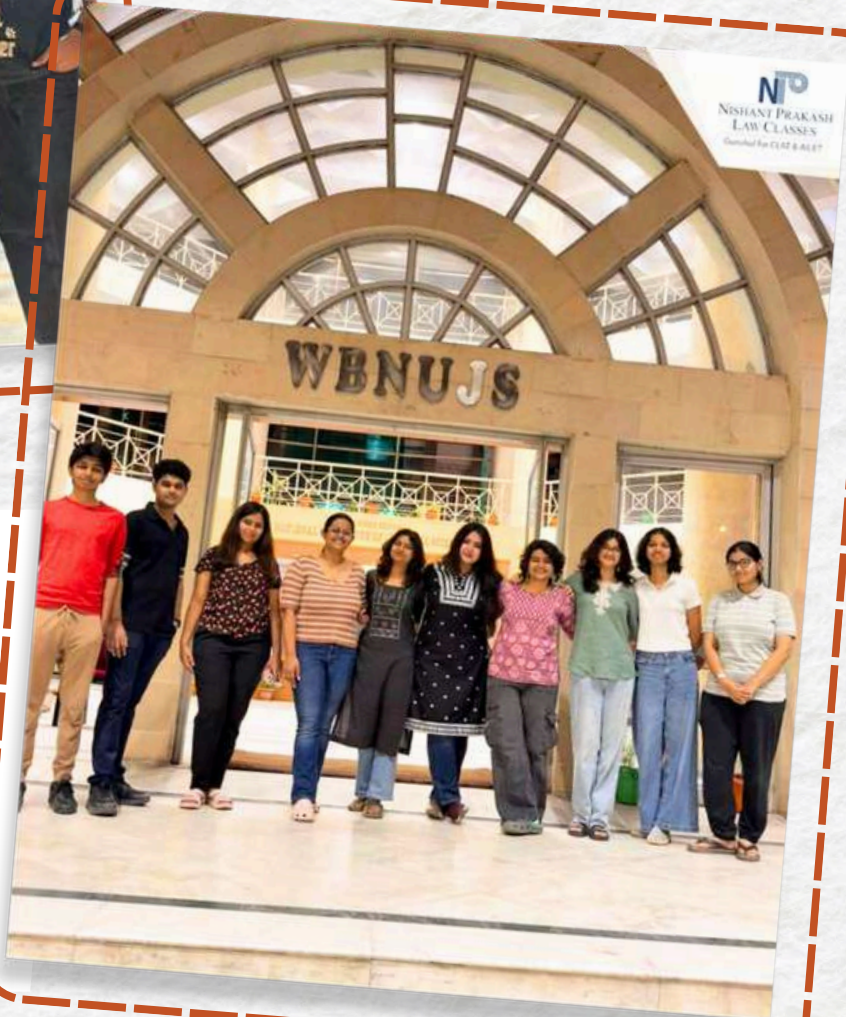
(Left to Right)

**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)

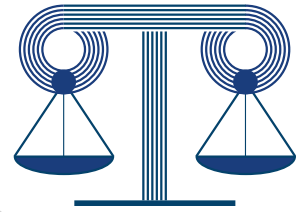
**Vivaan Mehta
Khushi Gaur
Maahi Yadav
Shefali Talwar
Kaustubh Anand**





SUPREME COURT

Landmark Judgements



10

Equal Pay Doctrine Cannot Be Mechanically Applied

Background

- The appellants were Higher Secondary School Teachers, Junior (HSST, Jr.), appointed through direct recruitment in government-aided schools in Kerala under a Government Order dated 13 May 1998. They belonged to the same cadre as teachers appointed through transfer or promotion from lower schools.
- The directly recruited teachers claimed entitlement to the full-time pay scale and allowances extended to HSST, Jr. teachers appointed through transfer or promotion. They argued that both categories possessed identical educational qualifications and performed the same duties and responsibilities.
- The promoted teachers had previously served as permanent full-time teachers in high schools or lower schools and possessed substantial teaching experience. The State granted them full-time pay and allowances to protect the service status and benefits they enjoyed before their promotion.
- The appellants approached the Kerala High Court, alleging discriminatory treatment in pay fixation. On 22 December 2009, a Single Judge allowed their writ petitions, relying on earlier Supreme Court precedents concerning the doctrine of equal pay for equal work.
- On 22 March 2011, the Division Bench of the Kerala High Court reversed the Single Judge's decision. It

held that experienced teachers promoted from lower schools could be distinguished from newly recruited teachers and that the higher pay was intended to preserve their existing service benefits.

Case Details

Case Title: G.P. Sangeetha & Ors. Etc. Etc. v. State of Kerala & Ors.

Citation: 2026 INSC 1004 | Civil Appeal Nos. 7565-7567 of 2011 with Civil Appeal No. 9060 of 2011

Bench: Justice Dipankar Datta and Justice Sheel Nagu

Issue Before the Court

- Whether directly recruited and promoted or transferred HSST, Jr. teachers belonging to the same cadre, possessing identical qualifications, and performing identical duties and responsibilities are entitled to equal pay, or whether differences in prior teaching experience and recruitment background justify separate pay scales under the doctrine of equal pay for equal work

- Aggrieved, the directly recruited teachers approached the Supreme Court, contending that employees belonging to the same cadre and performing identical functions should receive equal pay. The dispute consequently concerned the constitutional validity of differentiating pay scales based on prior teaching experience and mode of appointment.

Judgement of the Court

- The Supreme Court examined the constitutional doctrine of equal pay for equal work and observed that its application had evolved considerably through judicial precedents. Earlier decisions, particularly *Randhir Singh v. Union of India*, had adopted a comparatively expansive understanding of pay equality under Articles 14 and 39(d) of the Constitution.
- The Court explained that subsequent judgments had developed a more rigorous approach to determining pay parity. It observed that the doctrine could no longer be invoked merely by establishing that employees shared identical designations or performed functionally similar duties within the same organisation.
- The Bench emphasised that employees claiming equal remuneration must establish parity across several relevant factors, including the source of recruitment, educational qualifications, prior experience, method of appointment, nature of responsibilities, reliability, and accountability. Similarity in assigned work constitutes an important consideration but does not independently establish entitlement to identical pay.
- Relying on *State Bank of India v. M.R. Ganesh Babu*, the Court observed that equal remuneration cannot be determined merely by comparing the volume of work performed. Differences in the qualitative aspects of service, including reliability, responsibility, and confidentiality, may justify separate pay scales when the classification is reasonable and connected with a legitimate administrative objective.
- The Bench referred to *Government of West Bengal v. Tarun Kumar Roy* and reiterated that educational qualifications and recruitment backgrounds may constitute valid grounds for differentiation. Employees performing similar duties may nevertheless belong to distinguishable categories where their qualifications, professional experience, or conditions of appointment materially differ.
- The Court also relied on *State of Haryana v. Charanjit Singh*, which recognised that merit, experience, seniority, and measures intended to prevent career stagnation may justify differences in remuneration. It emphasised that the doctrine requires equality of work in both nature and value rather than a mechanical comparison of job descriptions.
- Referring to *State of Bihar v. Bihar Secondary Teachers Struggle Committee*, the Bench clarified that equal pay for equal work remains legally enforceable. However, judicial intervention is justified only where the claimant establishes the required parity across relevant factors and the employer's differentiation lacks a reasonable basis.
- Applying these principles, the Court found that promoted HSST, Jr. teachers had already served as permanent full-time teachers in lower schools and possessed substantial teaching experience. The full-time pay scale extended to them was intended to preserve their existing service status and benefits. This experience-based distinction constituted an intelligible differentia having a rational nexus with the objective of protecting their service conditions.

- The Bench rejected the appellants' reliance on *State of West Bengal v. Anirban Ghosh*, observing that the Calcutta High Court had apparently not considered several binding Supreme Court precedents. It held that the decision was per incuriam to the extent of its inconsistency with those precedents and clarified that dismissal of a special leave petition challenging that decision did not justify adopting a contrary legal position.
- Accordingly, the Supreme Court held that directly recruited and promoted HSST, Jr. teachers could not claim equivalence concerning prior teaching experience. Since experience provided a reasonable basis for differentiating their pay scales, the Court found no ground to interfere with the Kerala High Court Division Bench's judgment and dismissed the appeals.

Key Takeaway for CLAT Aspirant

1. Article 14 of the Constitution: Equality Before the Law

Article 14 guarantees equality before the law and equal protection of the laws. It prohibits arbitrary discrimination but permits reasonable classification between persons who are not similarly situated. In employment matters, differences in remuneration may be constitutionally valid where they rest on intelligible criteria having a rational connection with a legitimate objective.

2. Article 39(d) of the Constitution: Equal Pay for Equal Work

Article 39(d), a Directive Principle of State Policy, requires the State to strive towards securing equal pay for equal work for both men and women. Although Directive Principles are not independently enforceable, the principle of pay equality may be judicially enforced through Article 14. Its application depends on relevant employment conditions rather than merely identical job titles.

3. Doctrine of Equal Pay for Equal Work: Constitutional Enforceability

The doctrine requires employees performing work of equal value under materially comparable service conditions to receive equal remuneration without arbitrary discrimination. It does not guarantee identical salaries to every employee undertaking similar tasks. Courts must examine whether relevant differences in recruitment, experience, qualifications, responsibilities, and employment conditions justify the contested pay structure.

4. Doctrine of Reasonable Classification: Intelligible Differentia and Rational Nexus

Reasonable classification under Article 14 requires two conditions: the classification must distinguish persons through an intelligible differentia, and that differentia must bear a rational nexus with the objective sought to be achieved. In service matters, professional experience, educational qualifications, and recruitment conditions may supply valid grounds for differentiation when they are relevant to the employer's purpose.

5. Service Rules and Conditions of Recruitment: Determining Pay Parity

Employees seeking pay parity must be compared within the framework of applicable service rules and recruitment conditions. Relevant considerations include recruitment sources, selection procedures, qualifications, experience, and the nature of the appointment. Membership of the same cadre does not automatically establish equivalence across these factors or create an unconditional entitlement to identical remuneration.

6. Professional Experience as a Valid Basis for Pay Differentiation

Prior professional experience may justify higher remuneration where it is relevant to service efficiency, responsibility, or the preservation of existing employment benefits. Employees with substantial service histories may be distinguishable from newly recruited employees despite performing similar duties. Such differentiation must nevertheless rest on a reasonable criterion connected with the purpose of the pay arrangement.

7. Qualitative Equality of Work: Responsibility, Reliability, and Accountability

Equal pay requires consideration of the value and characteristics of the work performed, not merely its visible functions or volume. Differences in responsibility, reliability, confidentiality, and accountability may influence the assessment of equivalent work. A valid comparison therefore requires examining substantive service obligations and professional expectations rather than relying on the similarity of daily tasks.

8. Judicial Review of Pay Fixation: Administrative Discretion and Constitutional Limits

Determination of pay scales ordinarily involves administrative evaluation of service conditions, responsibilities, qualifications, and institutional requirements. Courts may intervene where remuneration classifications are arbitrary, discriminatory, or unsupported by relevant differences. However, a bona fide and rational assessment by competent authorities is not ordinarily displaced merely because an alternative pay structure appears preferable.

9. Doctrine of Per Incuriam: Decisions Inconsistent with Binding Precedents

A decision may be regarded as per incuriam where its binding legal reasoning conflicts with an applicable precedent or statutory provision that was overlooked. Such a decision may lose its precedential authority to the extent of the inconsistency. The doctrine preserves judicial consistency and prevents lower courts from departing from established law through decisions rendered without considering controlling authority.

10. Dismissal of a Special Leave Petition: Effect on Precedential Authority

The dismissal of a special leave petition under Article 136 does not, by itself, establish that the Supreme Court has approved the reasoning of the challenged judgment. A non-speaking dismissal ordinarily does not constitute a declaration of law under Article 141. Consequently, an otherwise conflicting High Court decision does not acquire binding Supreme Court authority merely because a special leave petition against it was dismissed.



Practice Questions

1. Shreyansh and Maithili hold the same designation in a government regulatory department. The department grants higher remuneration to officers possessing at least five years of relevant field experience, as these officers supervise complex inspections and train newly recruited personnel. Maithili challenges the distinction under Article 14, arguing that both groups belong to the same service. Which conclusion best applies the doctrine of reasonable classification?

- (a) Equal designation requires identical remuneration regardless of differences in assigned responsibilities.
- (b) Experience-based distinctions are valid whenever an employer adopts a formal classification.
- (c) The classification is sustainable if the experience criterion is intelligible and serves the stated objective.
- (d) Differences in remuneration require proof that the two groups perform unrelated professional functions.

2. In a licensing dispute involving Eshani, a High Court delivers a judgment interpreting a statutory provision. A special leave petition challenging that judgment is subsequently dismissed by the Supreme Court without recording reasons. During another proceeding, a party argues that the dismissal makes the High Court's reasoning binding as law declared by the Supreme Court. Which conclusion is legally sustainable?

- (a) The dismissal converts the High Court's observations into binding Supreme Court precedent.
- (b) The dismissal does not, by itself, establish Supreme Court approval of the reasoning.
- (c) The dismissal establishes binding authority whenever subsequent disputes involve similar legislation.
- (d) The dismissal permits reliance on the judgment as an express declaration under Article 141.

3. Consider the following statements regarding the doctrine of equal pay for equal work:

- i. Equal remuneration must follow where employees perform the same volume of work, notwithstanding material differences in accountability.
- ii. Materially comparable service conditions are relevant when determining whether employees perform work of equal value.
- iii. Employees holding identical designations need not establish comparability of qualifications or responsibilities.
- iv. Arbitrary remuneration differences between employees performing work of equal value may violate the principle of pay equality.

Which of the above statements are correct?

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

4. Examine the following employment situations. Which comparison provides the strongest basis for establishing qualitative equality of work?

- (a) Two museum guides conduct equal tours, but one also manages visitor safety and emergency responses.
- (b) Two laboratory analysts share a designation, but one bears additional responsibility for confidential findings.
- (c) Two payroll auditors perform equivalent duties, handle similarly sensitive records, and share approval accountability.
- (d) Two field inspectors complete equal inspections, but one certifies compliance and bears greater accountability.

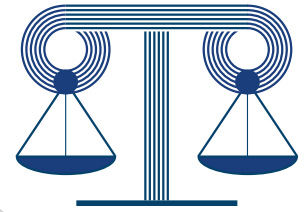
5. Which Article of the Constitution contains the Directive Principle concerning equal pay for equal work for both men and women?

- (a) Article 14
- (b) Article 141
- (c) Article 39(d)
- (d) Article 136



SUPREME COURT

Landmark Judgements



11

Police Officer Not Furnishing Written Grounds of Arrest Must Face Departmental Enquiry

Background

- The appellant, Jaskaran Jeet Singh Deol, was named in FIR No. 73 of 2026, registered on 13 May 2026 at Mataur Police Station, Punjab, concerning allegations of sexual assault against a minor. The case involved Sections 64, 65(1), and 351 of the Bharatiya Nyaya Sanhita, 2023, along with Section 6 of the POCSO Act, 2012.
- On 17 May 2026, the appellant was arrested at approximately 7:54 a.m. and produced before a Judicial Magistrate around noon on 18 May 2026. The Magistrate observed that the arresting officers had failed to furnish the grounds of arrest in writing, violating Article 22(1) of the Constitution, and consequently ordered his immediate release.
- On the same day, the Station House Officer who had initiated the earlier arrest submitted another application seeking the appellant's custody. However, on 22 May 2026, the Additional Chief Judicial Magistrate rejected the application because the written grounds of arrest had still not been furnished and the prescribed requirements for obtaining custody had not been satisfied.
- The appellant approached the Punjab and Haryana High Court seeking protection against re-arrest, issuance of arrest warrants, and further custodial proceedings. On 29 May 2026, the High Court dismissed his petition, holding that an illegal initial arrest did not provide permanent immunity against a subsequent arrest conducted according to law.
- Aggrieved, the appellant approached the Supreme Court, contending that violations of Articles 22(1) and 22(2) could not be disregarded when permitting re-arrest. He argued that the investigating agency could not unilaterally restore custody after the earlier arrest had been declared unconstitutional.
- During the Supreme Court proceedings, the Punjab Government informed the Court that

Case Details

- Case Title:** Jaskaran Jeet Singh Deol v. State of Punjab
- Citation:** 2026 INSC 1022 | Criminal Appeal No. 4234 of 2026
- Bench:** Justice Ujjal Bhuyan and Justice Atul S. Chandurkar

Issue Before the Court

- Whether an accused released because of violations of Articles 22(1) and 22(2) of the Constitution can be re-arrested for the same offence and, if so, what constitutional safeguards, judicial authorisation, and procedural requirements must govern such re-arrest.

Assistant Sub-Inspector Gurtej Singh had been suspended, Inspector Rupinder Singh had been removed from his position as Station House Officer, and departmental proceedings had been initiated. The investigation was reassigned to another officer, while the Supreme Court examined the safeguards governing re-arrest after an unconstitutional detention.

Judgement of the Court

- The Supreme Court emphasised that Articles 21 and 22 of the Constitution safeguard personal liberty against arbitrary arrest and detention. The seriousness of the alleged offence cannot dilute these protections, and investigating agencies must comply with constitutional requirements regardless of whether the allegations arise under ordinary criminal law or special legislation.
- Relying on *Mihir Rajesh Shah v. State of Maharashtra*, the Bench reiterated that grounds of arrest must be communicated in writing and in a language understood by the arrested person. In exceptional circumstances where immediate written communication is impracticable, the grounds may initially be conveyed orally, but a written copy must be furnished within the prescribed period and at least two hours before production for remand.
- The Court held that failure to communicate the grounds of arrest in accordance with Article 22(1) renders the arrest and consequential remand illegal. Such non-compliance requires the arrested person's release, without requiring proof of additional prejudice. The subsequent filing of a chargesheet or an order taking cognisance cannot retrospectively validate an unconstitutional arrest.
- Examining Article 22(2), the Bench reiterated that an arrested person must be produced before the nearest Magistrate within twenty-four hours, excluding the time reasonably necessary for travel. Detention beyond this constitutional limit without judicial authority is unlawful, and the resulting infringement of personal liberty must be addressed independently of the nature of the alleged offence.
- The Court clarified that release following an unconstitutional arrest does not amount to an acquittal or automatically prevent further investigation. However, re-arrest cannot be left to the unrestricted discretion of the same investigating authority responsible for the constitutional violation. Any subsequent deprivation of liberty must comply with the judicially supervised procedure prescribed by law.
- The Bench directed that an investigating agency seeking re-arrest must first furnish written grounds of arrest and then submit an application before the competent Magistrate. The application must explain the original failure to communicate those grounds and establish why renewed custody or custodial interrogation is necessary for the investigation.
- The Court further required the re-arrest application to carry the endorsement of the immediate superior police authority. The Magistrate must independently assess whether the earlier non-compliance occurred for bona fide reasons and whether renewed custody is justified. The application should be decided expeditiously, preferably within one week, while observing the principles of natural justice.
- Addressing police accountability, the Bench directed that the superior authority receiving such an application must transfer the investigation to another officer and initiate a departmental enquiry into the constitutional lapse. Where the enquiry establishes misconduct, appropriate disciplinary action must follow, accompanied by an entry in the responsible officer's service record.

- The Court extended the same judicially supervised re-arrest procedure to cases involving violations of Article 22(2). It further observed that High Courts may award compensation as a public law remedy for unconstitutional detention, depending on the circumstances, without affecting the injured person's entitlement to pursue remedies under ordinary civil law.
- Accordingly, the Supreme Court allowed the appeal, set aside the Punjab and Haryana High Court's order dated 29 May 2026 and the impugned observations of the Magistrate dated 18 May 2026. It directed that any proposed re-arrest must comply with the prescribed judicial safeguards, without expressing an opinion on the merits of the allegations. The judgment was also directed to be circulated to police and judicial authorities across the country.

Key Takeaway for CLAT Aspirant

1. Article 21 of the Constitution: Protection of Life and Personal Liberty

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Such procedure must satisfy constitutional requirements of fairness, justice, and reasonableness. Arrest and detention affecting personal liberty must therefore comply with both statutory provisions and the safeguards guaranteed under the Constitution.

2. Article 22(1) of the Constitution: Right to Know the Grounds of Arrest

Article 22(1) guarantees that an arrested person must be informed of the grounds of arrest as soon as may be and must not be denied the right to consult and be defended by a legal practitioner of their choice. Judicial interpretation requires meaningful communication of the grounds in writing and in a language the person understands. Breach of this safeguard renders the arrest unconstitutional.

3. Article 22(2) of the Constitution: Production Before a Magistrate Within 24 Hours

Article 22(2) requires an arrested and detained person to be produced before the nearest Magistrate within twenty-four hours of arrest, excluding the time necessary for travel. Continued detention beyond this period requires judicial authority. The constitutional limitation prevents investigating agencies from exercising prolonged custody without independent judicial supervision.

4. Section 47 BNSS and Section 50 CrPC: Communication of Grounds of Arrest

Section 47 BNSS, corresponding to Section 50 CrPC, requires a person arrested without a warrant to be informed of the offence or other grounds for arrest. It also requires a person arrested without a warrant for a bailable offence to be informed of the right to release on bail and the ability to arrange sureties. These statutory protections reinforce the constitutional guarantee under Article 22(1).

5. Section 58 BNSS and Section 57 CrPC: Prohibition Against Prolonged Police Detention

Section 58 BNSS, corresponding to Section 57 CrPC, prohibits police officers from detaining a person arrested without a warrant for longer than is reasonable under the circumstances. Without the necessary Magistrate's authority, such detention cannot exceed twenty-four hours, excluding travel time. Non-compliance infringes the constitutional protection against unauthorised deprivation of liberty.

6. Written Grounds of Arrest: Mandatory Communication and Exceptional Time Limits

Grounds of arrest must ordinarily be furnished in writing when the arrest occurs, particularly where

documentary material forming the basis of arrest is already available. In exceptional circumstances making immediate written communication impracticable, oral communication may initially suffice. However, written grounds must subsequently be supplied within a reasonable time and no later than two hours before the arrested person is produced for remand proceedings.

7. Section 187 BNSS: Judicial Authorisation of Detention During Investigation

Section 187 BNSS governs procedures for detention when an investigation cannot be completed within twenty-four hours and the statutory conditions for further custody are satisfied. Judicial authorisation is necessary for detention beyond the permissible initial period. Where an earlier arrest has been declared unconstitutional, renewed custody must additionally comply with the special re-arrest safeguards prescribed by the Court.

8. Release from Unconstitutional Detention Versus Release on Bail

Release following an unconstitutional arrest addresses the illegality of the deprivation of liberty and is conceptually distinct from ordinary release on bail. Such release does not establish innocence or terminate the criminal investigation. Nevertheless, the investigating agency cannot disregard the constitutional violation by immediately restoring custody without satisfying the judicially prescribed requirements for re-arrest.

9. Departmental Enquiry: Accountability for Violations of Constitutional Safeguards

A departmental enquiry is an administrative disciplinary proceeding examining whether a public servant has breached professional duties or applicable service rules. Where police officers violate constitutional arrest safeguards, the responsible superior authority must initiate the prescribed accountability process. Adverse findings may result in disciplinary action and an appropriate entry in the officer's service record, independently of the criminal investigation.

10. Article 226 of the Constitution: Compensation for Unconstitutional Detention

Article 226 empowers High Courts to grant appropriate remedies for violations of Fundamental Rights and other legal rights. Where unlawful arrest or detention infringes constitutional protections, monetary compensation may be awarded as a public law remedy in suitable circumstances. Such compensation addresses the constitutional wrong and does not necessarily prevent the affected person from pursuing separate damages through civil proceedings.



Practice Questions

1. Ananya was detained by police in violation of constitutional safeguards, and the High Court subsequently declared her detention unlawful. She seeks monetary compensation under Article 226, but the State argues that her pending civil suit for damages prevents the High Court from granting any constitutional remedy. Which conclusion is legally sustainable?

- (a) Compensation is unavailable unless the criminal proceedings end in acquittal.
- (b) Every unlawful detention requires an identical amount of constitutional compensation.
- (c) Filing a civil damages suit extinguishes the right to seek public law relief.
- (d) A civil damages claim does not necessarily bar constitutional compensation.

2. Pratyush is arrested without a warrant for a bailable offence. The arresting officer informs him of the alleged offence but does not explain his entitlement to release on bail or his ability to arrange sureties. The officer argues that communicating the offence fulfils every requirement under Section 47 BNSS. Which conclusion is legally correct?

- (a) Communicating the offence does not dispense with the separate bail-information requirement.
- (b) Information concerning bail becomes necessary only after the first remand hearing.
- (c) The duty to explain surety arrangements arises only for non-bailable offences.
- (d) Disclosure of the alleged offence satisfies every statutory obligation concerning arrest.

3. Consider the following statements regarding Article 22(1) of the Constitution:

- i. Grounds of arrest must be meaningfully communicated in writing and in a language understood by the arrested person.
- ii. An arrested person possesses the constitutional right to consult a legal practitioner of their choice.
- iii. Communication of arrest grounds may ordinarily be deferred until the court authorises judicial remand.
- iv. Subsequent access to legal representation automatically cures a constitutional violation concerning communication of arrest grounds.

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. Following substantiated violations of constitutional arrest safeguards by police officers, four administrative responses are proposed. Which response most accurately follows the prescribed departmental-accountability framework?

- (a) The superior officer immediately records disciplinary punishment without conducting an enquiry.
- (b) The superior authority initiates a prescribed enquiry independently of the criminal investigation.
- (c) The department postpones accountability proceedings until the accused is acquitted of the offence.

(d) The superior authority closes the disciplinary matter once the arrested person obtains release.

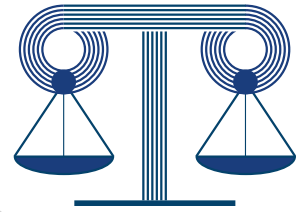
5. Which provision of the Bharatiya Nagarik Suraksha Sanhita, 2023 governs judicial authorisation of detention when an investigation cannot be completed within twenty-four hours?

- (a) Section 187
- (b) Section 47
- (c) Section 58
- (d) Article 22(2)



SUPREME COURT

Landmark Judgements

**12**

Article 311 Bar Inapplicable to Removal by Equal-Rank Authority

Background

- The respondent, Ramdhani Prasad, received a call letter dated 3 May 1979 from the Commandant of the Railway Protection Special Force (RPSF), Gorakhpur, requiring him to report for initial training for the post of Rakshak. The letter expressly stated that his appointment was conditional upon successful completion of the prescribed training.
- Upon completing the training, the Assistant Commandant issued a Battalion Order dated 4 December 1979, appointing the respondent as a regular Rakshak and assigning him to the 7th Battalion. A subsequent Battalion Order dated 25 February 1980 reaffirmed that his regular appointment had taken effect on 4 December 1979.
- In May 1982, the respondent was granted sanctioned leave but failed to resume duty on 27 May 1982, resulting in an unauthorised absence of 72 days. A chargesheet was issued under Rule 44 of the Railway Protection Force Rules, 1959, alleging gross negligence and breach of discipline.
- Although the respondent acknowledged the chargesheet and submitted a reply, he did not appear for the departmental enquiry scheduled on 1 January 1983. The enquiry proceeded ex parte, and after considering the findings and issuing a show-cause notice, the Adjutant passed an order on 18 March 1983 removing him from service. His departmental appeal was rejected on 7 November 1984.
- The respondent challenged his removal through a

Case Details

- Case Title:** Union of India & Ors. v. Ramdhani Prasad
- Citation:** 2026 INSC 1047 | Civil Appeal arising out of SLP (Civil) No. 13645 of 2023
- Bench** Justice Aravind Kumar and Justice Vipul M. Pancholi

Issue Before the Court

- Whether the respondent's appointment as a regular Rakshak was made by the Commandant through the call letter dated 3 May 1979 or by the Assistant Commandant through the Battalion Order dated 4 December 1979.
- Whether removal by the Adjutant violated Article 311(1) of the Constitution when the removing authority was not subordinate in rank to the actual appointing authority and possessed disciplinary powers under the applicable service rules.
- Whether the departmental enquiry was invalid for violating the principles of natural justice because it proceeded ex parte in the respondent's absence.

- civil suit, contending that he had been appointed by the Commandant, whereas the Adjutant who removed him was subordinate in rank, violating Article 311(1) of the Constitution. The Trial Court dismissed the suit, but the First Appellate Court reversed that decision, and the Allahabad High Court upheld the reversal on 12 January 2023.
- Aggrieved, the Union of India approached the Supreme Court, arguing that the actual appointment had been made by the Assistant Commandant through the Battalion Order dated 4 December 1979. It maintained that the Adjutant was of equivalent rank and possessed statutory authority to impose the penalty of removal.

Judgement of the Court

- The Supreme Court examined Article 311(1) of the Constitution and held that the prohibition against dismissal or removal applies when the authority imposing the punishment is subordinate in rank to the authority that actually appointed the employee. The relevant comparison must therefore be made between the appointing authority and the removing authority in the official hierarchy.
- The Bench scrutinised the call letter dated 3 May 1979 and observed that it required the respondent to undergo prescribed initial training before becoming a regular Rakshak. Since the communication expressly made appointment conditional upon successful completion of training, it could not be treated as the operative order of regular appointment.
- The Court distinguished the call letter from the Battalion Order dated 4 December 1979, which expressly recorded that the recruits were appointed as Rakshaks following successful completion of training. Relying on *Ramanand Singh v. State of Bihar*, it clarified that a single administrative order may validly function as both an appointment order and a posting order.
- The Bench also considered the subsequent Battalion Order dated 25 February 1980, which confirmed that the recruits had already been appointed as regular Rakshaks with effect from 4 December 1979. Consequently, it rejected the conclusion of the First Appellate Court and the High Court that the Commandant's earlier call letter constituted the respondent's appointment.
- Examining Section 6 of the Railway Protection Force Act, 1957, the Court held that the statutory provision vesting appointment powers in the Chief Security Officer did not confer exclusive authority upon that officer. Relying on *Union of India v. Chandra Pal Pandey*, it explained that the provision contemplated overall control while permitting other authorised superior officers to exercise appointment powers.
- The Court referred to Rule 20 read with Schedule I of the Railway Protection Force Rules, 1959, which authorised Assistant Security Officers to appoint Rakshaks and Senior Rakshaks. It further considered Section 9 of the Act and Rule 43 read with Schedule II, which empowered the competent Assistant Security Officer to impose the penalty of removal upon these categories of personnel.
- Relying on *Krishna Kumar v. Divisional Assistant Electrical Engineer*, the Bench reiterated that delegation of appointment powers does not elevate the hierarchical status of the officer receiving those powers. However, the present case involved an actual appointment by the Assistant Commandant, and the Adjutant who ordered removal was of equivalent rank, with no evidence establishing his subordination to the appointing authority.

- Applying these principles, the Court held that the essential condition for invoking Article 311(1) was absent. The respondent had been appointed by the Assistant Commandant, and the removal order was issued by an officer who was not subordinate in rank and was competent under the statutory rules to impose the punishment. The constitutional prohibition was therefore not attracted.
- Addressing the challenge based on natural justice, the Bench observed that the respondent had acknowledged the chargesheet, submitted a reply, and received notice of the enquiry date. Although the proceedings subsequently continued ex parte, he had been afforded an opportunity to participate. The Court held that a departmental enquiry is not invalid merely because it proceeds in the employee's absence after a reasonable opportunity has been provided.
- Accordingly, the Supreme Court allowed the Union of India's appeal and set aside the judgments of the Allahabad High Court and the First Appellate Court. It restored the Trial Court's decision dismissing the respondent's suit and consequently upheld the removal order dated 18 March 1983, holding that neither Article 311(1) nor the principles of natural justice had been violated in the circumstances.

Key Takeaway for CLAT Aspirant

1. Article 311(1) of the Constitution: Protection Against Removal by a Subordinate Authority

Article 311(1) prohibits the dismissal or removal of a civil servant by an authority subordinate in rank to the authority that appointed the employee. The protection requires comparison of the actual appointing and removing authorities. An officer of equal or higher rank may impose removal where competent under the applicable rules, while delegation cannot overcome an otherwise existing hierarchical bar.

2. Article 311(2) of the Constitution: Right to a Fair Departmental Enquiry

Article 311(2) ordinarily requires that a civil servant facing dismissal, removal, or reduction in rank be informed of the charges and given a reasonable opportunity of being heard. This constitutional safeguard protects employees against punitive action without due process. However, the requirement concerns a fair opportunity to defend, rather than an unconditional entitlement to prevent proceedings from continuing through non-participation.

3. Second Proviso to Article 311(2): Exceptions to the Enquiry Requirement

Article 311(2) recognises three exceptions to the ordinary requirement of an enquiry: punishment based on conduct leading to conviction on a criminal charge, situations where holding an enquiry is not reasonably practicable for recorded reasons, and cases where the President or Governor considers an enquiry inexpedient in the interest of State security. These exceptions operate according to their prescribed constitutional conditions.

4. Article 310 of the Constitution: Doctrine of Pleasure

Article 310 embodies the doctrine of pleasure, under which persons serving in specified civil or defence capacities ordinarily hold office during the pleasure of the President or Governor, as applicable. This principle remains subject to express constitutional limitations, particularly those contained in Article 311. Consequently, the doctrine does not permit disciplinary authorities to disregard constitutionally guaranteed protections governing dismissal and removal.

5. Section 6 of the Railway Protection Force Act, 1957: Appointment of Force Members

Section 6 provides that appointment of members of the Railway Protection Force rests with the Chief Security Officer, who exercises that power according to the applicable rules. Its proviso permits appointment powers to be exercised by other authorised superior officers. The provision therefore establishes overall institutional control without making the Chief Security Officer the exclusive appointing authority for every member.

6. Section 9 of the Railway Protection Force Act, 1957: Disciplinary Powers

Section 9 empowers competent superior officers to take specified disciplinary action against members of the Force for negligence, misconduct, or unfitness in performing their duties. The exercise of these powers is expressly subject to Article 311 of the Constitution and the rules framed under the Act. Accordingly, statutory disciplinary authority must satisfy both the relevant service rules and constitutional restrictions.

7. Rule 20 and Schedule I of the RPF Rules, 1959: Competent Appointing Authorities

Rule 20 provides that the appointment powers of superior officers are determined by Schedule I of the Railway Protection Force Rules, 1959. Under the relevant statutory framework, an Assistant Security Officer was competent to appoint Rakshaks and Senior Rakshaks. The actual appointing authority must be identified from the appointment order read with these rules, rather than presumed from the rank of the officer issuing preliminary recruitment communications.

8. Rule 43 and Schedule II of the RPF Rules, 1959: Competent Disciplinary Authorities

Rule 43 identifies the authorities empowered to impose disciplinary penalties, with Schedule II allocating specific powers according to the employee's rank and the nature of the punishment. Under the applicable framework, an Assistant Security Officer could order the removal of Rakshaks and Senior Rakshaks, although dismissal was treated separately. Statutory competence to remove must also satisfy the hierarchical restriction imposed by Article 311(1).

9. Conditional Offer of Appointment versus Operative Appointment Order

A recruitment communication requiring successful completion of training or satisfaction of other prescribed conditions does not necessarily constitute an effective appointment to a regular post. The operative appointment order is identified from its language, conditions, and governing service rules. An administrative order may simultaneously confer regular appointment and assign a posting where its terms establish both consequences.

10. Doctrine of Natural Justice: Ex Parte Departmental Proceedings

The principles of natural justice require that an employee facing disciplinary action receive adequate notice of the allegations and a meaningful opportunity to present a defence. If the employee fails to participate despite having received a reasonable opportunity, the enquiry may proceed ex parte. Such proceedings are not automatically invalid, although their fairness must be assessed from the notice, opportunity, and circumstances of the individual case.



Practice Questions

1. Yashodhara, a civil servant, was appointed by the Regional Director of a government department. Following a disciplinary enquiry, the Deputy Regional Director, who is subordinate in rank to the Regional Director, orders her removal from service. The Deputy Regional Director possesses delegated disciplinary powers under the service rules. Which conclusion is legally sustainable under Article 311(1)?
 - (a) Delegated disciplinary authority validates removal despite the difference in rank.
 - (b) Removal violates the constitutional restriction despite the delegated authority.
 - (c) Completion of the departmental enquiry overrides the restriction concerning rank.
 - (d) Removal requires approval from the department's highest administrative authority.

2. Hridhaan receives an appointment to the Railway Protection Force through an order issued by a superior officer other than the Chief Security Officer. The issuing officer was duly authorised to exercise appointment powers under Section 6 of the RPF Act and complied with the applicable rules. Another candidate challenges the appointment solely because the Chief Security Officer did not personally issue the order. Which conclusion is legally correct?
 - (a) The officer's superior rank alone establishes appointment authority without statutory authorisation.
 - (b) Appointment powers remain exclusively vested in the Chief Security Officer despite the proviso.
 - (c) A selection recommendation must replace the appointment order issued by the authorised officer.
 - (d) An authorised superior officer may validly exercise appointment powers under the applicable rules.

3. Consider the following statements regarding the second proviso to Article 311(2) of the Constitution:
 - i. Punishment based on conduct leading to conviction on a criminal charge may fall within an exception to the ordinary enquiry requirement.
 - ii. An enquiry may be dispensed with on grounds of reasonable impracticability without recording the reasons for that conclusion.
 - iii. The President or Governor may dispense with an enquiry when satisfied that holding it is inexpedient in the interest of State security.
 - iv. A departmental superior may independently invoke the State-security exception without the constitutionally specified authority's consideration.Which of the above statements are correct?
 - (a) Statements i and iii only
 - (b) Statements i and ii only
 - (c) Statements ii and iv only
 - (d) Statements iii and iv only

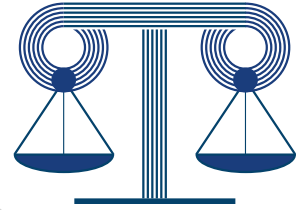
4. Four disciplinary authorities propose to proceed ex parte against employees who have not participated in their departmental enquiries. Which situation most clearly satisfies the requirements of natural justice?
 - (a) An employee receives the charges after the scheduled hearing has concluded.

- (b) An employee submits a written defence, but the authority refuses to consider it.
 - (c) An employee receives adequate notice and repeated opportunities but remains absent without explanation.
 - (d) An employee receives hearing dates but is not informed of the allegations against them.
5. Which provision of the Railway Protection Force Rules, 1959, identifies competent disciplinary authorities according to employee rank and the nature of punishment?
- (a) Rule 20 and Schedule I
 - (b) Section 6 of the RPF Act
 - (c) Section 9 of the RPF Act
 - (d) Rule 43 and Schedule II



SUPREME COURT

Landmark Judgements



13

Pre-Cognizance Hearing Mandatory Where Cognizance Taken After BNSS

Background

- On 7 June 2022, an FIR was registered concerning allegations against the appellants. Following investigation, the police submitted a closure report on 6 August 2022, indicating that the investigating agency did not consider the allegations sufficient to proceed with prosecution.
- The complainant challenged the closure report by filing a protest petition on 14 October 2022. On 29 November 2022, the court ordered further investigation under Section 173(8) of the Code of Criminal Procedure, 1973. A second closure report was subsequently submitted on 14 February 2023.
- Aggrieved by the second closure report, the complainant filed another protest petition on 28 April 2023. The complaint was taken on record on 11 October 2023, and the Special Judge dealing with cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act directed the recording of evidence under Section 200 CrPC.
- On 6 March 2024, the statements of the complainant, her husband, and a doctor were recorded as prosecution witnesses. However, no substantive order determining whether the allegations disclosed a prima facie offence was passed at that stage, and the proceedings remained pending for almost two years.
- On 3 June 2026, after the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) had come into force, the Special Judge at Azamgarh examined the material, found a prima facie case against the accused, and issued process without first providing them an opportunity of being heard.
- The accused challenged the order before the Supreme Court, contending that cognizance had been taken after the BNSS came into operation on 1 July 2024 and that the hearing required under Section 223 BNSS was therefore mandatory. The complainant maintained that cognizance

Case Details

- Case Title:** Umar & Anr. v. State of Uttar Pradesh & Anr.
- Citation:** 2026 INSC 1058 | Criminal Appeal arising out of SLP (Criminal) No. 14343 of 2026
- Bench** Justice J.B. Pardiwala and Justice K. Vinod Chandran

Issue Before the Court

- Whether cognizance of the offence arising from the protest complaint was taken before or after the BNSS came into force on 1 July 2024, and consequently whether the accused were entitled to a hearing under the proviso to Section 223(1) BNSS before cognizance could lawfully be taken

had already been taken when the complaint was accepted by the court in October 2023.

Judgement of the Court

- The Supreme Court identified the central question as determining the precise stage at which cognizance had been taken on the protest complaint. It observed that the applicability of the hearing requirement under Section 223 BNSS depended upon whether the court had exercised its judicial mind before or after the new procedural legislation came into force.
- The Bench examined *CREF Finance Ltd. v. Shree Shanthi Homes (P) Ltd.* and reiterated that cognizance is taken of an offence rather than an offender. A formal order expressly recording that cognizance has been taken is not invariably necessary, since the decisive consideration is whether the court has examined the complaint and exercised judicial judgment concerning the alleged offence.
- The Court clarified that taking cognizance and issuing process are distinct procedural stages. Cognizance arises when the court applies its judicial mind to the allegations for proceeding under the law, whereas issuance of process concerns requiring the accused to appear before the court. The two stages may occur through the same order but are not legally identical.
- Referring to *Zunaid v. State of Uttar Pradesh*, the Bench explained that upon receiving a police report, including a closure report, a Magistrate may decline further action, take cognizance notwithstanding the police conclusion, or proceed upon the original complaint by examining the complainant and witnesses. The appropriate course depends upon the material and procedural circumstances.
- The Court relied on *Parvinder Singh v. Directorate of Enforcement* and reiterated that cognizance involves the application of judicial mind. It observed that the BNSS introduced an additional safeguard requiring the accused to be given an opportunity of being heard before cognizance is taken on a complaint under the statutory framework.
- Examining the earlier order dated 11 October 2023, the Bench found that the Special Judge had merely taken the complaint on record and considered it necessary to conduct an inquiry. The direction to record the complainant's evidence under Section 200 CrPC did not, in the particular circumstances of the proceedings, establish that cognizance had already been taken.
- The Court further noted that statements of the complainant and two other witnesses had been recorded on 6 March 2024, but no subsequent judicial determination concerning the existence of a prima facie offence had been made at that stage. The proceedings remained pending without a substantive order until June 2026.
- Comparing the earlier proceedings with the order dated 3 June 2026, the Bench concluded that the Special Judge had exercised judicial mind and found a prima facie case only through the latter order. Cognizance was therefore deemed to have been taken on 3 June 2026, after the BNSS had come into force.
- Since the cognizance order was passed after 1 July 2024, the Court held that the accused were entitled to the hearing contemplated by the proviso to Section 223(1) BNSS. The fact that the original complaint and protest petitions had been filed under the CrPC regime did not dispense with that requirement in the circumstances of the case.
- Accordingly, the Supreme Court allowed the appeal and set aside the order dated 3 June 2026 to the extent that it recorded a prima facie case and took cognizance. It treated the order as a

summons simpliciter, directed the accused to appear before the court within one month, and required the court to hear the parties before passing appropriate orders. The Supreme Court expressly clarified that its decision did not concern the merits of the allegations.

Key Takeaway for CLAT Aspirant

1. Section 223(1) BNSS: Examination of Complainant and Pre-Cognizance Hearing

Section 223(1) BNSS governs the examination of complainants and witnesses upon oath when a Magistrate takes cognizance of an offence on a complaint. Its first proviso requires that the accused be given an opportunity of being heard before cognizance is taken. This requirement is a significant procedural safeguard introduced under the BNSS for complaint-based proceedings.

2. Section 200 CrPC: Examination of Complainant Under the Earlier Procedural Framework

Section 200 CrPC required a Magistrate taking cognizance upon a complaint to examine the complainant and witnesses present, subject to specified statutory exceptions. Unlike Section 223(1) BNSS, it did not contain an express requirement to hear the accused before cognizance. The procedural distinction becomes important when determining which statutory framework governs proceedings spanning the commencement of the BNSS.

3. Section 210 BNSS: Cognizance of Offences by Magistrates

Section 210 BNSS, corresponding to Section 190 CrPC, provides for Magistrates to take cognizance of offences upon receiving a complaint, a police report, or information from another person, or upon their own knowledge. Cognizance concerns judicial consideration of an alleged offence rather than a determination of guilt. Its timing must be assessed by examining the court's actual exercise of judicial mind.

4. Section 193(9) BNSS: Further Investigation After Submission of Police Report

Section 193(9) BNSS corresponds broadly to Section 173(8) CrPC and permits further investigation after a police report has been forwarded to the Magistrate. Where additional evidence is obtained, the investigating agency must submit the prescribed further report. Further investigation is distinct from a fresh investigation and operates within the procedural framework governing the existing criminal case.

5. Sections 225 and 227 BNSS: Inquiry Before Process and Issue of Process

Section 225 BNSS permits postponement of the issue of process and provides for an inquiry or investigation to determine whether sufficient grounds exist for proceeding. Section 227 governs the subsequent issue of process where the Magistrate finds sufficient grounds. These provisions distinguish preliminary judicial scrutiny from the procedural step of summoning an accused to face proceedings.

6. Section 223(2) BNSS: Additional Safeguards for Public Servants

Section 223(2) BNSS restricts cognizance upon complaints concerning offences alleged to have been committed by public servants in the course of their official functions or duties. It requires an opportunity for the public servant to explain the circumstances and the receipt of a report from the superior officer. These requirements are additional statutory safeguards applicable to the specified category of complaints.

7. Doctrine of Application of Judicial Mind: Meaning of Taking Cognizance

Taking cognizance involves a court applying its judicial mind to allegations for the purpose of proceeding under criminal law. Merely receiving a complaint, registering papers, or performing an administrative step does not necessarily establish cognizance. Whether cognizance has occurred depends upon the substance of the court's action, its purpose, and the procedural context.

8. Protest Petition: Remedies Against a Police Closure Report

A protest petition allows an informant or complainant to challenge a police conclusion that prosecution should not proceed. Upon receiving a closure report, a Magistrate may accept the report, take cognizance where legally justified, or consider appropriate further proceedings, including those based on a complaint. A police recommendation to close a case does not bind the Magistrate's independent judicial assessment.

9. Distinction Between Cognizance and Issuance of Process

Cognizance refers to the judicial recognition and consideration of an alleged offence for proceeding under the applicable law. Issuance of process is the subsequent procedural mechanism requiring an accused to appear before the court. Although these stages may be reflected in the same judicial order, they serve different purposes and must be distinguished when examining statutory procedural requirements.

10. Application of New Criminal Procedure to Pending Proceedings

When criminal proceedings extend across the commencement of new procedural legislation, the applicable law must be determined with reference to the statutory transition provisions and the procedural stage already reached. The date of the original complaint is not invariably decisive. Courts must identify when the relevant judicial act occurred and whether the new law requires additional safeguards before that act can lawfully be performed.



Practice Questions

1. Ruchira, a government inspection officer, faces a criminal complaint concerning an act allegedly committed during the performance of her official duties. Before taking cognizance, the Magistrate allows her to explain the circumstances but does not obtain a report from her superior officer. The Magistrate then proceeds to take cognizance. Which conclusion is legally sustainable under Section 223(2) BNSS?
 - (a) Cognizance is valid because Ruchira was given an opportunity to explain the circumstances.
 - (b) Cognizance is permissible whenever the complaint describes an alleged criminal offence.
 - (c) Cognizance is premature because the required superior officer's report was not received.
 - (d) Cognizance must await the conclusion of disciplinary proceedings against the public servant.

2. Following the submission of a police report in a financial fraud investigation involving Taarini, investigators obtain additional transaction records revealing further relevant evidence. The investigating officer decides to examine the new material within the existing case but proposes retaining the findings without informing the Magistrate. Which course of action is consistent with Section 193(9) BNSS?
 - (a) Conduct further investigation and submit the prescribed further report to the Magistrate.
 - (b) Treat the original police report as conclusive and retain the additional evidence.
 - (c) Commence an entirely fresh investigation unrelated to the earlier police report.
 - (d) Withhold the findings until the trial concludes and then submit the additional evidence.

3. Consider the following statements regarding Section 210 BNSS:
 - i. A Magistrate may take cognizance of an offence upon receiving a complaint.
 - ii. Cognizance can be taken only after the investigating agency submits a police report.
 - iii. Information received from another person or the Magistrate's own knowledge may provide a basis for cognizance.
 - iv. Taking cognizance constitutes a judicial determination that establishes the accused's guilt.Which of the above statements are correct?
 - (a) Statements ii and iii only
 - (b) Statements i and iv only
 - (c) Statements ii and iv only
 - (d) Statements i and iii only

4. Examine the following situations involving preliminary criminal proceedings. Which situation most accurately represents the exercise of power under Section 225 BNSS?
 - (a) A Magistrate issues summons after finding sufficient grounds to proceed against an accused.
 - (b) A Magistrate postpones summons and directs an inquiry to assess whether sufficient grounds exist.
 - (c) A Magistrate summons the accused before initiating an inquiry into whether process should issue.
 - (d) A Magistrate postpones summons until the accused's guilt has been established through trial.

5. Which provision of the Code of Criminal Procedure, 1973 governed the examination of the complainant

and witnesses upon cognizance of an offence on a complaint?

- (a) Section 200 CrPC
- (b) Section 190 CrPC
- (c) Section 173(8) CrPC
- (d) Section 223(2) BNSS

NPLC's LNAT Achievers

University
of Oxford



LNAT (2021 - 2022)



Surbhi Sachdeva

LNAT (2022 - 2023)



Kartikay Kataria

LNAT (2023 - 2024)



Adi Singh

LNAT (2024 - 2025)



Samyuktha Kovilakath

LNAT (2025 - 2026)



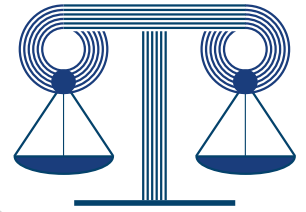
Karthik Ranganadhan

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



SUPREME COURT

Landmark Judgements



14

Order XXIII of CPC Liberty Cannot Cure Order 2 Rule 2 Bar

Background

- The dispute arose from an alleged oral agreement for the sale of immovable property. The plaintiff claimed that negotiations between the parties had resulted in a concluded agreement for the sale of the property and that advance payments had been made towards the agreed consideration.
- In 2007, the plaintiff instituted an initial civil suit seeking a permanent injunction restraining the defendants from alienating, constructing upon, or altering the disputed property. Although the pleadings disclosed a refusal to honour the alleged sale agreement on 8 May 2007, the plaintiff did not claim specific performance or obtain leave under Order II Rule 2(3) CPC to pursue that relief subsequently.
- The plaintiff later withdrew the injunction suit, citing ongoing settlement discussions and seeking liberty to institute a fresh suit. Although the withdrawal order did not expressly grant such liberty, the plaintiff contended that permission could be inferred from the application and the circumstances of withdrawal.
- Subsequently, the plaintiff instituted another suit seeking specific performance of the alleged oral agreement. The defendants challenged its maintainability under Order II Rule 2 CPC, arguing that the relief had been available when the first suit was instituted and could not be claimed separately without the Court's prior leave.
- The defendants also disputed the existence of a concluded oral contract, pointing to inconsistencies in the pleadings concerning the negotiations, sale consideration, advance payments, and authority of the persons allegedly acting on behalf of the property-owning company. The plaintiff relied on witness testimony and the alleged payment of ₹5 crore through a cheque that had not been encashed.

Case Details

Case Title: Bombay Garage Ahmedabad Limited & Ors. v. J P Iscon Private Ltd. & Anr.

Citation: 2026 INSC 1066 | Civil Appeal arising out of SLP (Civil) No. 25909 of 2024

Bench Justice J.B. Pardiwala and Justice K. Vinod Chandran

Issue Before the Court

- Whether liberty to institute a fresh suit under Order XXIII Rule 1(3) CPC can overcome the bar under Order II Rule 2(3) when the plaintiff omitted an available relief of specific performance in the earlier injunction suit without obtaining the Court's leave.
- Whether the pleadings, witness testimony, alleged advance payments, and surrounding circumstances sufficiently established a concluded oral agreement for the sale of immovable property to justify a decree of specific performance.

- The Trial Court and the Gujarat High Court granted relief in favour of the plaintiff. Aggrieved, the appellants approached the Supreme Court, challenging both the maintainability of the subsequent suit and the sufficiency of the evidence establishing the alleged oral agreement.

Judgement of the Court

- The Supreme Court examined Order II Rule 2 CPC and reiterated that a plaintiff must ordinarily include all available claims and reliefs arising from the same cause of action in one suit. Relying on the Constitution Bench decision in *Gurbux Singh v. Bhooralal*, it identified three requirements for invoking the statutory bar: identity of cause of action, availability of multiple reliefs, and omission of a relief without the Court's leave.
- The Bench reviewed the pleadings in the earlier injunction suit and found that the defendants had already refused to honour the alleged agreement on 8 May 2007. Consequently, the cause of action for seeking specific performance had arisen before the first suit was instituted, and the plaintiff was entitled to claim that relief alongside the injunction.
- Referring to *Virgo Industries v. Venturetech Solutions* and *Vurimi Pullarao v. Vemari Vyankata Radharani*, the Court reiterated that a subsequent suit is barred where the earlier cause of action already entitled the plaintiff to seek the omitted relief. It distinguished situations in which the right to seek specific performance arose later or the relief was legally unavailable when the first suit was filed.
- The Court clarified the distinction between Order II Rule 2(3) and Order XXIII Rule 1(3) CPC. While the former permits a plaintiff, with the Court's leave, to reserve an available relief for subsequent proceedings, the latter permits withdrawal of a suit with liberty to institute a fresh suit concerning its subject matter. Permission under one provision cannot substitute for the statutory requirement under the other.
- Applying these principles, the Bench observed that the plaintiff had not obtained leave under Order II Rule 2(3) when instituting the first suit. The subsequent withdrawal, even assuming liberty to institute a fresh suit had been granted, could not revive the omitted relief of specific performance. The Court also noted that the plaintiff had not sought amendment of the original suit to incorporate that relief.
- The Bench separately considered whether the alleged oral agreement had been established. Relying on *Brij Mohan v. Sugra Begum* and *K. Nanjappa v. R.A. Hameed*, it reiterated that a contract for the sale of immovable property need not invariably be written. However, a plaintiff seeking specific performance of an oral agreement bears a substantial evidentiary burden to establish consensus ad idem and agreement on its essential terms.
- The Court identified material inconsistencies between the pleadings in the two suits concerning the number and dates of meetings, the persons participating in negotiations, the consideration agreed upon, and the alleged advance payments. It observed that the absence of consistent material pleadings assumed particular significance where the plaintiff sought to establish an oral contract without a written record of its terms.
- Examining the financial evidence, the Bench noted that the alleged ₹5 crore advance cheque had not been presented for encashment, undermining the assertion that a binding sale agreement had been concluded. The Court also found that the alleged cash payments had not been satisfactorily established and that the correspondence transmitting property documents did not independently prove the formation of a contract.
- The Court rejected the plaintiff's reliance on the professional or political standing of a witness as a substitute for proof. It found that the testimony concerning the negotiations was inadequately supported by pleadings, while other evidence suffered from hearsay or lack of personal knowledge. The

- defendants' evasive answers also could not relieve the plaintiff of its burden to establish the contract, particularly when the authority of the persons allegedly negotiating on behalf of the company remained unproved.
- Accordingly, the Supreme Court held that the second suit was barred under Order II Rule 2 CPC and that the plaintiff had independently failed to establish a concluded oral contract. It allowed the appeal, set aside the judgments granting specific performance, and dismissed the suit. The Court also found no basis for refund of the alleged advances and directed the parties to bear their respective costs.

Key Takeaways for CLAT Aspirants

1. Order II Rule 2(1) CPC: Suit Must Include the Whole Claim

Order II Rule 2(1) requires every suit to include the entire claim that the plaintiff is entitled to make in respect of a particular cause of action. The provision seeks to prevent unnecessary multiplicity of proceedings arising from the same set of material facts. A plaintiff may relinquish part of a claim to bring the suit within a court's jurisdiction, but the legal consequences of such relinquishment remain governed by the Code.

2. Order II Rule 2(2) and (3) CPC: Bar Against Splitting Claims and Reliefs

Order II Rule 2(2) prevents a plaintiff from subsequently suing for a portion of a claim that was omitted or intentionally relinquished in an earlier suit. Sub-rule (3) concerns the omission of one or more available reliefs arising from the same cause of action. A subsequent suit seeking an omitted relief is barred unless the plaintiff obtained the Court's leave to reserve that relief.

3. Order XXIII Rule 1(3) CPC: Withdrawal of Suit with Liberty to File Afresh

Order XXIII Rule 1(3) empowers a court to permit withdrawal of a suit with liberty to institute a fresh suit where the original suit must fail because of a formal defect or sufficient grounds otherwise justify such permission. The liberty relates to the subject matter of the withdrawn suit. It does not automatically authorise the plaintiff to introduce a relief already relinquished through the operation of Order II Rule 2.

4. Distinction Between Leave Under Order II Rule 2 and Order XXIII Rule 1

Leave under Order II Rule 2(3) concerns the plaintiff's decision to reserve an available relief for future proceedings, while permission under Order XXIII Rule 1(3) concerns withdrawal and reinstitution of a suit. The two provisions serve different procedural purposes. Liberty obtained when withdrawing a suit cannot retrospectively cure the failure to obtain leave for an omitted relief at the institution of the earlier suit.

5. Doctrine of Identity of Cause of Action: Test Under *Gurbux Singh v. Bhooralal*

The bar under Order II Rule 2 requires proof that the earlier and subsequent suits arise from the same cause of action, that the plaintiff was entitled to multiple reliefs, and that a particular relief was omitted without the Court's leave. A cause of action comprises the essential facts supporting the plaintiff's right to relief. The identity of causes of action must be established from the relevant pleadings rather than presumed from similarities between the disputes.

6. Subsequently Arising Cause of Action: Exception to the Order II Rule 2 Bar

Order II Rule 2 does not bar a later suit merely because it concerns the same property or contractual relationship as an earlier proceeding. Where the later relief became available only after the first suit was instituted, the necessary identity of cause of action may be absent. The decisive inquiry is whether the plaintiff could legally and factually have sought the disputed relief when the earlier suit was filed.

7. Section 10 of the Indian Contract Act, 1872: Enforceability of Oral Agreements

Section 10 recognises agreements as contracts when the requirements of lawful consideration, free consent, competent parties, lawful object, and other applicable conditions are satisfied. A contract need not invariably be written unless a particular law requires a prescribed form. However, a person seeking specific performance of an oral agreement must establish a concluded bargain and consensus ad idem concerning its essential terms through reliable evidence.

8. Order VI Rule 2 CPC: Requirement of Material Facts in Pleadings

Order VI Rule 2 requires pleadings to contain a concise statement of the material facts on which a party relies, rather than the evidence intended to prove those facts. Evidence cannot ordinarily substitute for material facts absent from the pleadings. In disputes involving oral agreements, clear and consistent assertions concerning negotiations, contractual terms, parties, and consideration are particularly important.

9. Section 101 of the Indian Evidence Act, 1872: Burden of Proving an Alleged Contract

Section 101 places the burden of proving asserted facts upon the person seeking a judicial determination based on those facts. A plaintiff alleging a concluded contract must establish its existence through credible evidence. Weaknesses, inconsistencies, or evasive answers in the defendant's evidence do not independently establish the plaintiff's contractual claim, and a witness's public standing does not create a presumption that their testimony is true.

10. Order VI Rule 17 CPC: Amendment of Pleadings

Order VI Rule 17 empowers courts to permit amendments of pleadings where necessary to determine the real questions in controversy, subject to its statutory conditions. A plaintiff who becomes aware that an additional relief should be claimed may seek an appropriate amendment instead of initiating separate proceedings. However, amendment is not automatic, and applications made after commencement of trial must satisfy the due-diligence requirement contained in the proviso to the rule.



Practice Questions

1. Aadhira files a suit seeking a declaration of ownership over a disputed property after a neighbour constructs a wall encroaching upon her land. At the time of filing, she could also have sought removal of the wall based on the same cause of action. She omits that relief without obtaining the Court's leave and subsequently institutes a separate suit for its removal. Which conclusion is legally sustainable?

- (a) The subsequent suit is barred because the available relief was omitted without leave.
- (b) The subsequent suit is maintainable because removal differs from a declaration of ownership.
- (c) The subsequent suit is permissible once the earlier court confirms her ownership.
- (d) The subsequent suit is barred only if Aadhira expressly relinquished the omitted relief.

2. Samaira and Kushagra orally agree on the supply of fifty wooden chairs at a fixed price and delivery date. Both parties are competent, consent freely, and agree upon lawful consideration and terms. Reliable communications establish their agreement, and no applicable law requires a written contract. Kushagra subsequently denies its enforceability because the agreement was never signed. Which conclusion is legally sustainable under Section 10 of the Indian Contract Act, 1872?

- (a) Absence of a signed document prevents enforcement despite proof of agreed terms.
- (b) The oral agreement may be enforceable because the contractual requirements are satisfied.
- (c) Acknowledgment of consideration eliminates the need to establish contractual consensus.
- (d) Every oral agreement becomes enforceable once one party asserts its existence.

3. Consider the following statements regarding Order VI Rule 17 CPC:

- i. Courts may permit amendments necessary for determining the real questions in controversy.
- ii. Identifying an omitted relief creates an unconditional entitlement to amend the pleadings.
- iii. A plaintiff may seek amendment to include an additional relief instead of instituting separate proceedings.
- iv. Applications for amendment made after commencement of trial must satisfy the statutory due-diligence requirement.

Which of the above statements are correct?

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

4. Four plaintiffs seek judicial enforcement of disputed contractual obligations. Which situation provides the strongest basis for discharging the burden of proof under Section 101 of the Indian Evidence Act, 1872?

- (a) A purchaser produces an unsigned draft and relies on the seller's evasive responses about payment.
- (b) A contractor relies on a prominent witness's reputation without establishing the agreed contractual terms.
- (c) An architect produces credible correspondence establishing the agreed services, consideration, and acceptance.

(d) A supplier identifies contradictions in the defendant's testimony without proving a concluded agreement.

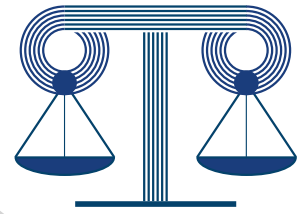
5. Which provision of the Code of Civil Procedure, 1908 requires pleadings to contain material facts rather than the evidence intended to prove them?

- (a) Order VI Rule 2
- (b) Order XXIII Rule 1(3)
- (c) Order II Rule 2(1)
- (d) Order VI Rule 17



SUPREME COURT

Landmark Judgements



15 Compromise Decree without Necessary Party is a Nullity

Background

- The dispute concerned the partition of property belonging to Late Shri Tikaram Singh, who was survived by four children, including his daughter, Late Smt. Ballo Bai. Her legal heirs claimed that she was entitled to an undivided one-fourth share in the property under Section 6 of the Hindu Succession Act, 1956, as amended in 2005.
- In 2000, Late Shri Dhan Singh, one of Tikaram Singh's sons, instituted Original Suit No. 473 of 2000 seeking partition of the property against his brother, Late Shri Satyanarayan Singh, and the legal heirs of another brother, Late Shri Sheetal Singh. However, Smt. Ballo Bai was not impleaded despite her claimed interest in the property.
- On 30 June 2009, the Trial Court dismissed the partition suit. The legal heirs of Late Shri Dhan Singh challenged the decision before the Telangana High Court through Appeal Suit No. 552 of 2009. Smt. Ballo Bai had died in the intervening period, but her legal heirs were not impleaded in the appellate proceedings.
- During the appeal, the participating parties entered into a memorandum of compromise providing for the distribution of the disputed property among themselves. On 23 September 2020, the High Court accepted the compromise and passed a decree without considering the claimed share of Smt. Ballo Bai's legal heirs.
- Upon learning of the compromise decree, the appellants filed three interlocutory applications seeking its recall, their impleadment as necessary parties, and protection against alienation or creation of third-party interests in the property. On 28 May 2025, the High Court rejected these applications on maintainability grounds, suggesting that the appellants could pursue a separate suit or an appeal after obtaining the necessary leave.
- Aggrieved, the appellants approached the Supreme Court, contending that the compromise decree

Case Details

- Case Title:** Geeta Bai & Ors. v. K. Arjun Singh & Ors.
- Citation:** 2026 LiveLaw (SC) 1004 | Civil Appeals arising out of SLP (Civil) Nos. 20008–20010 of 2026
- Bench** Justice Vikram Nath and Justice Sandeep Mehta

Issue Before the Court

- Whether a compromise decree passed in a partition suit without impleading a necessary party having a claim to the disputed property is a nullity in the eyes of law.
- Whether the legal heirs of an omitted necessary party can seek recall of such a compromise decree before the court that passed it, notwithstanding the bar contained in Order XXIII Rule 3A CPC.

had been obtained without impleading persons whose inheritance rights were affected by the partition. They argued that the omission rendered the decree legally invalid and that Order XXIII Rule 3A CPC could not prevent them from seeking its recall.

Judgement of the Court

- The Supreme Court examined the succession rights asserted by the appellants under Section 6 of the Hindu Succession Act, 1956, as amended by Act 39 of 2005. It observed that Late Smt. Ballo Bai, being a daughter and legal heir of Late Shri Tikaram Singh, was entitled to stake a claim to an undivided one-fourth share in the suit property.
- The Bench noted that the original partition proceedings had been instituted by one of Tikaram Singh's sons against his brothers and their legal heirs, without impleading Smt. Ballo Bai. Since the proceedings concerned the division of property in which she claimed an inheritance interest, her participation was necessary for the proper adjudication of the dispute.
- The Court further observed that even after Smt. Ballo Bai's death, her legal heirs were excluded from the appellate proceedings initiated following the dismissal of the original partition suit. Their non-impleadment meant that the litigation continued without persons asserting a legally recognisable interest in the property.
- The Bench examined the memorandum of compromise entered into by the participating parties and noted that it distributed the suit property among them without involving the appellants. The compromise decree dated 23 September 2020 was consequently passed without affording the omitted legal heirs an opportunity to protect their claimed inheritance rights.
- The Court held that Smt. Ballo Bai was undoubtedly a necessary party to the partition proceedings because of her entitlement to claim a share in the property. Her legal heirs, claiming through her, could not be excluded from proceedings determining the distribution of that property merely because they had not been included in the original suit.
- The Bench declared that the compromise decree obtained by the participating parties without impleading Smt. Ballo Bai or her legal heirs, despite her status as a necessary party, was a nullity in the eyes of law. A compromise between existing litigants could not overcome the legal consequences of excluding a person whose participation was essential to the partition dispute.
- Addressing Order XXIII Rule 3A CPC, the Court considered the statutory prohibition against instituting a separate suit to set aside a compromise decree on the ground that the compromise was unlawful. It held that this provision could not be invoked to prevent an omitted necessary party from challenging a compromise decree obtained in disregard of the law.
- The Court emphasised that Smt. Ballo Bai and her legal heirs could not reasonably be regarded as strangers to the litigation. Their relationship with the original property owner and their claimed interest in the disputed property entitled them to challenge the compromise and seek recall of the decree passed without their participation.
- The Bench found that the High Court had erred in rejecting the appellants' interlocutory applications and suggesting that they pursue a separate suit or an appeal before a higher court. The appellants were entitled to seek reconsideration of the compromise decree before the court that had recorded it, and the statutory bar under Order XXIII Rule 3A did not defeat that remedy.
- Accordingly, the Supreme Court allowed the appeals, set aside the High Court's order dated 28 May 2025, and remitted the three interlocutory applications for fresh consideration. It extended the existing interim protection for two weeks, directed the parties to appear before the High Court on 5 October 2026, and clarified that the High Court must independently decide the applications and any

request for further protection in accordance with law.

Key Takeaways for CLAT Aspirants

1. Section 6 of the Hindu Succession Act, 1956: Coparcenary Rights of Daughters

Section 6, as amended by the Hindu Succession (Amendment) Act, 2005, recognises daughters as coparceners by birth in a Mitakshara joint Hindu family, with rights and liabilities comparable to those of sons. A daughter may therefore claim a share in coparcenary property subject to the applicable statutory conditions. Her legal heirs may pursue rights devolving through her under the relevant succession provisions.

2. Order I Rule 9 CPC: Non-Joinder and Misjoinder of Parties

Order I Rule 9 provides that a suit shall not ordinarily fail because of the misjoinder or non-joinder of parties. However, its proviso expressly excludes cases involving the non-joinder of a necessary party. Consequently, where the participation of a person is indispensable for an effective adjudication, the omission cannot be dismissed as a minor procedural irregularity.

3. Order I Rule 10(2) CPC: Power of Court to Add Necessary Parties

Order I Rule 10(2) empowers a court, at any stage of the proceedings, to add a person who ought to have been joined or whose presence is necessary for effectively and completely adjudicating the questions involved in the suit. The provision enables courts to correct defects in the constitution of proceedings and protect the interests of persons whose legal rights may be affected by the eventual decree.

4. Doctrine of Necessary and Proper Parties: Distinction in Civil Proceedings

A necessary party is a person whose presence is indispensable for passing an effective decree concerning the dispute. A proper party is someone whose participation assists the court in completely resolving the controversy, although an effective decree may be possible without them. The distinction is significant because non-joinder of a necessary party may invalidate proceedings affecting that person's rights.

5. Order XXIII Rule 3 CPC: Recording of a Lawful Compromise

Order XXIII Rule 3 permits a court to record a lawful agreement or compromise, in writing and signed by the parties, through which a suit is adjusted wholly or partly. The court must be satisfied that the compromise meets the statutory requirements before passing a decree in accordance with it. A compromise between participating parties cannot, merely by its existence, extinguish the independent rights of an omitted necessary party.

6. Order XXIII Rule 3A CPC: Bar Against a Separate Suit Challenging a Compromise Decree

Order XXIII Rule 3A prohibits a fresh suit seeking to set aside a decree on the ground that the compromise underlying it was not lawful. The provision ordinarily requires objections concerning the validity of a recorded compromise to be addressed through the appropriate proceedings. However, it does not bar an omitted necessary party from seeking recall before the court that passed a decree in disregard of that person's rights.

7. Section 96(3) CPC: Restriction on Appeals Against Consent Decrees

Section 96(3) provides that no appeal shall lie from a decree passed by the court with the consent of the parties. The provision reflects the principle that parties who voluntarily settle a dispute ordinarily cannot challenge the resulting decree through a regular appeal. However, questions concerning the validity of consent, the lawfulness of the compromise, and the rights of persons excluded from the proceedings require separate consideration.

8. Section 151 CPC: Inherent Powers of the Civil Court

Section 151 preserves the inherent powers of civil courts to make orders necessary for the ends of justice or to prevent abuse of judicial process. These powers may support appropriate corrective action where a decree has been obtained through proceedings that disregard essential legal safeguards. They cannot ordinarily be exercised in a manner inconsistent with an express statutory provision.

9. Doctrine of Nullity: Legal Effect of a Fundamentally Defective Decree

A decree described as a nullity suffers from a fundamental legal defect that deprives it of the ordinary validity associated with judicial determinations. In the present case, the Supreme Court treated the compromise decree as a nullity because necessary parties claiming a share in the partitioned property had been excluded. The doctrine must be applied according to the nature of the defect rather than assuming that every procedural irregularity invalidates a decree.

10. Doctrine of Audi Alteram Partem: Right to Be Heard

Audi alteram partem, meaning that the other side must be heard, is a fundamental principle of natural justice. It requires that persons whose legal rights or interests are liable to be affected by judicial proceedings receive an appropriate opportunity to present their case. In partition disputes, excluding a necessary party from proceedings that determine property shares may undermine the fairness and legal validity of the resulting decree.



Practice Questions

1. Mahika was a coparcener in a Mitakshara joint Hindu family. She died before any partition, leaving a legal heir who claims the interest that devolved through her. Her brothers argue that her death before partition extinguished her coparcenary rights. Which conclusion is consistent with Section 6 of the Hindu Succession Act, 1956?

- (a) Her interest ends upon death unless partition had already been completed.
- (b) Her brothers acquire the interest because coparcenary rights belong to surviving sons.
- (c) Her heir may pursue rights devolving through her, subject to succession provisions.
- (d) Her heir can claim only property separately allotted to her during her lifetime.

2. Lavanya discovers that a civil decree affecting her rights was passed after proceedings that disregarded an essential procedural safeguard, leaving her unable to present her case. She requests corrective action from the civil court, and no express statutory provision prohibits the proposed measure. The opposing party argues that the court cannot act without a specifically enumerated power. Which conclusion best reflects Section 151 CPC?

- (a) The court may consider corrective action to secure justice within statutory limits.
- (b) The court must refuse because inherent powers cannot operate after a decree.
- (c) The court may disregard express statutory restrictions whenever fairness requires relief.
- (d) The court can intervene only if both parties consent to reopening proceedings.

3. Consider the following statements regarding Order XXIII Rule 3 CPC:

- i. A compromise adjusting a suit may be recorded where it is lawful, written, and signed by the parties.
- ii. A court must record a proposed compromise without examining whether it satisfies statutory requirements.
- iii. Before passing a compromise decree, the court must be satisfied that the agreement meets the prescribed requirements.
- iv. A compromise between participating parties automatically extinguishes the independent rights of an omitted necessary party.

Which of the above statements are correct?

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

4. Four persons seek to be added as parties to civil proceedings concerning disputed property. Which applicant most clearly satisfies the requirements for addition under Order I Rule 10(2) CPC?

- (a) A neighbour wishes to explain historical facts but claims no affected legal right.
- (b) An omitted co-owner seeks participation where the decree may determine her ownership.
- (c) A property broker seeks participation because the judgment may influence future commissions.
- (d) A prospective purchaser hopes to acquire the disputed property after litigation concludes.

5. Which provision of the Code of Civil Procedure, 1908 prohibits an appeal from a decree passed with the



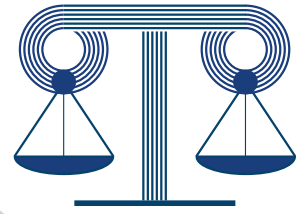
consent of the parties?

- (a) Section 151 CPC
- (b) Order I Rule 9 CPC
- (c) Section 96(3) CPC
- (d) Order XXIII Rule 3A CPC



HIGH COURT

Landmark Judgements

**16**

Fine in Addition to Sentence Cannot Be Imposed Where Statute Does Not Provide for It

Background

- The appellant, Laxmi Narayan, was convicted in Sessions Trial No. 1384 of 2001 arising from Case Crime No. 304 of 2000, registered at Mohanlalganj Police Station, Lucknow. The prosecution concerned allegations of dowry death, cruelty, and offences under the Dowry Prohibition Act, 1961.
- The Trial Court convicted the appellant under Sections 304-B and 498-A of the Indian Penal Code, 1860, and the relevant provisions of the Dowry Prohibition Act. For the offence under Section 304-B IPC, the Court imposed ten years of rigorous imprisonment along with a fine of ₹20,000.
- The Trial Court separately imposed three years of rigorous imprisonment with a fine of ₹6,000 under Section 498-A IPC and one year's rigorous imprisonment with a fine of ₹2,000 under Section 4 of the Dowry Prohibition Act.
- Aggrieved by his conviction and sentence, the appellant preferred Criminal Appeal No. 1160 of 2025 before the Allahabad High Court. During the pendency of the appeal, he filed an application seeking release on bail.
- The appellant argued that the Trial Court had incorrectly appreciated the evidence. He also pointed out that Section 304-B IPC prescribes imprisonment for dowry death but does not authorise imposition of an additional fine. He submitted that he had remained on bail during trial without misusing that liberty.
- While considering the bail application, the High Court noticed the fine imposed under Section 304-B IPC and examined whether such punishment was authorised by the statutory provision. The Court also considered the appellant's previous conduct

Case Details

- Case Title:** Laxmi Narayan v. State of U.P. Thru. Addl. Chief Secy./Prin. Secy. Home Lko
- Court:** Allahabad High Court, Lucknow Bench
- Citation:** 2026 LiveLaw (AB) 648 | Criminal Appeal No. 1160 of 2025 (Order on Bail Application)
- Bench:** Justice Zafeer Ahmad

Issue Before the Court

- Whether a criminal court can impose a fine in addition to imprisonment for an offence under Section 304-B IPC when that provision does not prescribe a fine.
- Whether the appellant should be released on bail during the pendency of his criminal appeal, considering his previous conduct and the circumstances presented before the High Court.

while on bail and the conditions appropriate for his release during the pending appeal.

Judgement of the Court

- The Allahabad High Court examined the appellant's bail application in the context of his pending criminal appeal against conviction under Sections 304-B and 498-A IPC and the Dowry Prohibition Act. The Court considered the submissions advanced by both parties and the appellant's request for release during the appellate proceedings.
- The Bench noted that the appellant had remained on bail throughout the trial proceedings and that there was no allegation that he had misused the liberty granted to him during that period. This previous conduct was considered relevant while determining whether he should be released on bail pending disposal of the appeal.
- The Court considered the appellant's challenge to the Trial Court's appreciation of evidence, including his reliance on a dying declaration allegedly attributing the deceased's actions to circumstances other than dowry-related harassment. However, the Court did not adjudicate these contentions while deciding the bail application.
- The Bench found it appropriate to release the appellant on bail upon furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned. The grant of bail was made subject to conditions intended to secure his cooperation with the pending appellate proceedings.
- While examining the sentence, the Court specifically noticed that the Trial Court had imposed a fine of ₹20,000 in addition to ten years of rigorous imprisonment under Section 304-B IPC. It observed that the provision prescribes imprisonment for dowry death but does not provide for the imposition of a fine.
- The Court emphasised that criminal courts can impose only those punishments that are authorised by the applicable penal statute. Where a particular provision does not prescribe a fine as part of the punishment, a court cannot introduce such a monetary penalty merely by exercising its sentencing discretion.
- Applying this principle, the Bench identified the additional fine imposed under Section 304-B IPC as a serious sentencing error. It expressed concern that an Additional District and Sessions Judge had imposed a punishment not contemplated by the statutory provision and observed that the sentence had been passed without adequately considering the language of Section 304-B.
- Distinguishing the penalties imposed under the different offences, the Court directed the appellant to deposit the combined fine of ₹8,000 imposed under Section 498-A IPC and the Dowry Prohibition Act within four weeks of his release. However, it ordered that the ₹20,000 fine imposed under Section 304-B IPC would remain stayed.
- The Bench directed the Senior Registrar to transmit a copy of the order to the concerned Trial Judge through the District Judge within ten days for the Trial Judge's future guidance. This direction underscored the importance of examining the exact statutory punishment before imposing a sentence.
- Accordingly, the High Court allowed the bail application subject to the appellant's cooperation in the early disposal of the appeal, avoidance of unnecessary adjournments, and abstention from criminal activity. Breach of these conditions could justify cancellation of bail. The Court expressly clarified that its observations were confined to the bail application and would not affect the merits of the pending criminal appeal.

Key Takeaways for CLAT Aspirants

1. Section 304-B IPC: Dowry Death and Prescribed Punishment

Section 304-B IPC defines dowry death where a woman's death occurs under unnatural circumstances within seven years of marriage and it is shown that she was subjected to cruelty or harassment by her husband or his relatives soon before her death in connection with a dowry demand. The provision prescribes imprisonment for a minimum of seven years, extendable to imprisonment for life. It does not prescribe an additional fine.

2. Section 80 BNS: Corresponding Provision on Dowry Death

Section 80 of the Bharatiya Nyaya Sanhita, 2023, corresponds to Section 304-B IPC and retains the essential statutory requirements governing dowry death. It also prescribes imprisonment for a minimum of seven years, extendable to life imprisonment, without providing for a fine. Section 80 is relevant to offences governed by the BNS, whereas the present case arose under the earlier IPC framework.

3. Principle of Statutory Sentencing: Punishment Must Be Authorised by Law

Criminal punishment must remain within the limits prescribed by the applicable penal legislation. A court cannot independently introduce a fine, imprisonment term, or other punishment where the governing statutory provision does not authorise it. Judicial sentencing discretion operates within the legislative framework and does not permit the creation of additional penalties.

4. Section 498-A IPC: Cruelty by Husband or Relatives

Section 498-A IPC criminalises specified forms of cruelty committed against a married woman by her husband or his relatives. The provision covers wilful conduct of the prescribed seriousness and harassment connected with unlawful demands for property or valuable security. It provides for imprisonment extending to three years and liability to fine, distinguishing its punishment structure from that of Section 304-B IPC.

5. Section 4 of the Dowry Prohibition Act, 1961: Penalty for Demanding Dowry

Section 4 punishes demanding dowry, whether from the parents, relatives, or guardians of a bride or bridegroom, or in the other circumstances specified by the provision. It ordinarily prescribes imprisonment of not less than six months, extendable to two years, and a fine extending to ₹10,000, subject to the statutory provision permitting a shorter term for adequate and special reasons.

6. Distinction Between Separate Sentences for Multiple Offences

Where a person is convicted of multiple offences, the punishment for each offence must independently comply with its governing statutory provision. The fact that a fine is authorised for one offence does not permit its imposition for another offence that carries no such penalty. Courts must therefore examine the punishment clauses separately when recording sentences for multiple convictions.

7. Section 430 BNSS: Suspension of Sentence Pending Appeal and Release on Bail

Section 430 BNSS, corresponding to Section 389 CrPC, governs suspension of the execution of a sentence or order appealed against and release of a convicted person on bail pending appeal, subject to applicable statutory requirements. Such relief does not automatically overturn the conviction. The

appellate court may impose conditions appropriate to securing the appellant's participation in the proceedings.

8. Suspension of Fine versus Setting Aside a Sentence

Suspension or stay of a fine temporarily prevents its enforcement according to the terms of the judicial order. It is legally distinct from a final appellate determination setting aside the monetary penalty. In the present case, the High Court stayed the ₹20,000 fine imposed under Section 304-B IPC while leaving final adjudication of the appeal pending.

9. Conditional Bail and Cancellation for Breach of Conditions

Courts may impose conditions when releasing a convicted appellant on bail during an appeal. Such conditions can include cooperation with proceedings, compliance with court directions, and avoidance of conduct that undermines the administration of justice. Where a condition is breached, the competent court may consider cancellation of bail in accordance with the governing law.

10. Distinction Between Interim Bail Proceedings and Final Appellate Adjudication

An order granting bail during the pendency of a criminal appeal is not equivalent to a final determination of guilt, innocence, or the validity of every component of the sentence. Observations made for deciding interim relief must be distinguished from findings reached after final appellate consideration. The Allahabad High Court expressly preserved this distinction by clarifying that its observations would not affect the merits of the appeal.



Practice Questions

1. Tarushi dies under unnatural circumstances six years after her marriage. In the days preceding her death, her husband's sister repeatedly harassed her over an unmet dowry demand, as established through relevant communications. The defence argues that no dowry was actually delivered and the husband did not personally participate in the harassment. Which conclusion is legally sustainable under Section 304-B IPC?

- (a) The offence is excluded because the demanded dowry was never delivered.
- (b) Liability requires the husband himself to participate in the alleged harassment.
- (c) The statutory ingredients may be satisfied if the stated circumstances are proved.
- (d) The prosecution must establish that the harassment itself caused the death.

2. Omkar is convicted of a criminal offence and sentenced to imprisonment. During his pending appeal, the appellate court suspends the execution of his sentence and grants bail subject to specified conditions. Omkar argues that the order has nullified his conviction and that he need not comply with the conditions. Which conclusion is legally sustainable under Section 430 BNSS?

- (a) Suspension affects sentence execution without overturning the conviction or removing bail conditions.
- (b) Granting bail nullifies the conviction until the appellate court decides the appeal.
- (c) Suspension converts the conviction into an acquittal for the duration of the appeal.
- (d) Release on bail eliminates the appellate court's authority to impose participation conditions.

3. Consider the following statements regarding Section 4 of the Dowry Prohibition Act, 1961:

- i. A demand for dowry may attract the provision even where the demanded property is not actually received.
 - ii. The provision ordinarily prescribes imprisonment of at least six months, extendable to two years.
 - iii. The maximum fine prescribed under the provision is ₹50,000.
 - iv. A sentence below six months may be imposed without recording adequate and special reasons.
- Which of the above statements are correct?

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

4. Four courts pass different orders concerning monetary penalties imposed in criminal cases. Which situation most clearly represents suspension of a fine rather than its being set aside?

- (a) An appellate court finally removes a monetary penalty after finding it unauthorised by law.
- (b) A High Court temporarily halts recovery of a fine while the criminal appeal remains pending.
- (c) An appellate court substitutes a different lawful sentence through its final judgment.
- (d) A trial court corrects an arithmetical error in the amount recorded in its sentencing order.

5. Which provision of the Indian Penal Code, 1860 punishes specified cruelty committed against a married

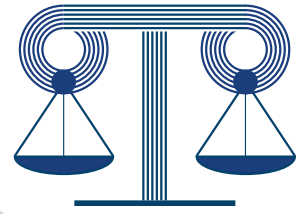
woman by her husband or his relatives?

- (a) Section 304-B IPC
- (b) Section 80 IPC
- (c) Section 498-A IPC
- (d) Section 4 IPC



HIGH COURT

Landmark Judgements



17

Biological Father Can Adopt His Own Illegitimate Son under HAMA

Background

- The dispute concerned agricultural plots belonging to Badlu, who followed the principles of the Arya Samaj. The plaintiff, Ram Kesh, claimed that he was Badlu's biological son, although his mother was married to Budh Ram when he was born. He further claimed that Badlu had formally adopted him on 8 November 1970 under the Hindu Adoptions and Maintenance Act, 1956.
- Ram Kesh alleged that the defendants had taken advantage of Badlu's condition by taking him away on the pretext of obtaining medical treatment and fraudulently procuring sale deeds dated 18 and 19 June 1973 concerning the disputed agricultural land. He instituted a civil suit seeking cancellation of the sale deeds, asserting his rights as Badlu's adopted son.
- The defendants denied the validity of the adoption, arguing that a biological father could not legally adopt his own child because adoption requires the severance of ties with the child's family of birth. They also maintained that Badlu had voluntarily executed the registered sale deeds for lawful consideration.
- The plaintiff relied on witnesses who had participated in or witnessed the adoption ceremony, including the priest who conducted it, persons who witnessed the giving and taking of the child, and Budh Ram, the husband of the plaintiff's mother. Documentary records, including revenue entries, a school certificate, and a Ganna Pass Book, were also relied upon to corroborate the adoption.
- On 16 August 1979, the Trial Court held that Ram Kesh had been validly adopted by Badlu and that the disputed sale deeds were not genuine transactions. The First Appellate Court affirmed these findings on 2 February 1980, concluding that the adoption was proved and that the circumstances surrounding the sale deeds supported their cancellation.

Case Details

Case Title:	Budhi Ram and Others v. Ram Kesh
Court	Allahabad High Court
Citation:	Second Appeal No. 1210 of 1980
Bench	Justice Arun Kumar

Issue Before the Court

- Whether a Hindu male can legally adopt his own biological son born outside marriage under the Hindu Adoptions and Maintenance Act, 1956.
- Whether the concurrent findings of the Trial Court and First Appellate Court that the disputed sale deeds were not duly executed for consideration suffered from any legal infirmity warranting interference in second appeal.

- The defendants approached the Allahabad High Court in second appeal under Section 100 CPC. They challenged the legal validity of adoption by a biological father and argued that the courts below had improperly disregarded registered sale deeds despite the evidentiary significance of registration and the Sub-Registrar's endorsements.

Judgement of the Court

- The Allahabad High Court examined the validity of the adoption with reference to the Hindu Adoptions and Maintenance Act, 1956, as applicable on 8 November 1970. It emphasised that the relevant statutory provisions had to be interpreted according to the law in force when the adoption occurred, rather than according to subsequent amendments or assumptions derived from traditional adoption practices.
- Referring to Sections 2 and 10 of HAMA, the Court observed that the legislation recognises children born outside marriage and does not treat their birth status as an independent disqualification for adoption. Section 10 specifies the conditions a child must satisfy to be adopted, but it contains no prohibition merely because the child is the biological son of the proposed adoptive father.
- The Bench also considered Section 11(i), which restricts the adoption of a son where the adoptive parent already has a Hindu son, son's son, or son's son's son through legitimate blood relationship or adoption. The Court held that this provision did not establish the prohibition asserted by the defendants against Badlu adopting his own biological son born outside marriage.
- Addressing the capacity to give and take a child in adoption, the Court distinguished Section 9 from Sections 6 and 7 of HAMA. It held that the plaintiff's biological mother was competent under the applicable legal framework to give him in adoption to Badlu. However, it corrected the First Appellate Court's reliance on Section 9(4), explaining that the provision concerning a guardian giving a child in adoption with court permission was not the appropriate statutory basis in this case.
- The Court rejected the argument that Section 12 prohibited the adoption because the adoptive father was also the child's biological father. It explained that Section 12 describes the legal consequences of a valid adoption, including the replacement of relationships in the family of birth by those in the adoptive family. These consequences do not themselves create a statutory prohibition against the adoption in question.
- Emphasising Section 11(vi), the Bench held that actual giving and taking of the child, accompanied by the intention to establish an adoptive relationship, remained essential. Relying on *Lakshman Singh Kothari v. Rup Kanwar*, it reiterated the significance of this act. The evidence of the priest and other witnesses, as accepted by both lower courts, established that the requisite ceremony had been performed in 1970.
- The Court rejected the contention that the absence of a registered adoption deed invalidated the adoption. It observed that the special documentary requirement introduced through the relevant 1976 amendment, applicable to adoptions made on or after 1 January 1977, did not govern the 1970 adoption. Consequently, the adoption could be established through other admissible evidence, and the concurrent findings accepting the witnesses' testimony were legally sustainable.
- Turning to the disputed sale deeds, the Bench examined the evidentiary significance of registration under Sections 58, 59, and 60 of the Registration Act, 1908. It held that registration and the Sub-Registrar's endorsements were relevant evidence but did not conclusively establish that Badlu had voluntarily executed a genuine transaction. Sections 91 and 92 of the Indian Evidence Act, 1872, likewise did not prevent examination of allegations involving fraud or absence of genuine consent.
- The Court considered the inconsistencies in the defendants' evidence concerning payment of

- consideration and the circumstances surrounding execution of the sale deeds. Different witnesses referred to payments of ₹18,000, ₹6,000, and ₹3,000, while the sale deeds recited consideration of ₹6,000. The lower courts had also examined Badlu's condition, the circumstances in which he was taken to the registration office, and other material evidence before finding that the transactions had been fraudulently obtained.
- Applying Section 100 CPC, the High Court held that concurrent findings of fact cannot ordinarily be reopened merely because another interpretation of the evidence is possible. Since the Trial Court and First Appellate Court had considered the relevant evidence and their findings were not shown to be perverse or contrary to law, interference was unwarranted. Accordingly, the Court dismissed the second appeal, upheld the validity of the adoption and cancellation of the disputed sale deeds, and directed the appellants to bear the costs of the appeal.

Key Takeaways for CLAT Aspirants

1. Section 2 of HAMA: Persons Governed by the Hindu Adoptions and Maintenance Act

Section 2 identifies the persons to whom the Hindu Adoptions and Maintenance Act, 1956 applies. Its scope includes Hindus in different forms and traditions, including followers of the Arya Samaj, as well as Buddhists, Jains, and Sikhs under the statutory framework. The provision also recognises legitimate and illegitimate children within the applicable categories. Birth outside marriage is therefore not, by itself, a reason to exclude a child from the legislation.

2. Sections 6 and 7 of HAMA: Requisites of Adoption and Capacity of a Hindu Male

Section 6 lays down the essential requirements for a valid adoption, including the capacity of the person adopting, the capacity of the person giving the child in adoption, the eligibility of the child, and compliance with other statutory conditions. Section 7 governs the capacity of a Hindu male to take a child in adoption. An adoption must satisfy these requirements as applicable on the date when it was performed.

3. Section 9 of HAMA: Persons Competent to Give a Child in Adoption

Section 9 regulates who may legally give a child in adoption and the conditions governing that power. In the present case, the Court examined the legal position applicable in 1970 and accepted the biological mother's capacity to give the child in adoption. It clarified that Section 9(4), concerning guardians acting in specified exceptional circumstances with court permission, was not the correct basis for validating this adoption.

4. Section 10 of HAMA: Persons Capable of Being Adopted

Section 10 prescribes conditions governing the eligibility of a person to be adopted. The child must be Hindu, must not already have been adopted, and must ordinarily be unmarried and below fifteen years of age, subject to applicable customary exceptions. The provision contains no express disqualification based on birth outside marriage. Therefore, such a child's eligibility depends on compliance with the statutory conditions.

5. Section 11(i) of HAMA: Restriction on Adoption of a Son

Section 11(i) places restrictions on adopting a son where the prospective adoptive parent already has a Hindu son, son's son, or son's son's son through the relationships specified in the provision. In this

judgment, the High Court held that the restriction did not prohibit Badlu from adopting his own biological son born outside marriage. The ruling must be understood in the context of the child's legal status and the other statutory requirements governing adoption.

6. Section 11(vi) of HAMA: Requirement of Actual Giving and Taking

Section 11(vi) requires the child to be actually given and taken in adoption with the intention of transferring the child from the family of birth to the adoptive family. In *Lakshman Singh Kothari v. Rup Kanwar*, the Supreme Court emphasised that this act is central to a valid adoption. A particular elaborate ceremony is not invariably required, but a genuine act establishing the intended transfer must be proved.

7. Section 12 of HAMA: Legal Effects of a Valid Adoption

Section 12 provides that an adopted child is deemed to be the child of the adoptive parent for all purposes from the date of adoption. The child's ties with the family of birth are ordinarily severed and replaced by those of the adoptive family, subject to statutory exceptions concerning marriage, previously vested property, and related obligations. These legal consequences do not independently establish a prohibition against the adoption considered in this case.

8. Section 16 of HAMA and Documentary Evidence of Adoption

Section 16 concerns the evidentiary significance of registered documents recording adoption. The present judgment also considered a special documentary requirement introduced through an amendment applicable to adoptions made on or after 1 January 1977 in Uttar Pradesh. Since the disputed adoption occurred in 1970, that later requirement did not apply. The Court therefore accepted that the giving and taking of the child could be established through other legally admissible evidence.

9. Registration Act, 1908: Registered Sale Deeds and Allegations of Fraud

Sections 58, 59, and 60 of the Registration Act govern important aspects of registration endorsements and certificates. Registration has evidentiary significance but does not conclusively establish the voluntary character or genuineness of every underlying transaction. Where fraud, undue influence, or lack of conscious consent is alleged, a civil court may examine the surrounding circumstances and relevant evidence. Sections 91 and 92 of the Indian Evidence Act do not make a registered instrument immune from such challenges.

10. Section 100 CPC: Scope of Second Appeal and Concurrent Findings of Fact

Section 100 CPC restricts the jurisdiction of the High Court in second appeals to matters involving substantial questions of law. Concurrent findings of fact ordinarily cannot be disturbed merely because another assessment of the evidence is possible. Interference may be justified where findings are perverse, unsupported by evidence, based on a misreading of material evidence, or affected by a substantial legal error. In this case, the High Court found no such defect warranting interference with the lower courts' findings.



Practice Questions

1. Leher, a child's biological mother, physically hands over the child to Eklavya, the prospective adoptive parent, in the presence of witnesses. Both intend that the child become a member of Eklavya's family. A relative subsequently challenges the adoption because no elaborate religious ceremony was performed. Assuming all other statutory conditions are satisfied, which conclusion is legally sustainable under Section 11(vi) of HAMA?

- (a) The adoption is invalid because elaborate ceremonies are necessary for every transfer.
- (b) A declaration of intention alone is sufficient without any actual transfer.
- (c) The presence of witnesses establishes adoption irrespective of giving and taking.
- (d) The actual transfer with the required intention may establish a valid adoption.

2. Rishika executes a registered sale deed transferring agricultural property to Naman. She subsequently challenges the transaction, alleging that she signed under undue influence without conscious consent. Naman argues that the registration certificate and official endorsements conclusively establish the transaction's validity and prevent examination of the surrounding circumstances. Which conclusion is legally sustainable?

- (a) Registration conclusively establishes voluntary execution despite allegations of undue influence.
- (b) The civil court may examine the alleged undue influence despite registration.
- (c) Sections 91 and 92 of the Evidence Act prohibit challenges to registered transactions.
- (d) The deed may be questioned only if the registration endorsements contain procedural errors.

3. Consider the following statements regarding Section 10 of the Hindu Adoptions and Maintenance Act, 1956:

- i. A child who has already been adopted may undergo another adoption if the prospective parent consents.
- ii. The child must be Hindu to satisfy the statutory eligibility requirements.
- iii. Birth outside marriage automatically disqualifies a child from being adopted.
- iv. The age and marital-status requirements are subject to applicable customary exceptions.

Which of the above statements are correct?

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

4. Examine the following situations involving concurrent findings of fact. Which situation provides the strongest legal basis for interference by the High Court in a second appeal under Section 100 CPC?

- (a) Both courts prefer one witness's testimony over another after examining their accounts.
- (b) Both courts adopt one supported property valuation despite another reasonable estimate.
- (c) Both courts find ownership of Plot B established through a deed concerning only Plot A.
- (d) Both courts infer possession from revenue records despite another possible interpretation.

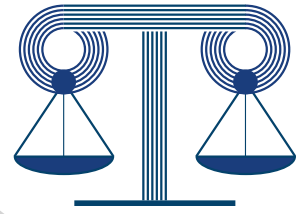
5. Which Section of the Hindu Adoptions and Maintenance Act, 1956 concerns the evidentiary significance of registered documents recording adoption?

- (a) Section 9
- (b) Section 16
- (c) Section 12
- (d) Section 10



HIGH COURT

Landmark Judgements

**18**

Does Conversion Automatically End Scheduled Tribe Status?

Background

- The petitioner, Nanhki @ Naimunnisha, claimed that she belonged by birth to the Bhuiyan Scheduled Tribe of Sonbhadra district, Uttar Pradesh. She relied upon her parentage, a Scheduled Tribe certificate issued by the Tehsildar, and her continued association with her native village to establish her tribal identity.
- The petitioner purchased agricultural land through three registered sale deeds dated 4 November 2011, 25 July 2017 and 26 November 2018. She asserted that the vendors belonged to the Gour Scheduled Tribe and that the transfers were valid because both the transferors and transferee were members of Scheduled Tribes.
- Revenue proceedings were subsequently initiated concerning the validity of these transactions under the statutory restrictions on transfer of Scheduled Tribe land. After issuing notice on 12 December 2025 and considering the petitioner's reply dated 7 January 2026, the Deputy Collector, Duddhi, passed three orders on 22 January 2026 declaring the transfers void and directing statutory consequences, including vesting of the land in the State Government.
- The State disputed the petitioner's continued Scheduled Tribe status, relying on evidence that she had married Sirajuddin according to Islamic rites, subsequently used the name Naimunnisha, lived with him for several decades, and had children named Ejajuddin and Haseena Bano. The family register also recorded her religion as

Case Details

Case Title:	Nanhki @ Naimunnisha v. State of U.P. and 3 Others
Court	Allahabad High Court
Citation:	2026 LiveLaw (AB) 705 Writ-C Nos. 17043, 17171 and 17214 of 2026
Bench	Justice Arun Kumar

Issue Before the Court

- Whether the writ petitions were maintainable under Article 226 of the Constitution despite the availability of a statutory revisional remedy under Section 210 of the Uttar Pradesh Revenue Code, 2006.
- Whether a person belonging to a Scheduled Tribe by birth automatically loses that status upon conversion or marriage into another religious community, or whether continued tribal identity must be established through an examination of customs, social practices, and community acceptance.
- Whether the disputed agricultural land transfers violated the

- Muslim. The State argued that these circumstances indicated a prolonged change in her religious and social identity.
- The petitioner denied having abandoned her Bhuiyan tribal identity and maintained that marriage to a person of another religion could not automatically terminate Scheduled Tribe status acquired by birth. She further contended that her caste certificate had never been cancelled, the registered transactions had remained unchallenged for years, and the revenue authorities had failed to evaluate the evidence fairly.
- Aggrieved by the Deputy Collector's orders, the petitioner approached the Allahabad High Court under Article 226 of the Constitution. The State raised a preliminary objection concerning the availability of revision under Section 210 of the Uttar Pradesh Revenue Code, 2006, while defending the findings on tribal identity and the statutory prohibition against the disputed land transfers.

statutory restrictions on alienation of Scheduled Tribe land, considering the petitioner's status on the dates of transfer, the applicable revenue legislation, and the evidentiary value of her caste certificate and registered sale deeds.

Judgement of the Court

- The Allahabad High Court first considered the State's objection that the petitioner should have pursued a revision under Section 210 of the Uttar Pradesh Revenue Code, 2006. It held that the availability of an alternative statutory remedy does not impose an absolute restriction on jurisdiction under Article 226. Since the dispute involved important questions concerning tribal identity and the applicable land-transfer legislation, the Court proceeded to examine the merits.
- Relying on *State of Kerala v. Chandramohan* and *Chinthada Anand v. State of Andhra Pradesh*, the Court observed that conversion to another religion does not automatically extinguish Scheduled Tribe status. Unlike the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Tribes) Order, 1950 does not impose a religion-based exclusion. Continued tribal status must therefore be determined through the individual's circumstances and community affiliation.
- The Bench explained that the relevant inquiry concerns whether the person continues to possess the essential attributes of tribal identity, including customary practices, traditions, social organisation, participation in community life, and acceptance by the concerned tribal community. It distinguished *Rameshbhai Dabhai Naika v. State of Gujarat*, which primarily concerned the tribal status of a child born from an inter-community marriage.
- Examining the evidence, the Court considered the petitioner's marriage to Sirajuddin, subsequent use of the name Naimunnisha, prolonged family life, the names of her children, and the entry concerning religion in the family register. It clarified that these circumstances were not individually conclusive but were relevant when assessed cumulatively in determining her continued association with the Bhuiyan community.
- The Court emphasised that the petitioner had not produced convincing material establishing continued participation in Bhuiyan customary practices, social relations, community life, or recognition by the concerned tribe. It rejected any rigid requirement that a person must demonstrate observance of every tribal custom, but held that the petitioner's assertions of continued tribal identity were insufficient against the cumulative evidence placed before the authority.
- Addressing the Scheduled Tribe certificate, the Bench acknowledged that certification by a competent authority constitutes relevant evidence of tribal status. However, it held that the certificate did not prevent examination of whether the petitioner continued to possess the requisite

- status on the dates of the transactions. The Court also considered the State's allegation that material circumstances concerning her subsequent religious and social identity had not been disclosed when certification was obtained.
- The Court clarified that registration of a sale deed does not confer a statutory status upon the purchaser or validate a transaction prohibited by substantive law. Similarly, revenue entries, mutation, and continued possession cannot independently establish the legality of a transfer where the applicable legislation restricts alienation of land belonging to Scheduled Tribe members.
- Examining the statutory framework, the Bench referred to Section 157-B of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, and the consequences prescribed under Sections 166 and 167. It distinguished these provisions from Sections 99, 104 and 105 of the Uttar Pradesh Revenue Code, 2006, emphasising that transactions must be examined under the legislation applicable when they occurred.
- The Court rejected the petitioner's objections concerning delay and natural justice. It observed that notice had been issued, a written reply had been received, and the relevant documentary evidence had been considered. The mere passage of time could not validate a transfer prohibited by law, while disagreement with the revenue authority's evaluation of evidence did not itself establish denial of a reasonable opportunity of hearing.
- Accordingly, the High Court held that the petitioner had failed to establish continued Bhuiyan Scheduled Tribe status on the relevant dates. It upheld the conclusion that the disputed transfers were prohibited under the statutory framework applied by the Court. Finding no sufficient ground for interference under Article 226, the Court dismissed all three writ petitions, affirmed the Deputy Collector's orders dated 22 January 2026, vacated the interim protection, and made no order as to costs.

Key Takeaways for CLAT Aspirants

1. Article 342 of the Constitution: Specification of Scheduled Tribes

Article 342 empowers the President to specify, by public notification, tribes or tribal communities recognised as Scheduled Tribes in relation to a State or Union Territory, subject to the prescribed constitutional requirements. Parliament may subsequently include or exclude communities through legislation. Article 366(25) defines Scheduled Tribes by reference to the communities deemed to be Scheduled Tribes under Article 342.

2. Constitution (Scheduled Tribes) Order, 1950: Absence of Religious Disqualification

The Constitution (Scheduled Tribes) Order, 1950 does not prescribe a general restriction based upon the religion followed by a person belonging to a notified Scheduled Tribe. This differs from the Constitution (Scheduled Castes) Order, 1950, which contains a specific religion-related condition. Consequently, conversion does not automatically result in the loss of Scheduled Tribe status.

3. Doctrine of Continuing Tribal Identity: Conversion and Community Membership

The determination of Scheduled Tribe status following conversion may require examining continued tribal customs, social practices, community relationships, and recognition by the concerned tribe. As discussed in *Chinthada Anand v. State of Andhra Pradesh* and *State of Kerala v. Chandramohan*, conversion alone is not decisive. The inquiry concerns whether the claimant continues to possess the

tribal identity relevant to recognition under the law.

4. Community Acceptance and Social Practices: Factual Assessment of Tribal Status

Tribal status cannot be determined through a rigid test requiring adherence to every customary practice or reliance on a single document recording religious identity. Courts must consider the evidence as a whole, including social organisation, community participation, customs, traditions, and acceptance. Marriage, a change of name, or religious affiliation must be assessed in context rather than treated as an automatic disqualification.

5. Scheduled Tribe Certificates: Evidentiary Value and Subsequent Scrutiny

A Scheduled Tribe certificate issued by a competent authority constitutes relevant evidence of recognised tribal status. However, the present judgment held that it does not necessarily foreclose examination of continuing community affiliation where subsequent material raises a relevant factual dispute. The legality of such scrutiny must be assessed according to the governing statutory framework and the circumstances of the case.

6. Section 157-B of the U.P. Zamindari Abolition and Land Reforms Act, 1950: Restriction on Tribal Land Transfers

Section 157-B restricted the transfer of land by specified Scheduled Tribe tenure-holders to persons who did not belong to a Scheduled Tribe. Its purpose was to protect tribal landholdings against alienation outside the protected community. The purchaser's statutory status was therefore relevant to the validity of a transaction covered by the provision.

7. Sections 166 and 167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950: Void Transfers and Their Consequences

Section 166 dealt with transfers rendered void because of contravention of specified statutory restrictions, while Section 167 prescribed consequences following such invalid transfers, including the statutory vesting of relevant interests. These provisions were intended to give effect to restrictions protecting certain categories of landholders. Registration of an instrument does not independently defeat a statutory declaration of invalidity.

8. Sections 99, 104 and 105 of the Uttar Pradesh Revenue Code, 2006: Protection of Land and Statutory Consequences

Section 99 contains restrictions concerning transfer of land by Scheduled Tribe tenure-holders, while Sections 104 and 105 address the legal consequences and enforcement framework concerning transfers prohibited by the Code. The provisions reflect the legislative objective of protecting specified agricultural landholdings. Their temporal applicability must be determined according to the commencement and transitional provisions governing the transaction.

9. Registration and Mutation: Distinction Between Documentary Records and Valid Title

Registration of a sale deed establishes that the document has undergone the prescribed registration process, but it does not automatically validate a transaction prohibited by law. Similarly, mutation and revenue entries ordinarily serve revenue and administrative purposes and do not independently confer

title. Where statutory restrictions govern land transfers, those restrictions must be satisfied irrespective of registration or possession.

10. Article 226 of the Constitution and Section 210 of the U.P. Revenue Code: Alternative Remedy

Article 226 empowers High Courts to issue appropriate writs for enforcing Fundamental Rights and other legal rights. The existence of an effective statutory remedy, such as revision under Section 210 of the Uttar Pradesh Revenue Code, ordinarily influences the exercise of writ jurisdiction. However, the alternative-remedy rule is discretionary rather than an absolute constitutional prohibition, particularly where substantial legal or jurisdictional questions arise



Practice Questions

1. Nirupama possesses a Scheduled Tribe certificate issued by a competent authority. During proceedings concerning her statutory entitlement, subsequent evidence raises questions about her continued affiliation with the recognised tribal community. Nirupama argues that the certificate conclusively establishes her status and prevents any further inquiry. Which conclusion is legally sustainable?
 - (a) The certificate must be cancelled whenever subsequent evidence raises doubts about affiliation.
 - (b) The certificate remains conclusive unless Parliament removes the community from the notified list.
 - (c) Further scrutiny may be undertaken under the governing law despite the existing certificate.
 - (d) Subsequent objections automatically eliminate the evidentiary value of the original certificate.

2. Apeksha, a Scheduled Tribe tenure-holder covered by Section 157-B of the U.P. Zamindari Abolition and Land Reforms Act, 1950, proposes to transfer agricultural land to Samar, who belongs to a Scheduled Caste but not a Scheduled Tribe. Samar argues that his recognised disadvantaged status should satisfy the statutory protection applicable to the transaction. Which conclusion is legally sustainable?
 - (a) The transfer remains restricted because Samar does not belong to a Scheduled Tribe.
 - (b) The transfer is permitted because Scheduled Caste status satisfies the statutory condition.
 - (c) The transfer is valid if Samar belongs to the same district as Apeksha.
 - (d) The restriction applies only where the purchaser belongs to an unrecognised community.

3. Consider the following statements regarding Article 342 of the Constitution:
 - i. The President may specify Scheduled Tribes for a State or Union Territory through public notification.
 - ii. Parliament may subsequently exclude a notified community through legislation.
 - iii. Article 366(25) authorises the Governor to independently revise the Scheduled Tribes list.
 - iv. A State executive department may add communities to the notified list through an administrative circular.Which of the above statements are correct?
 - (a) Statements i and iii only
 - (b) Statements ii and iv only
 - (c) Statements iii and iv only
 - (d) Statements i and ii only

4. Examine the following situations involving the availability of statutory revision under Section 210 of the Uttar Pradesh Revenue Code. Which situation presents the strongest ground for the High Court to consider exercising its writ jurisdiction despite the available alternative remedy?
 - (a) A claimant disputes the interpretation of conflicting revenue records and has not pursued revision.
 - (b) A revenue officer decides a dispute expressly outside the jurisdiction conferred by the governing law.
 - (c) A purchaser challenges a property valuation supported by one of two competing assessments.
 - (d) A litigant approaches the High Court merely to avoid the prescribed statutory revision procedure.

5. Which Section of the U.P. Zamindari Abolition and Land Reforms Act, 1950 prescribes the consequences of void transfers, including statutory vesting of relevant interests?

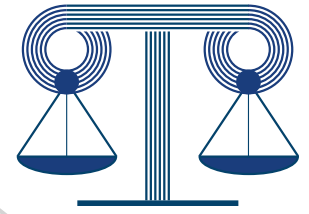


- (a) Section 167
- (b) Section 166
- (c) Section 157-B
- (d) Section 210



HIGH COURT

Landmark Judgements

**19**

Queer Partners Can Take Medical Decisions in Emergencies If Authorised by Patient

Background

- The petitioner, Arshiya Takkar, approached the Delhi High Court seeking guidelines recognising the non-heterosexual partner of a patient as an authorised medical representative. The petition concerned situations where a patient becomes incapacitated and cannot independently communicate consent or make decisions concerning medical treatment.
- Alternatively, the petitioner sought recognition of a medical power of attorney executed in advance by a competent adult in favour of their non-heterosexual partner. The proposed arrangement would permit the nominated partner to make specified healthcare decisions during treatment or medical emergencies, subject to the applicable legal framework.
- The petitioner questioned the interpretation and application of Clause 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. She contended that its reference to patients and specified family relationships did not expressly accommodate partners in queer relationships, potentially preventing them from participating in important medical decisions.
- Invoking Articles 14, 15 and 21 of the Constitution, the petitioner argued that excluding non-heterosexual partners from medical decision-making arrangements could result in unequal treatment and undermine personal dignity, privacy, autonomy and individual choice. The petition relied upon constitutional principles recognised in decisions concerning sexual orientation and personal relationships.

Case Details

Case Title:	Arshiya Takkar v. Union of India & Ors.
Court	Delhi High Court
Citation:	Writ Petition (Civil) No. 9553 of 2025
Bench	Justice Swarana Kanta Sharma

Issue Before the Court

- Whether a competent adult in a non-heterosexual relationship can nominate or authorise their partner to make healthcare decisions on their behalf in the event of incapacity, and whether excluding such partners solely because of the nature of their relationship would be inconsistent with constitutional protections.
- Whether existing medical regulations can be interpreted to recognise an authorised queer partner as a medical representative, including whether a partner without prior authorisation may be considered a caregiver or next friend in appropriate circumstances.

- During the proceedings, the Delhi High Court questioned the distinction between recognising the right of same-sex partners to maintain a relationship and denying them the choice to authorise each other for medical consent. In its order dated 20 August 2026, the Court also took note of a Union Health Ministry communication dated 22 August 2024 concerning the reduction of discrimination in healthcare services for LGBTQ+ persons.
- Subsequently, the Union Ministry of Health and Family Welfare and the NMC submitted that competent adults should be permitted to nominate partners, including those in non-heterosexual relationships, to participate in healthcare decisions if the patients subsequently become incapacitated. They maintained that such arrangements could substantially be accommodated within the existing legal and ethical framework, subject to appropriate safeguards.

Judgement of the Court

- The Union Government and the NMC submitted that a competent adult should be able to nominate a trusted partner to make healthcare decisions when the patient subsequently becomes incapable of doing so. They considered this arrangement substantially capable of accommodation within existing legal and medical ethics requirements, without making the recognition of the relationship conditional upon marriage.
- The Centre acknowledged the constitutional values of dignity, privacy, autonomy, equality and individual choice available to all persons, including members of the LGBTQIA+ community. It clarified that its response did not question the constitutional protection afforded to persons belonging to non-heterosexual relationships.
- The respondents maintained that where a competent adult has expressly nominated or authorised a partner, there is no medical or ethical justification for excluding that person merely because of their sex, gender, sexual orientation or absence of a conventionally recognised marital relationship.
- The Centre submitted that relationships involving care, emotional dependence and mutual responsibility are not confined to marriage or blood relationships. Existing administrative measures were cited to demonstrate that friends, close acquaintances and other trusted persons may have legitimate caregiving responsibilities, particularly when immediate family members are unavailable.
- Referring to Clause 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, the Centre suggested that its provisions concerning medical consent could be interpreted harmoniously with the broader legal framework. Such an interpretation should not automatically exclude a partner duly nominated by a competent adult merely because the relationship is non-heterosexual.
- The respondents emphasised that prior nomination provides an identifiable basis for recognising a patient's chosen representative. Where a patient has communicated their wishes before becoming incapacitated, those wishes should receive due consideration while determining who may act on the patient's behalf within the legally permitted scope.
- The Centre further submitted that where no prior nomination exists, a partner may still be considered in appropriate circumstances as a person in a relationship of care or as a next friend. Such consideration would remain subject to verification of the relationship, the circumstances of the medical situation and the safeguards required by applicable law.
- The respondents acknowledged that medical decision-making arrangements must preserve patient safety and due process. They did not propose an unrestricted entitlement for partners to

- consent to every form of treatment, instead recognising that the authority to make decisions must depend upon the nature of the procedure, the patient's wishes and applicable legal requirements.
- The Centre's submissions drew attention to government measures addressing discrimination in healthcare access. These included recognition of the role that friends and close acquaintances may perform in decisions concerning terminally ill patients where near relatives or immediate family members are unavailable. The proposed recognition of nominated queer partners was presented as a compatible extension of this approach.
- Accordingly, the Union Government and the NMC urged that the petitioner's requests be examined within the existing statutory, ethical and constitutional framework. Their position supported consideration of nominated partners for medical decision-making while leaving the final determination of the petition, the scope of authorisation and any necessary safeguards to the Delhi High Court.

Key Takeaways for CLAT Aspirants

1. Article 14 of the Constitution: Equality Before the Law

Article 14 guarantees equality before the law and equal protection of the laws. It prohibits arbitrary State action and requires classifications to rest on constitutionally acceptable grounds. In the context of healthcare administration, distinctions between persons seeking recognition as authorised patient representatives may raise questions of equality where relevant circumstances are materially comparable.

2. Article 15 of the Constitution: Prohibition of Discrimination

Article 15 prohibits specified forms of discrimination, including discrimination on the ground of sex, subject to its constitutional framework. In *Navej Singh Johar v. Union of India*, the Supreme Court recognised constitutional protection against discrimination based on sexual orientation. The petitioner relied on these principles to challenge the alleged exclusion of non-heterosexual partners from medical representation arrangements.

3. Article 21 of the Constitution: Dignity, Autonomy and Personal Liberty

Article 21 protects life and personal liberty and encompasses important dimensions of human dignity, bodily autonomy and privacy. Decisions concerning medical treatment are closely connected with an individual's control over their own body and personal affairs. The present petition raises the question of how these constitutional protections should operate when a patient wishes to authorise a trusted partner to make decisions during incapacity.

4. Clause 7.16 of the IMC Regulations, 2002: Medical Consent and Professional Ethics

Clause 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, is central to the petition because of its provisions concerning consent for medical procedures. The Centre proposed a harmonious interpretation that would not exclude a duly authorised partner because of sexual orientation or marital status. Whether and how such recognition operates under the applicable regulatory framework remains a matter requiring legal determination.

5. Doctrine of Informed Consent: Patient's Authority Over Medical Treatment

Informed consent requires that a patient capable of making decisions receive relevant information about a proposed medical intervention and voluntarily authorise it. The doctrine protects bodily integrity and medical autonomy. Where the patient lacks decision-making capacity, the identification of an appropriate representative depends upon the nature of treatment, relevant legal requirements and any valid prior expression of the patient's wishes.

6. Advance Medical Authorisation: Nomination of a Healthcare Representative

Advance authorisation involves a competent person expressing preferences or identifying a trusted individual to act in specified future circumstances. The petition concerns whether a nomination or medical power of attorney executed in favour of a non-heterosexual partner can be recognised when the patient becomes incapacitated. Such recognition must be distinguished from an unrestricted legal power to authorise all forms of medical intervention.

7. Concept of Next Friend: Representation of a Person Unable to Act Independently

A next friend is a person who may represent or assist another person who cannot independently protect their interests in specified legal or procedural circumstances. The Centre suggested that a queer partner without prior nomination might be considered in an appropriate caregiving or next-friend capacity. This submission does not establish that every next friend automatically possesses authority to consent to medical treatment.

8. Navtej Singh Johar v. Union of India (2018): Constitutional Protection of Sexual Orientation

In this landmark judgment, the Supreme Court held that criminalising consensual sexual conduct between adults of the same sex was unconstitutional. It affirmed principles of dignity, privacy, equality and autonomy, recognising the constitutional significance of sexual orientation. These principles provide an important foundation for evaluating discriminatory treatment of persons in non-heterosexual relationships.

9. Justice K.S. Puttaswamy (Retd.) v. Union of India (2017): Right to Privacy

The nine-judge Constitution Bench recognised privacy as a fundamental right protected by the Constitution, including under Article 21. Privacy encompasses bodily integrity, decisional autonomy and intimate personal choices. In healthcare settings, these principles are relevant to the confidentiality of medical information and the patient's authority to make personal decisions, including decisions concerning trusted caregivers.

10. Supriyo @ Supriya Chakraborty v. Union of India (2023): Recognition of Queer Relationships

In the same-sex marriage litigation, the Supreme Court declined to judicially confer the legal status of marriage upon queer couples under the existing marriage legislation. However, constitutional protection of intimate relationships is distinct from statutory marriage recognition. The present petition raises a narrower question concerning healthcare representation and whether an adult patient's chosen partner may be recognised for specified medical decisions without requiring a legally recognised marriage.



Practice Questions

1. At a government hospital, Shalmali nominates her female partner, Tvesha, for consideration as her healthcare representative. The hospital considers nominations from unmarried heterosexual partners under an existing review procedure but refuses to consider Shalmali's nomination solely because of her sexual orientation. Which conclusion is most consistent with Article 15 of the Constitution?

- (a) The hospital may exclude same-sex partners whenever their relationships lack marital recognition.
- (b) Constitutional protection requires automatic approval of every healthcare representative nominated by a patient.
- (c) The exclusion raises a constitutional discrimination concern without automatically establishing medical decision-making authority.
- (d) The nomination may be assessed only under hospital regulations without considering constitutional discrimination.

2. Arohi, a patient receiving treatment at a government hospital, requests that her sensitive medical information remain confidential. Despite this request, hospital administrators publicly disclose details of her treatment and personal medical choices without identifying any lawful justification. Arohi challenges the disclosure under Article 21. Which conclusion is legally sustainable?

- (a) Constitutional protection applies only where the disclosure causes physical injury.
- (b) The disclosure is valid because public hospitals possess administrative control over records.
- (c) Privacy concerns arise only when the patient is denied access to medical treatment.
- (d) The disclosure raises concerns involving dignity, privacy, and personal autonomy under Article 21.

3. Consider the following statements regarding *Supriyo @ Supriya Chakraborty v. Union of India* (2023):

- i. The Supreme Court declined to judicially confer the legal status of marriage upon queer couples under the existing marriage legislation.
- ii. The judgment treated constitutional protection of intimate relationships as identical to statutory recognition of marriage.
- iii. Recognition of a chosen partner for specified healthcare decisions presents a narrower question than conferring marital status.
- iv. The judgment established that legally recognised marriage is necessary for every healthcare representation arrangement.

Which of the above statements are correct?

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

4. Examine the following situations involving consent to medical treatment. Which situation most clearly satisfies the requirements of informed consent?

- (a) A patient signs an authorisation without receiving relevant information about the proposed intervention.

- (b) A competent patient receives relevant information and voluntarily authorises the proposed treatment.
- (c) A relative authorises treatment despite the capable patient's expressed refusal of the procedure.
- (d) A clinician relies on assumed past wishes when treating an incapacitated patient without verified authorisation.

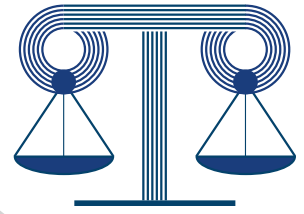
5. Which of the following is the regulatory provision identified as governing medical consent under the Indian Medical Council Regulations, 2002?

- (a) Article 15 of the Constitution
- (b) Article 21 of the Constitution
- (c) Clause 7.16 of the IMC Regulations
- (d) Navtej Singh Johar v. Union of India



HIGH COURT

Landmark Judgements



20

No Written Grounds of Arrest not an Automatic Ground for Bail

Background

- The applicant, Raju Sonker, was implicated in Crime No. 47 of 2026, registered under Sections 296(b), 109(1), 103(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, and Section 25 of the Arms Act. The case arose from an incident involving a fatal knife attack in Jabalpur on 20 January 2026.
- According to the prosecution, the applicant and a co-accused confronted the deceased outside his residence over a previous dispute. When the deceased protested against verbal abuse, the applicant allegedly restrained him from behind while the co-accused stabbed him in the right armpit. The deceased was taken to hospital but was subsequently declared dead.
- The applicant, who was recorded as being in custody since 22 January 2026, filed his first bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. He argued that the fatal knife blow was attributed to the co-accused and that the trial would require considerable time to conclude.
- The applicant further contended that the police had failed to communicate the grounds of arrest in writing, either when he was arrested or before his production for remand. He maintained that the arrest memo merely contained standardised reasons rather than individualised grounds of arrest, thereby violating Article 22(1) of the Constitution and Section 47 BNSS.
- The State opposed bail, asserting that the applicant had actively participated in the incident by restraining the deceased while the co-accused attacked him. It relied upon medical evidence

Case Details

Case Title:	Raju Sonker v. State of Madhya Pradesh
Court	Madhya Pradesh High Court, Jabalpur Bench
Citation:	2026:MPHC-JBP:75189 2026 LiveLaw (MP) 386 MCRC No. 32331 of 2026
Bench	Justice Amit Lahoti

Issue Before the Court

- Whether failure to furnish written grounds of arrest in compliance with Article 22(1) of the Constitution and Section 47 BNSS warranted the applicant's release on bail, particularly when he was aware of the allegations and had not established prejudice arising from the omission.
- Whether the applicant was entitled to bail under Section 483 BNSS considering the gravity of the alleged murder, his attributed participation, the supporting medical evidence and his criminal antecedents.

- corroborating the prosecution allegations and informed the Court that approximately 25 criminal cases had been registered against the applicant. The defence responded that he had been acquitted in some of those cases.
- The High Court examined the bail application in light of the seriousness of the alleged offence, the applicant's role, his criminal antecedents and the constitutional requirement to communicate grounds of arrest. It considered the Supreme Court's decisions in *Prabir Purkayastha*, *Vihaan Kumar*, *Mihir Rajesh Shah* and *State of Karnataka v. Sri Darshan*.

Judgement of the Court

- The Madhya Pradesh High Court examined the bail application under Section 483 BNSS, considering the prosecution's allegation that the applicant participated in the incident resulting in the deceased's death. Although the fatal knife injury was attributed to the co-accused, the applicant was alleged to have physically restrained the deceased while the attack occurred.
- The Bench observed that the prosecution allegations concerning the applicant's participation were supported by the medical evidence. It considered the seriousness of the murder charge under Section 103 BNS and concluded that the applicant did not deserve bail on the merits of the accusation.
- The Court also considered the applicant's criminal antecedents. The State had reported approximately 25 registered criminal cases against him, although the defence submitted that he had been acquitted in some. The Bench treated these antecedents, together with the gravity of the allegations and the applicant's attributed role, as relevant considerations when assessing bail.
- Addressing the constitutional objection, the Court examined the requirement under Article 22(1) that an arrested person be informed of the grounds of arrest. It considered the applicant's contention that neither an appropriate written communication nor an individualised statement of grounds had been furnished before remand.
- Referring to *Mihir Rajesh Shah v. State of Maharashtra*, the Court acknowledged that the grounds of arrest must be communicated in writing. Where immediate written communication is impracticable, the Supreme Court had prescribed subsequent supply within a reasonable period and at least two hours before production before the Magistrate for remand.
- The Bench expressly found that the grounds of arrest had not been supplied to the applicant in writing. It recognised that this omission constituted a violation of Article 22(1) and the requirements explained in *Mihir Rajesh Shah*. However, it proceeded to consider whether that violation required granting bail in the particular circumstances.
- The Court relied upon the prejudice-oriented approach discussed in *State of Karnataka v. Sri Darshan*. It observed that the applicant knew the reasons for his arrest, had legal representation from the outset and had applied for bail shortly after arrest. The Bench found no material demonstrating that the absence of written grounds had caused identifiable prejudice to his defence.
- The Court further noted that the applicant had not raised the objection concerning Section 47 BNSS at earlier stages of the proceedings. It observed that the alleged non-compliance had not been identified as a ground in the earlier bail application and that the applicant had not demonstrated how the omission had affected his opportunity to defend himself.

- While recognising personal liberty as a significant constitutional value, the Bench considered the competing considerations arising from the seriousness of the alleged offence and the applicant's criminal background. It concluded that the established omission in communicating written grounds did not, by itself, justify granting bail when the remaining circumstances weighed against release.
- Accordingly, the High Court dismissed the bail application, holding that the applicant was not entitled to bail on the merits and that the violation concerning written grounds of arrest did not warrant the requested relief in the circumstances considered. The order concerned bail and did not determine the applicant's guilt. Its constitutional reasoning must also be read against the subsequent Supreme Court decision in *Jaskaran Jeet Singh Deol v. State of Punjab*, discussed below.

Key Takeaways for CLAT Aspirants

1. Article 22(1) of the Constitution: Grounds of Arrest and Legal Representation

Article 22(1) guarantees an arrested person the right to be informed of the grounds of arrest as soon as may be, along with the right to consult and be defended by a legal practitioner of their choice. The safeguard enables the arrested person to understand the basis of detention, challenge the arrest and seek appropriate judicial remedies.

2. Article 21 of the Constitution: Right to Life and Personal Liberty

Article 21 prohibits deprivation of life or personal liberty except according to procedure established by law. Arrest and detention must comply with constitutional standards of fairness and legality. The seriousness of an alleged offence is relevant to ordinary bail considerations but does not dispense with mandatory constitutional safeguards governing arrest.

3. Section 47 BNSS: Communication of Grounds of Arrest

Section 47 BNSS corresponds to Section 50 CrPC and requires the arresting officer to communicate the grounds of arrest to a person arrested without a warrant. It also provides for informing eligible arrestees of their right to bail. The provision reinforces the constitutional protection under Article 22(1) and must be read in light of the Supreme Court's interpretation of meaningful communication.

4. *Mihir Rajesh Shah v. State of Maharashtra* (2025): Written Grounds of Arrest

The Supreme Court held that written grounds of arrest must be furnished in a language understood by the arrested person. Where exceptional circumstances prevent immediate written communication, the grounds may initially be conveyed orally but must be furnished in writing within a reasonable time and no later than two hours before production for remand. Non-compliance renders the arrest and subsequent remand illegal.

5. Section 483 BNSS: Special Powers of the High Court and Court of Session Regarding Bail

Section 483 BNSS corresponds to Section 439 CrPC and confers specified bail-related powers on the High Court and Court of Session. While considering regular bail, courts assess relevant circumstances such as the nature of the accusation, supporting material, risk of interference with proceedings and criminal antecedents. These ordinary considerations must remain distinct from remedies for

unconstitutional arrest.

6. Section 103(1) BNS: Punishment for Murder

Section 103(1) BNS prescribes death or imprisonment for life, together with liability to fine, for murder. The serious punishment reflects the gravity of the offence and is relevant when evaluating applications for bail. However, an accusation under this provision does not establish guilt, which must be determined through the prescribed criminal trial.

7. Section 3(5) BNS: Criminal Acts Done in Furtherance of Common Intention

Section 3(5) BNS provides for joint liability where a criminal act is done by several persons in furtherance of their common intention. Liability does not necessarily depend upon every participant performing the same physical act. In the present case, the allegation that the applicant restrained the deceased while another person inflicted the knife injury was relevant to assessing his alleged participation.

8. State of Karnataka v. Sri Darshan (2025): Prejudice-Oriented Approach

In Sri Darshan, the Supreme Court considered whether delay or defects in communicating the grounds of arrest justified bail and applied a prejudice-oriented approach to the facts before it. The Madhya Pradesh High Court relied upon this reasoning while observing that the applicant knew the accusations and had legal representation. However, that approach must be distinguished from the later Supreme Court clarification concerning failure to furnish mandatory written grounds.

9. Jaskaran Jeet Singh Deol v. State of Punjab (2026): Release Following Unconstitutional Arrest

On 21 October 2026, the Supreme Court reaffirmed that failure to comply with the constitutional requirement to furnish written grounds of arrest invalidates the arrest and remand. It expressly rejected the requirement to demonstrate prejudice once a violation of Article 22(1) is established. It further held that release from unconstitutional detention is distinct from ordinary bail and prescribed judicial safeguards for any subsequent re-arrest.

10. Article 141 of the Constitution: Binding Nature of Supreme Court Decisions

Article 141 provides that the law declared by the Supreme Court is binding on all courts within India. Consequently, where a High Court's reasoning is inconsistent with a subsequent controlling Supreme Court pronouncement, the Supreme Court's authoritative statement of law must be followed. The distinction is especially important where constitutional safeguards governing personal liberty are concerned.



Practice Questions

1. Vatsala is arrested and promptly informed of the grounds of arrest. She requests permission to consult a legal practitioner of her choice, but the police refuse and offer access only to a lawyer selected by them. The officers argue that communicating the grounds of arrest has already satisfied her constitutional rights. Which conclusion is legally sustainable under Article 22(1)?

- (a) Communication of arrest grounds removes the separate entitlement to consult legal counsel.
- (b) Police may select the lawyer when some form of legal assistance remains available.
- (c) Consultation with a chosen lawyer becomes necessary only after charges are framed.
- (d) Denial of her chosen lawyer violates a separate constitutional safeguard despite disclosure of grounds.

2. Mrunal and Tejasvi jointly decide to destroy important business records belonging to another company. Acting under their agreement, Mrunal gains access to a secured room and enables Tejasvi to enter, where Tejasvi destroys the records. Mrunal argues that she cannot incur criminal liability because she never physically damaged the records. Which conclusion best applies Section 3(5) BNS?

- (a) Joint liability requires each participant to perform the prohibited physical act.
- (b) Both may incur liability because their actions furthered the shared criminal intention.
- (c) Presence near the offence establishes joint liability regardless of common intention.
- (d) Criminal responsibility rests only with the person performing the final damaging act.

3. Consider the following statements regarding Section 483 BNSS:

- i. The High Court and Court of Session possess specified powers concerning bail.
- ii. The nature of the accusation and supporting material are relevant considerations for regular bail.
- iii. The possibility of interference with proceedings and criminal antecedents may influence bail decisions.
- iv. A court must conclusively determine the accused's guilt before considering regular bail.

Which of the above statements are correct?

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

4. Examine the following situations involving communication of grounds of arrest. Which situation complies with the requirements stated in *Mihir Rajesh Shah v. State of Maharashtra* (2025)?

- (a) Police orally communicate the grounds for convenience and provide written grounds three hours before remand.
- (b) Police provide written grounds in an unfamiliar language and explain them orally without supplying a translation.
- (c) An exceptional emergency prevents immediate written delivery; oral grounds are followed by written grounds in an understood language within a reasonable time, three hours before remand.
- (d) An exceptional emergency prevents written delivery; police communicate orally and furnish written grounds forty-five minutes before remand.

5. Which provision of the Bharatiya Nyaya Sanhita, 2023 prescribes death or imprisonment for life, together with liability to fine, for murder?

- (a) Section 3(5) BNS
- (b) Section 103(1) BNS
- (c) Section 47 BNSS
- (d) Section 483 BNSS

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.



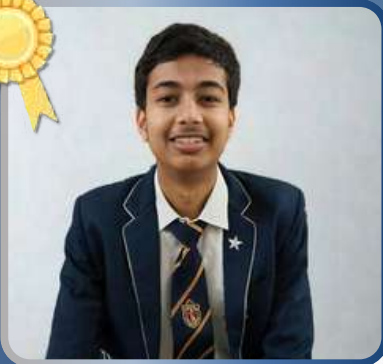
DAIWIK AGARWALA

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. Certiorari Jurisdiction u/A 226 Can Quash Grossly Perverse Tribunal Findings

1. Correct Answer: (c) Meera must establish the facts supporting her asserted entitlement.

Reference Line: "A person asserting a legal right must ordinarily establish the facts necessary to sustain that claim."

Explanation:

(a) Incorrect. The society's denial of Meera's membership does not, by itself, transfer the initial burden of establishing her entitlement to the society. Since Meera asserts the legal right, she must establish the facts necessary to support it through legally admissible evidence.

(b) Incorrect. The supplied burden-of-proof principle does not recognise a presumption of membership merely because an individual asserts such a status. Meera cannot require the Registrar to accept her claim in the absence of supporting evidence establishing the disputed entitlement.

(c) Correct. Meera claims a statutory entitlement arising from her alleged membership, making proof of that membership essential to her case. As she has produced neither documentary records nor other legally admissible evidence, her unsupported assertion does not discharge the burden placed upon her.

(d) Incorrect. The burden of proof is determined by the legal claim being asserted, rather than by comparing how many records each party possesses. Although documentary evidence is important in establishing membership, the society's possession of records does not automatically shift Meera's obligation to prove her claim.

2. Correct Answer: (a) An appeal remains available under Section 76 for the specified order.

Reference Line: "Section 76 established an appellate mechanism for specified decisions and orders under the Act."

Explanation:

(a) Correct. Section 61 provides a statutory mechanism for resolving specified co-operative society disputes through the Registrar, while Section 76 establishes an appellate mechanism for specified decisions and orders. Since Kavya's disputed order falls within the category covered by Section 76, the specialised nature of the original adjudication does not prevent the statutory appeal.

(b) Incorrect. Section 61 concerns the resolution of specified disputes involving the constitution, management, or business of co-operative societies through the Registrar. It is Section 76, rather than Section 61, that establishes the appellate mechanism for decisions and orders covered by the Act.

(c) Incorrect. The availability of constitutional judicial review does not, under the supplied principle, displace the appellate remedy expressly established by Section 76. Specialised adjudicatory and appellate mechanisms may operate within the statutory framework while their decisions remain subject to constitutional judicial review.

(d) Incorrect. Registrar-led dispute resolution does not make every resulting decision immune from further legal scrutiny. The Act establishes an appellate mechanism for specified orders, and the decisions of specialised authorities remain subject to constitutional judicial review within applicable limitations.

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

Reference Line: "Article 226 empowers High Courts to issue directions, orders, and writs for the enforcement of Fundamental Rights and other legal rights."

Explanation:

- (a) Incorrect. Statement i is correct because Article 226 permits High Courts to issue directions and orders for enforcing both Fundamental Rights and other legal rights. However, Statement ii reverses the constitutional distinction because Article 226 has a wider scope than Article 32 regarding the categories of rights enforceable through writ jurisdiction.
- (b) Incorrect. Statement ii incorrectly attributes the wider scope of rights enforcement to Article 32 rather than Article 226. Statement iv is also incorrect because the amenability of an authority's decisions to judicial review does not eliminate the constitutional and jurisdictional limitations governing a High Court's exercise of power.
- (c) Incorrect. Statement iii correctly recognises that authorities whose decisions are amenable to judicial review may be subject to writ jurisdiction under Article 226. Statement iv incorrectly treats amenability to judicial review as removing territorial restrictions, although the supplied principle expressly preserves constitutional and jurisdictional limitations.
- (d) Correct. Statement i accurately recognises the High Court's authority to enforce legal rights beyond Fundamental Rights through directions and orders. Statement iii also reflects the principle that decisions of authorities amenable to judicial review may be examined under Article 226, subject to the relevant constitutional and jurisdictional limitations.

4. Correct Answer: (b) An adjudicator adopts one supported interpretation of disputed testimony.

Reference Line: "The reviewing court examines the legality of the decision rather than functioning as an appellate authority."

Explanation:

- (a) Incorrect. A tribunal's refusal to decide a matter within its jurisdiction may amount to a failure to exercise jurisdiction. This is an expressly recognised ground for issuing certiorari because the defect concerns the lawful exercise of adjudicatory authority rather than disagreement over the factual outcome.
- (b) Correct. Where an adjudicator adopts an interpretation of testimony that has evidentiary support, the existence of another possible interpretation does not, by itself, establish a reviewable legal defect. Certiorari examines the legality of an adjudicatory decision rather than providing another opportunity to reassess disputed evidence.
- (c) Incorrect. An incorrect legal principle apparent from the adjudicatory order may constitute an error of law apparent on the record. Such an error is an established ground for certiorari because judicial intervention concerns the legality of the decision-making process rather than a fresh determination of disputed facts.
- (d) Incorrect. A violation of natural justice is expressly recognised as a ground for certiorari. Where an adjudicating authority reaches its decision through a process affected by such a violation, judicial scrutiny may be justified independently of whether its factual conclusions appear otherwise sustainable.

5. Correct Answer: (c) Equitable relief considers competing rights without creating entitlements contrary to statute.

Reference Line: "Equitable relief also requires consideration of competing legal entitlements and potential prejudice to others, but fairness cannot ordinarily be used to create a right contrary to statutory requirements."

Explanation:

(a) Incorrect. Substantial hardship may be relevant to equitable considerations, but it does not ordinarily authorise the creation of a legal entitlement contrary to statutory requirements. The existence of difficult personal circumstances does not remove the need to establish the legal conditions governing the claimed right.

(b) Incorrect. The supplied principle expressly requires consideration of competing legal entitlements and potential prejudice to other persons. A claimant's urgent need cannot, by itself, justify disregarding the legal interests of others when determining whether equitable relief should be granted.

(c) Correct. Equitable relief requires a balanced assessment of relevant legal entitlements, fairness, and possible prejudice to affected parties. However, this assessment must respect statutory requirements and cannot ordinarily be used to recognise a right that the governing legal framework does not permit.

(d) Incorrect. Procedural fairness concerns the lawful and fair consideration of claims, but it does not authorise adjudicators to disregard substantive statutory requirements. An adjudicatory process may be procedurally fair while the claimant remains unable to establish the statutory entitlement necessary for the requested relief.

2. Section 362 CrPC Does Not Curtail High Court's Inherent Power to Recall

Judgment

1. Correct Answer: (b) The jurisdictional defect may undermine fairness despite his participation.

Reference Line: "Criminal proceedings must comply with applicable jurisdictional requirements and statutory safeguards."

Explanation:

(a) Incorrect. The opportunity to present evidence is relevant to procedural fairness, but it does not automatically cure a defect concerning the court's lawful authority to adjudicate. Article 21 requires criminal proceedings to comply with applicable jurisdictional requirements and statutory safeguards. Devansh's participation cannot independently establish the validity of proceedings conducted without the required jurisdiction.

(b) Correct. Article 21 requires the deprivation of personal liberty to follow a just, fair, and reasonable procedure established by law. A jurisdictional defect may fundamentally affect the validity of criminal adjudication even where the accused was heard. Therefore, Devansh's conviction may require judicial correction notwithstanding his participation in the proceedings.

(c) Incorrect. Evidentiary reliability is relevant to the factual basis of a conviction, but constitutional procedural fairness also requires compliance with jurisdictional requirements. A court's consideration of reliable evidence does not resolve whether it possessed the legal authority to adjudicate the matter. The

option overlooks this independent procedural requirement.

(d) Incorrect. The legality of criminal proceedings does not depend merely on whether particular evidence was excluded. Jurisdiction concerns the authority to conduct adjudication, while evidentiary safeguards concern another aspect of the proceedings. A jurisdictional defect may therefore raise an Article 21 issue independently of evidentiary exclusion.

2. Correct Answer: (d) Providing false information with the stated intention may attract criminal liability.

Reference Line: "Section 201 IPC, corresponding to Section 238 BNS, criminalises causing the disappearance of evidence of an offence or providing false information with the intention of screening an offender from legal punishment."

Explanation:

(a) Incorrect. Section 201 IPC does not require the person providing false information to have participated in the underlying offence. The relevant requirements concern the occurrence of an offence, the person's knowledge or reason to believe it occurred, and the intention to screen the offender. Charvi's absence from the original offence does not exclude liability.

(b) Incorrect. The provision recognises causing disappearance of evidence and providing false information as alternative forms of prohibited conduct. Liability does not require both activities to occur together. Charvi's deliberate false account may satisfy the relevant conduct requirement despite her not concealing any physical evidence.

(c) Incorrect. Knowledge that an offence occurred is an important requirement, but it does not independently establish liability under the supplied provision. The requisite intention to shield the offender from legal punishment must also be established. Charvi's conduct satisfies this additional element because her fabricated account was intended to protect the offender.

(d) Correct. Charvi knowingly supplied false information about an established offence with the intention of preventing the offender from facing legal punishment. The relevant provision criminalises such conduct when the prescribed knowledge and intention are established. Her lack of participation in the original offence and absence of physical concealment do not defeat liability.

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

Reference Line: "Article 15(3) permits special provisions for women and children, while Articles 39(e) and 39(f) direct the State to protect children from exploitation and ensure their healthy development in conditions of freedom and dignity."

Explanation:

(a) Correct. Statement i accurately identifies the enabling function of Article 15(3), which permits special provisions for women and children. Statement iii correctly describes the protective objectives of Articles 39(e) and 39(f), including protection from exploitation and healthy development in dignity. Both statements reflect the constitutional framework supplied.

(b) Incorrect. Statement i correctly describes the power recognised under Article 15(3). However, Statement ii incorrectly extends Article 45 to children below eighteen years. The supplied principle specifically associates Article 45 with early childhood care and education for children below six years, making the proposed combination incorrect.

(c) Incorrect. Statement ii misidentifies the age group addressed by Article 45, which concerns children below six years. Statement iv also incorrectly attributes the specific subject of early childhood education

to Article 15(3). That provision permits special measures for women and children rather than specifically governing early childhood education.

(d) Incorrect. Statement iii correctly identifies the protective and developmental objectives associated with Articles 39(e) and 39(f). However, Statement iv incorrectly characterises Article 15(3) as a provision specifically governing early childhood education. The supplied framework associates that educational subject with Article 45, while Article 15(3) permits special provisions.

4. Correct Answer: (c) A party seeks reconsideration through a fresh assessment of existing testimony.

Reference Line: "Substantive review involves reconsidering the correctness of a judgment on its merits, whereas procedural recall addresses defects affecting the validity of the adjudicatory process."

Explanation:

(a) Incorrect. An adjudicatory order obtained through fraud may suffer from a fundamental defect affecting the validity of the process through which it was obtained. Procedural recall may be permissible in such circumstances. The request is therefore concerned with correcting a procedural defect rather than merely reconsidering the merits of the original decision.

(b) Incorrect. Denial of a required hearing concerns an essential aspect of procedural fairness and may affect the validity of the adjudicatory process. A request to recall an order on this ground seeks correction of that defect. It is distinguishable from substantive review, which involves reconsidering the correctness of the decision itself.

(c) Correct. A fresh assessment of existing testimony seeks to reconsider the factual merits of an adjudicatory decision rather than remedy a fundamental procedural defect. Such reconsideration falls within the meaning of substantive review. The request does not identify fraud, lack of jurisdiction, denial of a required hearing, or another recognised procedural ground for recall.

(d) Incorrect. An order passed without jurisdiction may suffer from a fundamental defect affecting its legal validity. The supplied principle recognises lack of jurisdiction as a possible ground for procedural recall. The applicant's request therefore seeks correction of an adjudicatory defect rather than reconsideration of the original factual or legal conclusions on their merits.

5. Correct Answer: (c) *Parens Patriae*

Reference Line: "*Parens patriae* recognises the State's protective responsibility towards persons unable to adequately safeguard their own interests, particularly children."

Explanation:

(a) Incorrect. *Functus officio* generally prevents a court from reopening a matter after issuing its final decision. It concerns the completion of adjudicatory authority rather than the State's protective responsibility towards vulnerable persons.

(b) Incorrect. Purposive interpretation involves construing beneficial legislation to advance its protective objectives while respecting statutory language. It is a method of statutory interpretation rather than the doctrine identifying the State's protective responsibility.

(c) Correct. *Parens patriae* recognises the State's responsibility to protect individuals who cannot adequately safeguard their interests, particularly children. In juvenile justice, it supports a welfare-oriented approach emphasising rehabilitation and the child's best interests.

(d) Incorrect. *Ex debito iustitiae* supports the correction of legally remediable judicial wrongs to prevent miscarriages of justice. It concerns the administration of justice rather than the State's protective role towards children.

3. Litigant Cannot Be Placed Worse Off for Filing an Appeal

1. Correct Answer: (b) Payment before the relevant notice undermines the penalty based on non-payment. Reference Line: "The expression "fails to pay" concerns non-payment and must be distinguished from delayed payment where the collected tax has already been deposited before issuance of the relevant notice."

Explanation:

(a) Incorrect. Section 38(3) addresses failure to pay collected Foreign Travel Tax into the Central Government's account. Although Nakul missed the prescribed deadline, the entire amount was deposited before the relevant notice. Treating every delayed remittance as non-payment would disregard the statutory distinction between these forms of non-compliance.

(b) Correct. Section 38(3) concerns non-payment, which must be distinguished from delayed payment where the collected tax has been deposited before the relevant notice. Since Nakul cleared the outstanding amount before the notice was issued, imposing a penalty under this provision merely for delay would misapply its prescribed scope. The delay may remain relevant under other applicable provisions.

(c) Incorrect. The collection of Foreign Travel Tax creates an obligation to transfer the collected amount to the Central Government. However, collection alone does not establish the non-payment contemplated under Section 38(3). Nakul's subsequent deposit before the relevant notice must be considered when determining whether this particular penalty provision applies.

(d) Incorrect. Section 38(3) prescribes a penalty ranging from one-fifth to three times the unpaid tax, but the existence of that range does not make the maximum penalty compulsory whenever a deadline is missed. The authority must first establish that the conduct falls within the provision governing non-payment. Nakul's completed deposit undermines that statutory basis.

2. Correct Answer: (d) The order is defective because the explanation requires meaningful consideration.

Reference Line: "The adjudicating authority must meaningfully consider the explanation before determining whether a penalty is justified."

Explanation:

(a) Incorrect. Section 38(5) and Rule 12 require procedural safeguards before imposing penalties. Although Ishani received notice and attended a hearing, these formal opportunities do not dispense with the requirement to meaningfully consider her explanation. An order that ignores material representations may therefore fail to satisfy the prescribed safeguards.

(b) Incorrect. The requirement to consider an affected person's explanation is not confined to cases involving disagreement over the underlying liability. Representations may address the circumstances of non-compliance and whether a penalty is justified. Ishani's documentary explanation therefore required meaningful consideration even if other aspects of the proceedings were undisputed.

(c) Incorrect. Compliance with the prescribed monetary range does not independently establish that the penalty proceedings satisfied natural justice. Section 38(5) and Rule 12 provide procedural safeguards governing the adjudicatory decision. An order may fall within the statutory penalty limits while remaining defective because the authority failed to consider the explanation submitted.

(d) Correct. The obligation to provide a hearing includes meaningful consideration of the explanation presented by the affected party. Ishani submitted documentary material relevant to the penalty

determination, but the authority imposed the penalty without examining it. The procedural requirements were therefore not satisfied merely by issuing notice and conducting a formal hearing.

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

Reference Line: "Rule 4 required carriers to deposit collected Foreign Travel Tax within 30 days from the end of the relevant month, while Rule 9 prescribed a corresponding deadline for monthly returns."

Explanation:

(a) Correct. Statement i correctly identifies that Rule 4 calculates the period for depositing collected Foreign Travel Tax from the end of the relevant month. Statement ii accurately recognises the corresponding deadline for monthly returns under Rule 9. Both statements therefore reflect the prescribed framework for deposit and return obligations.

(b) Incorrect. Statement i correctly identifies the starting point for calculating the deposit deadline under Rule 4. However, Statement iii incorrectly restricts the Collector's power to extend time to tax deposits. The supplied framework permits the Collector of Customs to allow additional time under both Rules 4 and 9 in appropriate circumstances.

(c) Incorrect. Statement ii correctly recognises that Rule 9 prescribes a corresponding deadline for submitting monthly returns. Statement iv is incorrect because a delay validly condoned by the competent authority cannot attract penal consequences merely for missing the original deadline. Valid condonation therefore affects the legal treatment of that delay.

(d) Incorrect. Statement iii incorrectly denies the Collector's power to extend the deadline for monthly returns, although both rules permit additional time in appropriate circumstances. Statement iv also disregards the consequence of valid condonation. The supplied principle excludes penalties founded merely on non-compliance with the original deadline once the delay has been validly condoned.

4. Correct Answer: (c) An adjudicator examines the statutory scheme, representations, and circumstances before deciding liability.

Reference Line: "Whether a penalty is mandatory depends on the statutory scheme, including provisions for notice, hearing, reasonable explanations, and consideration of the circumstances of non-compliance."

Explanation:

(a) Incorrect. The absence of mens rea does not necessarily prevent the imposition of a statutory penalty. An adjudicating authority must examine the governing statutory scheme to determine the requirements and consequences of non-compliance. Treating the absence of guilty intention as an automatic exemption disregards the distinction between mens rea requirements and penalty discretion.

(b) Incorrect. The word "shall" does not invariably eliminate discretion in penalty proceedings. Its effect must be determined from the statutory scheme, including applicable provisions governing notice, hearing, and explanations. Refusing to consider circumstances merely because the provision uses mandatory language may therefore misinterpret the adjudicator's statutory responsibility.

(c) Correct. The authority must determine the statutory consequences of non-compliance by examining the governing provisions and relevant circumstances. Consideration of representations and reasonable explanations helps establish whether the scheme requires or permits a penalty in the particular case. This approach respects the distinction between the absence of mens rea and the existence of adjudicatory discretion.

(d) Incorrect. Providing a hearing satisfies an important procedural requirement but does not

independently establish that the maximum statutory penalty must follow. The authority must still examine the statutory scheme and relevant circumstances before determining the appropriate consequence. A hearing cannot substitute for the substantive assessment required in penalty adjudication.

5. Correct Answer: (a) Section 35A

Reference Line: "Section 35A provided for interest where a carrier or other responsible person failed to deposit Foreign Travel Tax within the prescribed period."

Explanation:

(a) Correct. Section 35A of the Finance Act, 1979 governed interest on delayed payment of Foreign Travel Tax. It prescribed an annual interest rate of not less than 20% and not exceeding 30%, as notified by the Central Government. This interest was conceptually distinct from penalties for statutory non-compliance.

(b) Incorrect. Section 38(3) concerned penalties for failure to pay Foreign Travel Tax into the Central Government's account. It prescribed a penalty ranging from one-fifth to three times the unpaid tax, in addition to the tax and applicable interest. The provision therefore addressed penal consequences rather than prescribing the interest rate for delayed payment.

(c) Incorrect. Section 35(2) dealt with the collection of Foreign Travel Tax by authorised customs officers, government officers, or carriers and its subsequent payment into the Central Government's account. It established collection and deposit responsibilities rather than the interest framework applicable when payment was delayed.

(d) Incorrect. Section 38(4) authorised penalties for contraventions of rules framed under the relevant chapter of the Finance Act. It prescribed penalties ranging from ₹500 to ₹50,000, along with an additional daily penalty for continuing breaches. Its subject was rule-based non-compliance rather than the statutory interest applicable to delayed tax deposits.

4. Attribution of Mens Rea to a Company

1. Correct Answer: (b) The organisation may invoke its adequate preventive procedures as a statutory defence.

Reference Line: "The provision also recognises a defence based on adequate procedures designed to prevent such conduct, as provided by law."

Explanation:

(a) Incorrect. Section 9 extends to conduct by an associated person who provides or promises an undue advantage with the prescribed intention of obtaining or retaining business or a business advantage. Bhargavi's status as an external agent does not independently exclude the organisation from liability. The relevant issue is her association with the organisation and the statutory conditions governing its liability.

(b) Correct. Section 9 recognises a defence based on adequate procedures designed to prevent associated persons from engaging in prohibited bribery. Since the organisation has produced evidence of such preventive procedures, it may invoke that statutory defence. Whether the defence succeeds depends on the applicable legal requirements and the adequacy of the procedures established.

(c) Incorrect. Section 9 expressly covers both providing and promising an undue advantage to a public servant with the prescribed business-related intention. Bhargavi's promise may therefore fall within the provision even without evidence that the advantage was subsequently transferred. The absence of a

completed transfer does not independently exclude the organisation from the provision's scope.

(d) Incorrect. The statutory framework concerns conduct by an associated person undertaken with the prescribed intention of securing a business benefit. It does not make personal approval by the organisation's directors an essential ingredient of liability. Bhargavi's association with the organisation and the purpose of her promise are therefore more relevant than whether its directors authorised the transaction.

2. Correct Answer: (c) Sufficiently independent delegation may establish attribution at the second stage.

Reference Line: "The inquiry follows three stages: first, authority under constitutional documents or implied company-law rules; second, express or implied delegation with sufficient independence; and third, a special rule derived from statutory purpose."

Explanation:

(a) Incorrect. A special rule derived from statutory purpose constitutes the third stage of the corporate attribution inquiry. It becomes relevant only when the preceding stages fail to establish attribution. Since Ritvik possessed sufficient independence through valid delegation concerning the relevant transactions, the inquiry may establish attribution at the second stage without resorting to the third.

(b) Incorrect. Failure to establish authority through constitutional documents or implied company-law rules does not terminate the attribution inquiry. The sequential test expressly provides a second stage examining express or implied delegation with sufficient independence. Ritvik's delegated authority must therefore be considered before concluding that his conduct cannot be attributed to the company.

(c) Correct. The first stage fails because the company's constitutional documents and implied company-law rules do not establish Ritvik's authority. However, the second stage recognises express or implied delegation accompanied by sufficient independence. Since Ritvik acted within the relevant delegated authority, his conduct and mental state may be attributable to the company at this stage.

(d) Incorrect. Corporate attribution requires examination of legally relevant authority rather than reliance on an individual's managerial designation. Ritvik's position as a finance executive does not independently establish that his actions represent those of the company. His valid delegation and sufficient independence provide the relevant basis for attribution under the prescribed sequential test.

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

Reference Line: "Section 141 establishes statutory liability for specified persons responsible for the conduct of a company's business when the company commits an offence under Section 138, subject to statutory conditions."

Explanation:

(a) Correct. Statement i correctly identifies the statutory liability imposed upon specified persons responsible for conducting a company's business when the company commits an offence under Section 138. Statement iii also reflects the requirement that arraigning the company is ordinarily necessary in vicarious prosecutions against responsible individuals. Both statements accurately describe the supplied statutory framework.

(b) Incorrect. Statement i correctly identifies the relationship between the company's Section 138 offence and the liability of responsible individuals under Section 141. However, Statement ii incorrectly characterises that liability as corporate attribution without an express statutory basis. Section 141 itself provides the statutory foundation for vicarious liability, which differs from attributing an individual's

conduct to the company.

(c) Incorrect. Statement ii incorrectly treats Section 141 liability as arising through corporate attribution rather than through an express statutory provision. Statement iv similarly reverses the distinction between corporate attribution and vicarious liability. Section 141 concerns the statutory liability of specified individuals for a company's offence rather than treating their conduct as the corporation's own.

(d) Incorrect. Statement iii correctly recognises that the company ordinarily must be arraigned for maintaining vicarious proceedings against responsible individuals. However, Statement iv incorrectly describes Section 141 as a mechanism for attributing individual conduct to the company. The provision instead establishes statutory vicarious liability for specified persons when the company commits an offence under Section 138.

4. Correct Answer: (d) A commercial complaint describes a failed arrangement without allegations disclosing any offence.

Reference Line: "Proceedings may be quashed where allegations fail to disclose an offence or are legally unsustainable."

Explanation:

(a) Incorrect. The complaint alleges conduct constituting forgery, while the accused contests the handwriting evidence. Resolving that dispute would require an assessment of the evidentiary material rather than consideration of whether the allegations disclose an offence. The High Court ordinarily avoids conducting such a detailed factual examination at the preliminary quashing stage.

(b) Incorrect. The complaint alleges criminal threats, but the accused challenges the credibility of the witnesses supporting those allegations. Determining whether the witnesses should be believed involves disputed factual questions. The inherent jurisdiction to quash proceedings does not ordinarily operate as a mechanism for resolving contested credibility issues through a preliminary examination.

(c) Incorrect. The complaint describes alleged unlawful taking, while the accused relies on disputed ownership records to challenge the prosecution's version. Resolving ownership and its implications would require examination of contested evidence. Such factual disagreements do not, by themselves, establish that the proceedings are legally unsustainable at the preliminary stage.

(d) Correct. The complaint concerns a failed commercial arrangement without alleging facts that disclose a criminal offence. Where the allegations themselves fail to establish the basis of an offence, continuation of criminal proceedings may be legally unsustainable. This provides a recognised ground for quashing without requiring the High Court to undertake a detailed assessment of disputed evidence.

5. Correct Answer: (c) Section 12

Reference Line: "Section 11 concerns specified unlawful receipt of valuable benefits by public servants, while Section 12 deals with abetment of prescribed corruption offences."

Explanation:

(a) Incorrect. Section 13 of the Prevention of Corruption Act concerns criminal misconduct by public servants, while Section 13(2) prescribes punishment for that misconduct. It does not constitute the provision specifically addressing abetment of prescribed corruption offences. That subject is separately governed by Section 12.

(b) Incorrect. Section 11 concerns the specified unlawful receipt of valuable benefits by public servants. Its focus is the prohibited receipt of benefits under the statutory conditions rather than abetment of

corruption offences. Therefore, it does not correspond to the provision identified in the question.

(c) Correct. Section 12 of the Prevention of Corruption Act, 1988 deals with abetment of prescribed corruption offences. It provides the statutory framework concerning such abetment, with its applicable ingredients determined according to the relevant version of the legislation. It is therefore the correct provision.

(d) Incorrect. Section 9 establishes liability for commercial organisations where an associated person provides or promises an undue advantage to a public servant with the prescribed business-related intention. Although it concerns corruption involving commercial organisations, it is distinct from Section 12, which specifically addresses abetment of prescribed corruption offences.

5. Widow's Family Pension Payable from Date of Husband's Death

1. Correct Answer: (d) Close the inquiry immediately without imposing disciplinary punishment.

Reference Line: "Railway Board Letter No. E(D&A) 99 RG6-26, dated 19 June 2000, clarifies that disciplinary proceedings pending against a railway employee must be closed immediately upon the employee's death."

Explanation:

(a) Incorrect. The Railway Board Circular requires pending disciplinary proceedings to be closed immediately upon an employee's death. Continuing the inquiry to record a final finding of misconduct would disregard this requirement. The disciplinary process cannot ordinarily proceed towards imposing punishment upon a deceased employee.

(b) Incorrect. The circular requires closure of pending disciplinary proceedings rather than their suspension until a pension claim is submitted. The family's decision to seek pensionary benefits does not determine whether the disciplinary inquiry may continue. Suhani's death itself necessitates termination of the pending disciplinary proceedings.

(c) Incorrect. The possibility that disciplinary findings might affect pensionary benefits does not authorise continuation of proceedings against the deceased employee. The administration must close the disciplinary inquiry and assess consequential service and pensionary benefits under the applicable rules. It cannot retain the disciplinary process merely to determine possible financial consequences.

(d) Correct. Railway Board Circular RBE No. 115/2000 requires immediate closure of disciplinary proceedings pending against an employee upon death. Since Suhani died before the inquiry concluded, the administration cannot continue towards imposing disciplinary punishment. Any consequential pensionary entitlement must be assessed separately under the governing service rules.

2. Correct Answer: (b) The entitlement cannot be arbitrarily withheld without authority of law.

Reference Line: "Once such an entitlement becomes legally payable, the State cannot arbitrarily withhold or extinguish it without lawful authority."

Explanation:

(a) Incorrect. Pensionary entitlements recognised by applicable service rules constitute valuable legal rights with a proprietary character. Once Aradhya's entitlement becomes legally payable, the department cannot treat its payment as a matter of unrestricted discretion. Withholding payment requires lawful authority rather than administrative preference.

(b) Correct. Article 300A protects property against deprivation except by authority of law. Since

Aradhya's family pension entitlement has been established under the applicable service rules, arbitrary withholding without a lawful basis interferes with her protected legal right. The department must therefore respect the entitlement unless a legally authorised restriction applies.

(c) Incorrect. Constitutional protection under Article 300A is not dependent upon the physical receipt of pension payments. The legally recognised entitlement itself possesses a proprietary character once it becomes payable. Consequently, the State cannot avoid constitutional scrutiny by withholding payment before the amount reaches the beneficiary.

(d) Incorrect. Article 300A protects property as a constitutional right rather than a Fundamental Right. The absence of Fundamental Right status does not permit arbitrary deprivation of legally recognised pensionary entitlements. Aradhya may therefore rely on Article 300A even though the right to property is not classified as a Fundamental Right.

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

Reference Line: "Section 21(3) permits admission of a delayed application where sufficient cause is established, distinguishing statutory limitation from the equitable doctrine of laches."

Explanation:

(a) Correct. Statement i accurately describes Section 19, which enables an aggrieved person to approach an Administrative Tribunal in matters falling within its jurisdiction. Statement iii correctly identifies the power under Section 21(3) to admit delayed applications upon sufficient cause. Both statements reflect the statutory framework governing access to Administrative Tribunals.

(b) Incorrect. Statement i correctly describes the remedy available under Section 19. However, Statement ii incorrectly treats retirement as the uniform starting point for limitation in every service dispute. Section 21 generally prescribes a one-year limitation period calculated according to the applicable statutory circumstances, which may differ between cases.

(c) Incorrect. Statement ii incorrectly assumes that limitation invariably begins upon retirement, although Section 21 provides for calculation according to the applicable statutory circumstances. Statement iv also incorrectly equates statutory limitation with equitable laches. These are distinct legal concepts governed by different considerations when assessing delayed claims.

(d) Incorrect. Statement iii correctly identifies sufficient cause as the basis for admitting a delayed application under Section 21(3). However, Statement iv incorrectly characterises statutory limitation and equitable laches as interchangeable. The former involves a legislatively prescribed limitation framework, while the latter concerns equitable considerations associated with delay.

4. Correct Answer: (d) A coordinate Bench overlooks an earlier binding ratio and delivers a conflicting ruling.

Reference Line: "Where the ratio of a subsequent decision conflicts with an earlier binding decision of a coordinate or larger Bench because the earlier authority was overlooked, the subsequent ruling may lack precedential value on that issue."

Explanation:

(a) Incorrect. The doctrine of per incuriam concerns a decision rendered in ignorance of relevant binding law or precedent. Incidental observations that are unnecessary for resolving a dispute constitute obiter dicta and do not ordinarily possess the same binding authority as the ratio decidendi. Declining to adopt such observations does not establish per incuriam.

(b) Incorrect. A coordinate Bench may distinguish an earlier decision where material differences justify

applying a different legal principle. Such an approach involves examining the earlier authority rather than overlooking it. A reasoned distinction based on materially different circumstances does not, by itself, establish that the subsequent ruling was rendered per incuriam.

(c) Incorrect. Judicial discipline requires a smaller Bench to follow binding decisions of a larger Bench. However, a larger Bench may reconsider a legal principle established by a smaller Bench within the applicable framework of precedent. Expressly replacing an earlier rule through such reconsideration is distinguishable from overlooking binding authority.

(d) Correct. The doctrine of per incuriam may apply where a subsequent coordinate Bench overlooks an earlier binding ratio and reaches a conflicting legal conclusion. The defect concerns failure to account for an authority that should have governed the legal issue. The subsequent ruling may consequently lack precedential value on the conflicting proposition.

5. Correct Answer: (b) Article 141

Reference Line: "Article 141 declares that the law laid down by the Supreme Court is binding on all courts within India."

Explanation:

(a) Incorrect. Article 226 empowers High Courts to issue writs, orders, and directions for enforcing Fundamental Rights and other legal rights. It concerns the High Courts' constitutional writ jurisdiction rather than the binding authority of legal principles declared by the Supreme Court.

(b) Correct. Article 141 establishes the binding nature of the law declared by the Supreme Court upon all courts within India. Its binding element is the ratio decidendi, which represents the legal principle necessary for deciding the case. This provision promotes consistency in judicial interpretation across the country.

(c) Incorrect. Article 21 guarantees protection of life and personal liberty through a just, fair, and reasonable procedure established by law. Although judicial decisions interpreting Article 21 may establish binding legal principles, the constitutional source of their binding authority is Article 141 rather than Article 21.

(d) Incorrect. Article 300A protects individuals against deprivation of property except by authority of law. It recognises property as a constitutional right rather than a Fundamental Right. The provision does not regulate the precedential authority of Supreme Court decisions, which is governed by Article 141.

6. Outgoing Partner's Share Must Be Valued on Date of Assessment, Not Date Of Dissolution

1. Correct Answer: (b) Madhav may complete the pending transaction, but Tishya's fresh agreement exceeds continuing authority.

Reference Line: "Section 47 provides that the authority of partners to bind the firm and their mutual rights and obligations continue after dissolution only so far as necessary for winding up the firm's affairs and completing unfinished transactions."

Explanation:

(a) Incorrect. The continued existence of undistributed partnership assets does not authorise partners to undertake unrestricted business activities after dissolution. Section 47 preserves authority for winding up and completing unfinished transactions. Tishya's unrelated supply agreement constitutes a fresh

business commitment rather than an act necessary for winding up.

(b) Correct. Madhav's delivery fulfils an obligation arising from a transaction accepted before dissolution, bringing it within the continuing authority recognised under Section 47. Tishya's fresh agreement is unrelated to existing obligations or winding-up activities. Therefore, Madhav's conduct may bind the firm, whereas Tishya cannot rely on the statutory continuation of authority.

(c) Incorrect. Section 47 does not preserve the partners' former business authority throughout the entire winding-up period without restriction. It limits continuing authority to acts necessary for winding up and completing unfinished transactions. Consequently, the pending delivery and the unrelated new agreement cannot receive identical legal treatment merely because the firm's assets remain unsettled.

(d) Incorrect. Dissolution does not immediately extinguish every aspect of a partner's authority to bind the firm. Section 47 expressly preserves such authority to the extent necessary for winding up and completing unfinished transactions. Madhav's completion of the outstanding supply order therefore remains distinguishable from an unauthorised continuation of ordinary business activities.

2. Correct Answer: (d) Profits attributable to his share or annual interest of 6% on that share.

Reference Line: "Subject to the contract between the partners, the outgoing partner may elect to receive profits attributable to that share or interest at 6% annually on the amount of the share."

Explanation:

(a) Incorrect. Section 37 does not entitle an outgoing partner to claim a proportion of every profit earned by the continuing partners irrespective of its connection with the outgoing partner's property share. The entitlement concerns profits attributable to the use of that share. Jalaj therefore cannot demand participation in subsequent earnings unrelated to his former interest.

(b) Incorrect. A partner's interest in partnership property does not confer exclusive ownership over a particular firm asset. Section 37 provides a monetary entitlement where continuing partners use the outgoing partner's share without final settlement. Jalaj cannot convert that entitlement into unilateral ownership of an asset merely because its value corresponds to his capital contribution.

(c) Incorrect. Section 37 specifies interest at 6% annually as an alternative to profits attributable to the outgoing partner's share. It does not leave the interest rate to the unrestricted determination of the continuing partners. Furthermore, the choice between attributable profits and prescribed interest belongs to the outgoing partner, subject to the partnership contract.

(d) Correct. Section 37 protects an outgoing partner where continuing partners use that person's share of partnership property without final settlement. Since Jalaj's share continues to be used and no contrary contractual provision exists, he may elect between profits attributable to that share and interest at 6% annually on its amount. Both alternatives arise from the statutory entitlement.

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

Reference Line: "Dissolution takes effect from the date specified in the notice or, where no date is specified, from the date of its communication."

Explanation:

(a) Incorrect. Statement i correctly recognises that a partner in a partnership at will may dissolve the firm by giving written notice to the remaining partners. However, Statement iii incorrectly defines dissolution as termination of the relationship between only some partners. Section 39 defines dissolution of a firm as dissolution of the partnership between all its partners.

(b) Incorrect. Statement ii correctly identifies that dissolution takes effect from the date specified in the written notice. Statement iv incorrectly substitutes the date of signing for the date of communication

where no dissolution date is specified. Section 43 makes communication of the notice relevant in such circumstances, rather than its mere execution.

(c) Correct. Statement i accurately reflects Section 43, which permits any partner in a partnership at will to dissolve the firm through written notice to the remaining partners. Statement ii correctly recognises that the specified date determines when dissolution takes effect. Both propositions accord with the statutory mechanism governing dissolution of partnerships at will.

(d) Incorrect. Statement iii incorrectly describes dissolution as affecting only some partners, whereas Section 39 requires dissolution of the partnership between all partners. Statement iv incorrectly treats signing as the operative event where the notice specifies no date. Under Section 43, dissolution in that situation takes effect upon communication of the notice.

4. Correct Answer: (a) A dissolved firm pays an outside creditor before reimbursing a partner's separate advance.

Reference Line: "Section 48(b) establishes the order for applying partnership assets: first, payment of debts owed to third parties; second, repayment of partners' advances distinct from capital; third, repayment of partners' capital; and finally, distribution of any residue according to profit-sharing proportions."

Explanation:

(a) Correct. Section 48(b) places debts owed to third parties ahead of amounts advanced by partners separately from their capital contributions. The arrangement respects this priority by satisfying the external creditor before reimbursing the partner's advance. It therefore follows the statutory sequence for applying partnership assets during winding up.

(b) Incorrect. Section 48(b) requires repayment of partners' advances distinct from capital before returning their capital contributions, after satisfying third-party debts. Returning contributed capital while such advances remain outstanding reverses these priorities. The arrangement therefore disregards the statutory distinction between partner advances and capital.

(c) Incorrect. Section 48(b) requires any residue remaining after satisfying the preceding obligations to be distributed according to the partners' profit-sharing proportions. Where those proportions differ from their capital contributions, distributing the residue according to initial investments would disregard the prescribed basis. Capital repayment and distribution of residual assets represent distinct stages.

(d) Incorrect. The statutory sequence gives debts owed to external creditors priority over partners' advances, capital contributions, and residual distributions. Repaying partners' advances while third-party claims remain unsettled reverses that priority. The arrangement is therefore inconsistent with Section 48(b), which requires outside liabilities to be addressed first.

5. Correct Answer: (b) Order XL Rule 1

Reference Line: "Order XL Rule 1 CPC empowers courts to appoint a receiver where it appears just and convenient, including to manage, preserve, or take possession of disputed property under judicial supervision."

Explanation:

(a) Incorrect. Order XX Rule 15 CPC concerns preliminary and final decrees in suits involving partnership dissolution or accounts. It permits a court to declare partners' shares, fix the dissolution date, and direct the taking of accounts. It is not the provision specifically governing the appointment of receivers to

administer disputed property.

(b) Correct. Order XL Rule 1 CPC empowers courts to appoint receivers where such appointment appears just and convenient. A receiver may manage, preserve, or take possession of disputed property under judicial supervision. In partnership dissolution proceedings, this mechanism may assist in protecting firm assets pending their lawful distribution.

(c) Incorrect. Section 46 of the Indian Partnership Act, 1932 concerns a partner's right to have partnership property applied towards the firm's debts and liabilities following dissolution. It also protects the distribution of any remaining surplus according to the partners' respective rights. It does not confer the court's procedural power to appoint a receiver.

(d) Incorrect. Section 47 of the Indian Partnership Act, 1932 governs the continuing authority of partners after dissolution for winding up the firm's affairs and completing unfinished transactions. It concerns the limited survival of partnership authority rather than judicial supervision through a receiver. The receiver's appointment is governed by Order XL Rule 1 CPC.

7. Supreme Court Explains Section 69 BNS

1. Correct Answer: (a) The false promotion assurance may constitute deceitful means under Section 69.

Reference Line: "The Explanation to Section 69 provides an inclusive description of deceitful means, covering false promises of employment or promotion and inducement or marriage after suppressing identity."

Explanation:

(a) Correct. Section 69 extends beyond false promises of marriage and includes deceitful means involving employment or promotion. Vihan knowingly made a false representation concerning Kashvi's promotion, which induced her to engage in sexual intercourse. Since the act does not amount to rape, the alleged conduct may attract Section 69.

(b) Incorrect. Section 69 concerns the deceptive representation and its connection with the resulting sexual intercourse, rather than the subsequent administrative status of a promotion. Vihan's representation was false when made, and Kashvi relied upon it. A later formal cancellation is not an ingredient of the offence.

(c) Incorrect. The Explanation to Section 69 expressly includes false promises involving employment or promotion within the meaning of deceitful means. The provision therefore does not require a fraudulent marriage assurance in every case. Vihan's knowingly false workplace representation may fall within its scope.

(d) Incorrect. The applicability of Section 69 depends on the deceptive nature of the representation and its connection with the sexual intercourse. Kashvi's subsequent demand for promotion is not a statutory requirement. Her reliance on Vihan's false assurance at the relevant time provides the necessary connection in the stated facts.

2. Correct Answer: (d) Her consent is ineffective because Abeer knew it arose from fear.

Reference Line: "Section 28 BNS, corresponding to Section 90 IPC, provides that consent given under fear of injury or misconception of fact does not constitute legally valid consent where the person performing the act knows or has reason to believe that such consent resulted from that fear or misconception."

Explanation:

- (a) Incorrect. An expressed agreement does not necessarily constitute legally valid consent where it results from fear of injury. Niyati agreed because Abeer threatened her brother, and he knew that his threat influenced her decision. Her verbal permission does not eliminate the defect affecting her consent.
- (b) Incorrect. Section 28 concerns consent given under fear of injury and does not require the threatened injury to occur. Niyati's agreement resulted from apprehension of harm to her brother. Since Abeer knew the circumstances producing her consent, the absence of actual injury does not establish its validity.
- (c) Incorrect. The relevant question is whether Niyati's consent resulted from fear of injury and whether Abeer knew or had reason to believe this. The provision does not make invalidity dependent upon injury occurring during the removal itself. The threat that induced her agreement is legally significant.
- (d) Correct. Niyati permitted Abeer to remove the sculpture because she feared injury to her brother. Abeer was aware that her agreement resulted from his threat. Both the fear affecting her consent and the knowledge required under Section 28 are present, rendering the consent legally ineffective.

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

Reference Line: "Section 63 BNS defines rape and identifies circumstances in which specified sexual acts constitute the offence, including acts committed without consent or where consent is legally ineffective."

Explanation:

- (a) Incorrect. Statement i correctly recognises that absence of consent is relevant to rape under Section 63. However, Statement iii incorrectly requires consent to be communicated through spoken words. The supplied provision recognises unequivocal voluntary agreement communicated through words, gestures, and other verbal or non-verbal means.
- (b) Correct. Statement i correctly identifies the absence of consent as a circumstance in which specified sexual acts may constitute rape. Statement ii accurately recognises that legally ineffective consent is also relevant under Section 63. Both statements reflect the distinction between valid voluntary agreement and circumstances in which consent is absent or legally ineffective.
- (c) Incorrect. Statement ii correctly recognises that legally ineffective consent may bring specified sexual acts within Section 63. However, Statement iv incorrectly treats conduct falling within Section 69 as necessarily constituting rape. Section 69 separately addresses specified deceitful conduct resulting in sexual intercourse that does not amount to rape.
- (d) Incorrect. Statement iii incorrectly restricts legally recognised consent to spoken communication, overlooking gestures and other non-verbal expressions. Statement iv incorrectly merges the scope of Sections 63 and 69. The supplied provisions distinguish rape under Section 63 from specified deceitful sexual intercourse that does not amount to rape under Section 69.

4. Correct Answer: (c) A court examines whether the allegations, taken as stated, disclose essential offence ingredients.

Reference Line: "At the preliminary stage, courts ordinarily examine whether the allegations in an FIR, taken at face value, disclose the essential ingredients of the alleged offence."

Explanation:

- (a) Incorrect. Resolving conflicting witness accounts requires an assessment of disputed evidence and witness credibility. At the preliminary stage, the court ordinarily examines whether the allegations disclose the necessary ingredients of an offence. Determining which witness should be believed goes

beyond this limited inquiry.

(b) Incorrect. Accepting the accused's disputed defence requires the court to choose between competing factual versions. The prima facie test instead examines the legal sufficiency of allegations taken at face value. A disputed defence does not ordinarily justify rejecting the prosecution's factual account without the evidentiary examination appropriate to trial.

(c) Correct. The prima facie test requires the court to examine the allegations as stated and determine whether they disclose the essential ingredients of the alleged offence. This approach evaluates legal sufficiency without resolving contested facts. It preserves the distinction between preliminary judicial scrutiny and an evidentiary trial.

(d) Incorrect. Determining criminal intention by resolving disputed communications requires the court to assess contested evidence. Although the mental element may be essential to the alleged offence, the preliminary inquiry concerns whether the allegations disclose that element. Resolving competing interpretations of communications ordinarily belongs to the evidentiary stage.

5. Correct Answer: (c) Mens Rea

Reference Line: "Mens rea refers to the mental element required to establish criminal responsibility."

Explanation:

(a) Incorrect. Prima facie disclosure concerns whether the allegations, accepted at face value, reveal the essential ingredients of an alleged offence. It relates to the legal sufficiency of allegations at the preliminary stage rather than identifying the mental element required for criminal responsibility.

(b) Incorrect. Deceitful inducement concerns the meaningful connection between a fraudulent representation and the conduct allegedly resulting from it. Although dishonest intention may be relevant to establishing deception, the doctrine describes a particular relationship between representation and conduct rather than the general mental element of criminal responsibility.

(c) Correct. Mens rea refers to the mental element necessary for establishing criminal responsibility, which may include intention, knowledge, or recklessness depending on the offence. In cases involving fraudulent promises, the relevant intention must be examined at the time the representation was made rather than inferred merely from its subsequent non-fulfilment.

(d) Incorrect. Consent concerns an individual's voluntary agreement to an act and its legal effectiveness under the applicable provisions. Section 28 addresses circumstances in which consent is invalidated by fear or misconception of fact. It does not identify the mental element required to establish criminal responsibility, which is described by mens rea.

8. When Can Court Convict a Person for a Charge Not Framed

1. Correct Answer: (c) The appellate court must examine whether the defect caused an actual failure of justice.

Reference Line: "Section 464 CrPC, corresponding to Section 510 BNSS, provides that a conviction or sentence is not invalid merely because a charge was omitted or contained an error."

Explanation:

(a) Incorrect. Section 464 CrPC does not treat every error in framing charges as sufficient to invalidate a conviction. The relevant inquiry concerns whether the defect resulted in an actual failure of justice. Since Darshil understood the allegations and presented his defence, reversal cannot be justified merely by

identifying the error.

(b) Incorrect. Participation in criminal proceedings does not automatically eliminate the possibility of substantial prejudice arising from a defective charge. Although Darshil had opportunities to contest the allegations, the appellate court must still examine whether the error affected the fairness of the proceedings. Participation is relevant but does not replace the statutory test.

(c) Correct. Section 464 requires the appellate court to determine whether an omission or error in framing charges caused an actual failure of justice. Darshil knew the essential allegations, questioned witnesses, and presented his defence. These circumstances are relevant to deciding whether the defect caused substantial prejudice rather than merely constituting a procedural irregularity.

(d) Incorrect. A defective charge does not automatically require a fresh trial. Corrective proceedings, including reframing charges or ordering a new trial, become relevant where substantial prejudice is established. The appellate court must first examine the consequences of the error rather than ordering a retrial irrespective of its effect.

2. Correct Answer: (b) The court may convict Ojas of the lesser offence contained within the charge.

Reference Line: "Section 222 CrPC permits conviction for a minor offence contained within the particulars of a more serious charged offence, even where the minor offence was not separately charged."

Explanation:

(a) Incorrect. Section 222 expressly permits conviction for a minor offence included within the particulars of a more serious charged offence, notwithstanding the absence of a separate charge. The requirement is that the proved facts establish the essential ingredients of the lesser offence. Ojas's case satisfies that condition under the stated circumstances.

(b) Correct. The original charge contains the essential ingredients of the lesser offence, and the prohibited act constituting that offence has been proved. Failure to establish the additional aggravating circumstance does not prevent conviction for the included offence. Section 222 therefore permits the court to convict Ojas without requiring a separate charge for the lesser offence.

(c) Incorrect. Failure to establish an aggravating circumstance does not necessarily require acquittal where the evidence proves an included lesser offence. Section 222 allows the court to distinguish between the unproved additional ingredient and the elements that have been established. The absence of the aggravating circumstance therefore does not defeat the proved lesser offence.

(d) Incorrect. A lighter punishment does not independently make an offence a minor offence for the purposes of Section 222. The lesser offence must be contained within the particulars of the more serious charge, and its essential ingredients must be proved. Merely arising from the same incident does not establish the required relationship between offences.

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

Reference Line: "In an appeal against conviction, the court may alter the finding or modify the nature or extent of punishment, subject to statutory restrictions against enhancement in that category of appeal."

Explanation:

(a) Incorrect. Statement i correctly recognises the appellate court's authority to alter a finding in an appeal against conviction. However, Statement iii disregards statutory restrictions against enhancement of punishment in that category of appeal. Section 386 does not permit enhancement merely because the appellate court considers a more severe punishment appropriate.

(b) Incorrect. Statement ii correctly identifies the appellate court's power to modify the nature or extent of punishment within applicable statutory limits. Statement iv incorrectly confines appellate authority to reversing findings. Section 386 also permits alteration of findings and modification of sentences, making the proposed restriction inconsistent with the provision.

(c) Incorrect. Statement iii incorrectly assumes that appellate courts may enhance punishment in an appeal against conviction without observing applicable statutory restrictions. Statement iv also incorrectly excludes sentence modification from appellate powers. Section 386 recognises broader corrective authority while placing limitations on its exercise.

(d) Correct. Statement i accurately reflects the appellate court's power to alter findings in an appeal against conviction. Statement ii correctly recognises its authority to modify the nature or extent of punishment, subject to statutory restrictions. Both statements correspond to the corrective powers recognised under Section 386 CrPC.

4. Correct Answer: (c) A neighbour communicates another person's threat to help its intended victim avoid harm.

Reference Line: "Criminal intimidation involves threatening another person with injury to their person, reputation, or property, with the requisite intention of causing alarm or compelling particular conduct."

Explanation:

(a) Incorrect. The tenant threatens damage to the landlord's property with the intention of compelling a reduction in rent. The threat concerns a recognised category of injury, while the intended consequence involves influencing the landlord's conduct. These circumstances satisfy the relevant elements of criminal intimidation described in the supplied principle.

(b) Incorrect. Threatening injury to a person's reputation may constitute criminal intimidation where accompanied by the requisite intention. Here, the applicant uses the threatened reputational harm to compel a favourable recruitment decision. The conduct therefore contains both a relevant threat and an intention to influence another person's actions.

(c) Correct. The neighbour communicates an existing threat made by another person with the intention of helping the intended victim avoid harm. The communication is not presented as the neighbour's own threat intended to cause alarm or compel particular conduct. It therefore lacks the requisite threatening intention associated with criminal intimidation.

(d) Incorrect. The debtor threatens physical injury to induce the creditor to abandon a repayment demand. The threatened injury concerns the creditor's person, while the purpose is to compel a particular decision. These facts fall within the conduct and intention requirements associated with criminal intimidation under the supplied principle.

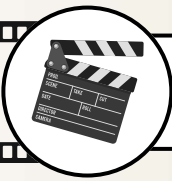
5. Correct Answer: (c) Section 3

Reference Line: "Section 3 defines penetrative sexual assault against a child, including specified acts of penetration involving a person below eighteen years of age."

Explanation:

(a) Incorrect. Section 4 of the POCSO Act prescribes punishment for penetrative sexual assault, including enhanced punishment in specified circumstances involving younger children. It concerns the penal consequences of the offence rather than providing its statutory definition.

(b) Incorrect. Section 34 of the POCSO Act addresses procedures concerning offences committed by



MEDIA COVERAGE

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



India's Top Law Coach Speaks On Cracking Law Entrances



Assam News

Renowned Educationist Nishant Prakash in Committee for Implementation of New Education Policy in Assam

Indian sprinter Hima Das, General Secretary of Assam Cricket Association Devajit Lon Saikia, and scientist Uddhab Bharali are also in the committee.



Super 30 of law entrance bags 5 out of top 10 in AILET and CLAT

ANSH SINGHA NEW DELHI

When your students bag 5 out of top 10 slots in elite law entrance test, it's a feat. Legal Entrance Test or AILET, it speaks volumes about your prowess, diligence and grit. Nishant Prakash, the consummate corporate lawyer turned educator, will surely grin on being congratulated, knowing the AILET results on Thursday.

He saw a burst of messages and phone calls just days ago. Prakash had steadfastly refused to celebrate with a single drop of champagne with his students in the

Gurukul Law Admission Test (CLAT), for admissions to over 20 law universities across India. Out of 60 students that he prepared with a seat either in CLAT or AILET, 7 out of 10 students bagged a top 10 slot in CLAT as well. Meanwhile, in Bihar, Nishant is growing up with him. IIT Delhi University at Raipur, and membership of legal luminaries like Anurag Mishra and KK Verma. After this, I was fortunate to work with Luthy & Luthy Law Offices at New

Delhi with specialising in Intellectual Property Rights, Insurance and Trade Law, says Prakash. However, despite a thriving law of teaching took him to rather an unconventional path - of teaching. "Hiding from Bihar, such dramatic shift to my career was compromised with (at part) checks and wading into uncertainty. I moved on, for I realised chasing passion should take primacy of some point in life," said Prakash.

In 2014, he set up Nishant

Prakash Law Clusters and in just 10 years, he has established a reputation, transcending the industry to become a leader in education reform, with significant impact on legal education, success of his students, and his own journey. In AILET India no 2, Hima Das ranked 4th, Vidisha Singh at no 10, in CLAT India no 4, Danish Aggarwal no 7.

His noteworthy achievements extend beyond coaching in Nishant

Along appointed him to advise on the pivotal initiative of "Transforming Legal Education in India," positioning him as a key contributor to national legal education reform. Further solidifying his role in education reform, he is part of a high-level National Education Policy 2020 committee, implementing the in the state of Assam reflecting national education framework. Nishant's commitment to education underpinned his effectiveness in guiding students to secure admissions in top law schools.

the pioneer
NEW DELHI | SATURDAY | DECEMBER 10, 2022

An Interview With India's leading Educationist: How Important Is To Join Coaching Institute To Crack An Aptitude Based Exam Like CLAT



THE HINDU CLAT candidates aggrieved over 'errors'; consortium denies laxity

Krishnakumar Rajasekar
NEW DELHI

A petition challenging the correctness of the provisional answer key of the postgraduate Common Law Admission Test (CLAT) had on December 1 for admission to 24 national law universities has sparked a debate.

The Supreme Court on December 9 disposed of the petition on the ground of maintainability, orally remarking that litigation in exams tended to delay the top court over national results. A Bench headed by Chief Justice of India Sarvesh Kumar gave the petitioners liberty to approach the jurisdictional High Court. The petition, filed by Anam Khan and Ayush Agarwal, alleged that the provisional answer key released on December 2 contained significant errors.



The petition alleged that the provisional answer key had significant errors, including incorrect answers to 12 questions.

Persons associated with the legal representation of the Consortium of National Law Universities (CNLU), said the final answer key was out by the time the case came up on December 9. The consortium urged the release of the final answer key and results to December 7 from December 10. "The provision

al answer key had mistakes which were not resolved even in the final answer key," Manish Mishra, advocate who appeared for the petitioners in the court, said. "There are pre-Court has granted interim relief in petitions challenging the provisional answer key. In my opinion, it is better to stay from the apex court as it is in applicable all across India. Seeking relief before High Court may create difficulty in terms of conflicting judgments only for that state's jurisdiction."

A corporate lawyer-turned-CLAT mentor, Nishant Prakash, alleged that the CLAT (undergraduate) was also conducted in an unprofessional manner. "Four questions

of the logical reasoning section were absolutely wrong which were later retracted by the consortium in the final answer key. Three more answers in the provisional answer key were changed later upon the grievances raised by the students. I strongly believe that the consortium cannot be absolved just by saying that the majority of students laid up wasting time trying these questions and could not complete the paper," he said.

S. Shanthakumar, Director of the Gujarat National Law University and vice-president, CNLU Governance is always taken to avoid mistakes. "In law, the questions and the answer options in the paper are interpreted differently by different people," he said.



MEDIA COVERAGE

BUREAUCRATS INDIA

Date: December 18, 2025

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



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

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

Against this backdrop, students trained at Nishant Prakash Law Classes (NPLC) posted a strong, widely distributed set of 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

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.



Arshnoor



Siddhant Rohit AILET (AIR 4)

children and questions relating to age determination before Special Courts. It concerns procedural matters and age determination rather than defining penetrative sexual assault.

(c) Correct. Section 3 of the POCSO Act, 2012 defines penetrative sexual assault against a child, including specified acts of penetration involving a person below eighteen years of age. It establishes the prohibited conduct, while Section 4 separately prescribes punishment for the offence.

(d) Incorrect. Article 15(3) of the Constitution permits the State to make special provisions for women and children. It provides constitutional support for protective legislation but does not define penetrative sexual assault. The offence is defined under Section 3 of the POCSO Act, 2012.

9. Article 220 Doesn't Block Ex-Judges' Bar Council Co-option

1. Correct Answer: (b) Her administrative appointment is not barred, district court practice is prohibited, and High Court practice is permitted.

Reference Line: "Article 220 prohibits a person who has held office as a permanent Judge of a High Court from pleading or acting before courts or authorities in India, except the Supreme Court and other High Courts."

Explanation:

(a) Incorrect. Article 220 regulates professional legal practice by former permanent High Court Judges rather than automatically prohibiting administrative appointments. While appearing before another High Court is permitted, pleading or acting before a district court falls within the restriction. The option therefore misidentifies both the scope of the prohibition and its exceptions.

(b) Correct. Article 220 does not automatically disqualify former permanent High Court Judges from administrative positions unrelated to professional legal practice. However, it restricts their practice before courts and authorities other than the Supreme Court and other High Courts. Tanmayi's proposed district court appearance is therefore prohibited, while the other activities are not barred by Article 220.

(c) Incorrect. Although Tanmayi's administrative appointment is not automatically prohibited, Article 220 does not impose a universal restriction on practice before every Indian court. It expressly permits former permanent High Court Judges to plead or act before the Supreme Court and other High Courts. The option incorrectly extends the prohibition to these constitutionally recognised exceptions.

(d) Incorrect. Article 220 does not automatically prohibit administrative appointments, but it restricts professional practice before district courts. Conversely, appearing before another High Court falls within the express exception recognised by the provision. The option therefore reverses the legal treatment of the two proposed court appearances.

2. Correct Answer: (c) Her candidature remains eligible for consideration despite both stated objections.

Reference Line: "Unsuccessful election candidates may also remain eligible where the governing arrangement does not prohibit their consideration."

Explanation:

(a) Incorrect. An unsuccessful electoral candidature does not automatically prevent an advocate from being considered for co-option. The governing arrangement determines the relevant eligibility requirements. Since Falguni's co-option framework contains no restriction concerning previous electoral defeat, rejecting her on that ground would disregard the applicable eligibility criteria.

(b) Incorrect. Substantial professional experience and fair standing may satisfy important eligibility

requirements, but they do not automatically establish an entitlement to appointment. The competent authority must assess candidates according to the prescribed conditions and nomination procedures. Falguni's experience therefore supports consideration of her candidature rather than guaranteeing her selection.

(c) Correct. Eligibility for co-option need not depend upon successful participation in an earlier election or formal designation as a Senior Advocate. Since the authorised arrangement excludes neither category and Falguni possesses the stated professional qualifications, her candidature remains eligible for consideration. The committee must assess her suitability according to the applicable framework.

(d) Incorrect. Formal designation as a Senior Advocate under Section 16 of the Advocates Act is distinct from an ordinary description of an experienced advocate. A co-option arrangement may recognise professional experience without requiring such designation. Since Falguni's governing framework imposes no designation requirement, its absence cannot independently justify rejecting her application.

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

Reference Line: "The provision contemplates ex officio and elected members, with the elected component generally chosen through proportional representation by the single transferable vote."

Explanation:

(a) Incorrect. Statement ii correctly recognises proportional representation through the single transferable vote as the general method for choosing elected State Bar Council members. However, Statement iii incorrectly treats supplementary court-directed co-option as part of the ordinary statutory election process. Such arrangements must be distinguished from the electoral framework contemplated under Section 3.

(b) Incorrect. Statement i correctly acknowledges that State Bar Councils may include ex officio members whose positions do not arise from ordinary elections. Statement iv incorrectly extends the single transferable vote system to ex officio membership. The prescribed electoral method concerns the elected component rather than members included by virtue of their office.

(c) Incorrect. Statement iii incorrectly equates supplementary court-directed co-option with the ordinary statutory election framework under Section 3. Statement iv incorrectly assumes that ex officio members are selected through the same voting method as elected members. Both statements disregard the distinction between different methods of institutional membership.

(d) Correct. Statement i accurately reflects the statutory composition of State Bar Councils, which includes ex officio and elected members. Statement ii correctly identifies proportional representation through the single transferable vote as the general method for electing the relevant members. Both statements therefore accord with the framework established under Section 3.

4. Correct Answer: (a) The body maintains the court-directed arrangement while proposals for a permanent framework are considered.

Reference Line: "Where an arrangement is established through a judicial order, its scope and duration are governed by the terms of that order and subsequent modifications."

Explanation:

(a) Correct. A judicially established representation mechanism remains governed by the operative directions and any subsequent modifications. Since the court's interim order remains in force, the statutory body should maintain the arrangement according to its terms. Consideration of legislative

reforms does not independently terminate the existing judicial directions.

(b) Incorrect. Judicial directions establish an arrangement whose scope is determined by the terms of the relevant order. Expanding that arrangement to institutions beyond those authorised by the court would exceed the stated limits. The objective of improving representation does not independently permit the statutory body to enlarge the court-directed mechanism.

(c) Incorrect. The circulation of a draft legislative proposal does not, by itself, modify or terminate an operative judicial order. A court-directed mechanism may continue while competent authorities consider more permanent reforms. Since no modification has occurred, the body cannot treat preliminary legislative activity as sufficient authority to discontinue the arrangement.

(d) Incorrect. The duration of a court-directed representation arrangement is governed by the judicial order and subsequent modifications. A statutory body cannot independently convert an interim mechanism into a permanent arrangement irrespective of those terms. Any continuation or alteration must remain consistent with the governing legal authority.

5. Correct Answer: (c) Section 6

Reference Line: "Section 6 identifies the functions of State Bar Councils, including admission of advocates on their rolls, maintenance of those rolls, regulation of professional conduct, and safeguarding the rights and interests of advocates."

Explanation:

(a) Incorrect. Section 16 of the Advocates Act, 1961 recognises Senior Advocates and other advocates as two classes of advocates. It also concerns formal designation as a Senior Advocate by the Supreme Court or a High Court. It does not enumerate the statutory functions of State Bar Councils.

(b) Incorrect. Section 3 of the Advocates Act provides for the establishment and composition of State Bar Councils. It addresses their institutional structure and membership, including elected and ex officio representatives. Their functions are separately specified under Section 6.

(c) Correct. Section 6 of the Advocates Act, 1961 defines the functions of State Bar Councils. These include admitting advocates to their rolls, maintaining those rolls, safeguarding advocates' professional interests, and performing other statutory responsibilities. The provision establishes the functional responsibilities of these regulatory bodies.

(d) Incorrect. Section 7 of the Advocates Act, 1961 specifies the functions of the Bar Council of India, including prescribing professional conduct standards, supervising State Bar Councils and promoting legal education. The functions of State Bar Councils are separately enumerated under Section 6.

10. Equal Pay Doctrine Cannot Be Mechanically Applied

1. Correct Answer: (c) The classification is sustainable if the experience criterion is intelligible and serves the stated objective.

Reference Line: "Reasonable classification under Article 14 requires two conditions: the classification must distinguish persons through an intelligible differentia, and that differentia must bear a rational nexus with the objective sought to be achieved."

Explanation:

(a) Incorrect. Holding an identical designation does not automatically establish entitlement to identical remuneration. Article 14 permits reasonable classification where relevant differences justify distinct

treatment. Since experienced officers perform additional supervisory and training responsibilities, the similarity of designations does not eliminate the relevance of those differences.

(b) Incorrect. A formally established classification does not become constitutionally valid merely because the employer has adopted it. Article 14 requires an intelligible differentia and a rational connection between that distinction and the legitimate objective. The department must therefore justify the experience-based criterion through its relevance to the remuneration arrangement.

(c) Correct. The department distinguishes employees based on relevant professional experience, which constitutes an identifiable criterion. Experienced officers also undertake complex inspections and training responsibilities, establishing a rational connection between the classification and the department's operational requirements. The differentiation may therefore satisfy the constitutional requirements of reasonable classification.

(d) Incorrect. Reasonable classification does not require employees receiving different remuneration to perform unrelated professional functions. Relevant distinctions in experience, qualifications, responsibilities, or recruitment conditions may justify differential treatment despite overlapping duties. The decisive question concerns the intelligibility of the distinction and its rational connection with the legitimate objective.

2. Correct Answer: (b) The dismissal does not, by itself, establish Supreme Court approval of the reasoning.

Reference Line: "A non-speaking dismissal ordinarily does not constitute a declaration of law under Article 141."

Explanation:

(a) Incorrect. Dismissal of a special leave petition without recorded reasons does not convert the challenged High Court's observations into Supreme Court precedent. Article 141 concerns the law declared by the Supreme Court. A non-speaking dismissal does not independently establish that the Supreme Court adopted the legal reasoning contained in the challenged judgment.

(b) Correct. A non-speaking dismissal of a special leave petition does not, by itself, establish approval of the High Court's reasoning. Since the Supreme Court dismissed the petition without declaring a legal principle, the dismissal does not transform that reasoning into binding Supreme Court law under Article 141. The High Court decision retains only such authority as otherwise applies to it.

(c) Incorrect. Similarity between subsequent disputes and the original litigation does not transform a non-speaking dismissal into a binding declaration of law. Article 141 requires law declared by the Supreme Court rather than an inference of approval arising from dismissal. The existence of comparable statutory issues does not alter this distinction.

(d) Incorrect. An express declaration of law cannot be inferred merely from the Supreme Court's dismissal of a special leave petition without reasons. Such a dismissal does not independently establish that the challenged legal reasoning received Supreme Court approval. Consequently, Article 141 cannot be invoked on that basis alone.

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

Reference Line: "The doctrine requires employees performing work of equal value under materially comparable service conditions to receive equal remuneration without arbitrary discrimination."

Explanation:

- (a) Incorrect. Statement i incorrectly makes identical work volume sufficient for pay parity despite material differences in accountability. The doctrine requires evaluation of the value and characteristics of work, including relevant service conditions. Statement iii also incorrectly treats identical designations as sufficient, disregarding the need to examine qualifications and responsibilities.
- (b) Incorrect. Statement iv correctly recognises that arbitrary remuneration differences between employees performing work of equal value may violate pay equality. However, Statement i incorrectly disregards material differences in accountability. Equal work volume does not independently establish equivalence when substantive responsibilities and service obligations differ.
- (c) Incorrect. Statement ii correctly identifies materially comparable service conditions as relevant to determining equality of work. Statement iii incorrectly eliminates examination of qualifications and responsibilities where employees share a designation. The doctrine requires substantive comparison rather than relying upon formal similarities in job titles.
- (d) Correct. Statement ii accurately recognises the importance of materially comparable service conditions in assessing equal work. Statement iv correctly identifies arbitrary remuneration differences between employees performing work of equal value as inconsistent with pay equality. Both statements reflect the doctrine's emphasis on substantive comparability and protection against unjustified discrimination.

4. Correct Answer: (c) Two payroll auditors perform equivalent duties, handle similarly sensitive records, and share approval accountability.

Reference Line: "Differences in responsibility, reliability, confidentiality, and accountability may influence the assessment of equivalent work."

Explanation:

- (a) Incorrect. Although both museum guides conduct an equal number of tours, one performs additional safety and emergency-response responsibilities. These duties may involve greater accountability and professional expectations. Equal output therefore does not establish qualitative equivalence when the substantive obligations attached to the positions differ.
- (b) Incorrect. Identical job designations do not establish equivalent work where employees possess different responsibilities concerning confidential information. The additional responsibility for sensitive findings may affect the qualitative assessment of the laboratory analyst's duties. The comparison therefore lacks sufficient equivalence across the relevant professional obligations.
- (c) Correct. The payroll auditors perform equivalent substantive duties, handle records involving comparable confidentiality requirements, and possess similar approval accountability. These circumstances establish comparability across several qualitative dimensions of their work. The situation therefore provides the strongest basis for determining qualitative equality, subject to other relevant service conditions.
- (d) Incorrect. Completing an equal number of inspections does not establish that both inspectors undertake work of equivalent value. One inspector possesses additional certification authority and bears greater accountability for compliance decisions. These differences may justify distinguishing the positions despite their similar inspection volumes.

5. Correct Answer: (c) Article 39(d)

Reference Line: "Article 39(d), a Directive Principle of State Policy, requires the State to strive towards securing equal pay for equal work for both men and women."

Explanation:

- (a) Incorrect. Article 14 guarantees equality before the law and equal protection of the laws. Although the principle of equal pay for equal work may be judicially enforced through Article 14, the specific Directive Principle concerning equal remuneration for men and women is contained in Article 39(d).
- (b) Incorrect. Article 141 establishes the binding authority of the law declared by the Supreme Court upon courts within India. It concerns judicial precedent and legal consistency rather than prescribing the State's constitutional objective of securing equal remuneration for equal work.
- (c) Correct. Article 39(d) is a Directive Principle of State Policy requiring the State to strive towards securing equal pay for equal work for men and women. Although Directive Principles are not independently enforceable, the principle of pay equality may acquire judicial enforceability through Article 14.
- (d) Incorrect. Article 136 concerns the Supreme Court's special leave jurisdiction. It does not contain the constitutional directive regarding equal pay for equal work. The relevant Directive Principle is Article 39(d), which addresses the State's responsibility to pursue remuneration equality.

11. Police Officer Not Furnishing Written Grounds of Arrest Must Face Departmental Enquiry

1. Correct Answer: (d) A civil damages claim does not necessarily bar constitutional compensation.

Reference Line: "Such compensation addresses the constitutional wrong and does not necessarily prevent the affected person from pursuing separate damages through civil proceedings."

Explanation:

- (a) Incorrect. Compensation under Article 226 addresses violations of constitutional rights arising from unlawful arrest or detention. Its availability does not depend upon the accused obtaining an acquittal in criminal proceedings. Since Ananya's detention has already been declared unconstitutional, the High Court may consider appropriate public law relief independently of the criminal case.
- (b) Incorrect. Article 226 empowers High Courts to grant appropriate remedies for constitutional violations, including monetary compensation in suitable circumstances. The supplied principle does not prescribe an identical amount for every unlawful detention. The availability and extent of compensation require consideration of the circumstances surrounding the constitutional wrong.
- (c) Incorrect. Public law compensation and civil damages are distinct remedial avenues. Filing a civil suit does not necessarily extinguish the High Court's constitutional jurisdiction to grant compensation for unlawful detention. The State's objection incorrectly treats the existence of a civil remedy as an automatic bar to constitutional relief.
- (d) Correct. Article 226 permits monetary compensation as a public law remedy where unlawful detention infringes constitutional protections. The pursuit of separate civil damages does not necessarily prevent the High Court from considering such compensation. Ananya's established constitutional violation therefore remains capable of attracting appropriate relief despite her pending civil suit.

2. Correct Answer: (a) Communicating the offence does not dispense with the separate bail-information requirement.

Reference Line: "It also requires a person arrested without a warrant for a bailable offence to be informed of the right to release on bail and the ability to arrange sureties."

Explanation:

- (a) Correct. Section 47 BNSS requires communication of the offence or grounds of arrest and additionally protects the right to receive bail-related information in warrantless arrests for bailable offences. Although Pratyush was informed of the accusation, the officer failed to explain his entitlement to release on bail and ability to arrange sureties. The statutory obligations were therefore not fully satisfied.
- (b) Incorrect. The requirement to communicate bail-related information arises from the statutory safeguards governing arrest without a warrant for a bailable offence. It is not made dependent upon the completion of the first remand hearing. Deferring this information would disregard the protection intended to operate when the person is arrested.
- (c) Incorrect. Section 47 expressly associates the obligation to inform an arrested person about release on bail and arranging sureties with warrantless arrests for bailable offences. The option reverses this statutory requirement by confining the information to non-bailable offences. Pratyush's arrest therefore falls within the circumstances requiring bail-related communication.
- (d) Incorrect. Section 47 imposes distinct obligations concerning disclosure of the grounds of arrest and communication of bail-related rights in specified circumstances. Satisfying the first requirement does not eliminate the second. The officer's disclosure of the alleged offence therefore cannot independently establish compliance with every applicable statutory safeguard.

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

Reference Line: "Article 22(1) guarantees that an arrested person must be informed of the grounds of arrest as soon as may be and must not be denied the right to consult and be defended by a legal practitioner of their choice."

Explanation:

- (a) Incorrect. Statement i correctly identifies meaningful written communication of arrest grounds in a language understood by the arrested person as a constitutional requirement. However, Statement iii incorrectly permits routine postponement until judicial remand. Article 22(1) requires communication as soon as may be, rather than treating remand authorisation as the ordinary starting point.
- (b) Incorrect. Statement ii correctly recognises the arrested person's constitutional right to consult and be defended by a legal practitioner of their choice. Statement iv incorrectly assumes that subsequent legal representation automatically cures an earlier violation concerning arrest grounds. Breach of the communication safeguard renders the arrest unconstitutional under the supplied principle.
- (c) Correct. Statement i reflects the requirement that arrest grounds be meaningfully communicated in writing and in a language understood by the arrested person. Statement ii correctly identifies the independent protection concerning consultation and defence by a chosen legal practitioner. Both statements accurately describe safeguards guaranteed under Article 22(1).
- (d) Incorrect. Statement iii incorrectly allows ordinary deferral of communication until judicial remand, contrary to the requirement of informing the arrested person as soon as may be. Statement iv incorrectly treats later access to legal representation as automatically curing defective communication. Neither statement accurately reflects the constitutional safeguards governing arrest.

4. Correct Answer: (b) The superior authority initiates a prescribed enquiry independently of the criminal

investigation.

Reference Line: "Where police officers violate constitutional arrest safeguards, the responsible superior authority must initiate the prescribed accountability process."

Explanation:

(a) Incorrect. A departmental enquiry examines whether an officer has breached professional duties or applicable service rules. Although substantiated constitutional violations require accountability, disciplinary consequences must follow the prescribed process. Recording punishment without conducting the required examination disregards the distinction between initiating disciplinary proceedings and determining their outcome.

(b) Correct. The supplied principle requires the responsible superior authority to initiate the prescribed accountability process where police officers violate constitutional arrest safeguards. Departmental proceedings examine professional misconduct independently of the criminal investigation. Initiating the enquiry therefore permits disciplinary responsibility to be determined through the appropriate administrative framework.

(c) Incorrect. Departmental accountability concerns the conduct of police officers and their compliance with constitutional and service obligations. Its initiation does not depend upon the accused obtaining an acquittal in the underlying criminal case. Postponing the enquiry on that basis would improperly link the officer's administrative responsibility to the outcome of separate criminal proceedings.

(d) Incorrect. Release from unconstitutional detention addresses the individual's deprivation of liberty but does not automatically resolve the police officer's professional responsibility. The supplied principle separately requires the prescribed accountability process for violations of constitutional arrest safeguards. Consequently, the arrested person's release cannot substitute for departmental examination of the officer's conduct.

5. Correct Answer: (a) Section 187

Reference Line: "Section 187 BNSS governs procedures for detention when an investigation cannot be completed within twenty-four hours and the statutory conditions for further custody are satisfied."

Explanation:

(a) Correct. Section 187 BNSS governs detention when an investigation cannot be completed within the initial twenty-four-hour period and the statutory conditions for further custody are satisfied. Continued detention requires judicial authorisation. The provision therefore establishes the relevant procedural framework for obtaining further custody during an incomplete investigation.

(b) Incorrect. Section 47 BNSS governs communication of the offence or other grounds of arrest to a person arrested without a warrant. It also requires communication of bail-related rights in specified bailable offences. It does not provide the principal statutory procedure for obtaining judicial authorisation of continued investigative detention.

(c) Incorrect. Section 58 BNSS limits the period for which police may detain a person arrested without a warrant. It prohibits detention beyond the reasonable period permitted under the circumstances and restricts detention exceeding twenty-four hours without the necessary Magistrate's authority. The procedure for authorising further investigative custody is governed by Section 187.

(d) Incorrect. Article 22(2) of the Constitution requires production of an arrested and detained person before the nearest Magistrate within twenty-four hours, excluding necessary travel time. It establishes a constitutional safeguard against prolonged unauthorised custody. Section 187 BNSS separately governs

the statutory procedure for judicial authorisation of further detention during investigation.

12. Article 311 Bar Inapplicable to Removal by Equal-Rank Authority

1. Correct Answer: (b) Removal violates the constitutional restriction despite the delegated authority.

Reference Line: "Article 311(1) prohibits the dismissal or removal of a civil servant by an authority subordinate in rank to the authority that appointed the employee."

Explanation:

(a) Incorrect. Delegation of disciplinary powers does not override the hierarchical restriction under Article 311(1). The relevant comparison is between the actual appointing authority and the authority imposing removal. Since the Deputy Regional Director is subordinate to Yashodhara's appointing authority, delegated competence cannot validate the removal.

(b) Correct. Article 311(1) prohibits removal by an authority subordinate in rank to the employee's actual appointing authority. Yashodhara was appointed by the Regional Director, whereas the removal order was issued by a subordinate Deputy Regional Director. The constitutional prohibition applies notwithstanding the disciplinary powers delegated under the service rules.

(c) Incorrect. Completion of a departmental enquiry concerns compliance with procedural safeguards but does not eliminate the separate constitutional restriction on the rank of the removing authority. Even a properly conducted enquiry cannot authorise removal by an officer subordinate to the actual appointing authority. Both requirements must be satisfied independently.

(d) Incorrect. Article 311(1) does not require removal orders to receive approval from the department's highest administrative authority. An officer of equal or higher rank than the actual appointing authority may impose removal if competent under the applicable rules. The constitutional test concerns relative rank and legal competence rather than approval from the highest official.

2. Correct Answer: (d) An authorised superior officer may validly exercise appointment powers under the applicable rules.

Reference Line: "Its proviso permits appointment powers to be exercised by other authorised superior officers."

Explanation:

(a) Incorrect. Merely holding a superior position does not independently establish competence to exercise appointment powers under Section 6. The provision contemplates authorisation of other superior officers and requires compliance with the applicable rules. Hridhaan's appointment derives its validity from the officer's authorised powers, not simply from the officer's seniority.

(b) Incorrect. Although Section 6 places appointment powers with the Chief Security Officer, its proviso permits those powers to be exercised by other authorised superior officers. Treating the Chief Security Officer as the exclusive appointing authority disregards this statutory qualification. The absence of the Chief Security Officer's signature therefore does not independently invalidate the appointment.

(c) Incorrect. Section 6 concerns the authority competent to appoint members of the Railway Protection Force. The supplied provision does not establish that a selection recommendation must replace an appointment order issued by an authorised superior officer. Hridhaan's appointment must instead be assessed according to the statutory authorisation and compliance with the governing rules.

(d) Correct. Section 6 permits appointment powers to be exercised by authorised superior officers other than the Chief Security Officer. Since the issuing officer possessed the necessary authorisation and

complied with the applicable rules, the stated objection does not establish invalidity. The Chief Security Officer's personal issuance of every appointment order is not a statutory requirement.

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

Reference Line: "Article 311(2) recognises three exceptions to the ordinary requirement of an enquiry: punishment based on conduct leading to conviction on a criminal charge, situations where holding an enquiry is not reasonably practicable for recorded reasons, and cases where the President or Governor considers an enquiry inexpedient in the interest of State security."

Explanation:

(a) Correct. Statement i correctly identifies the exception concerning punishment based on conduct leading to conviction on a criminal charge. Statement iii accurately recognises the constitutional exception where the President or Governor considers an enquiry inexpedient in the interest of State security. Both statements reflect circumstances recognised under the second proviso to Article 311(2).

(b) Incorrect. Statement i correctly identifies the conviction-related exception to the ordinary enquiry requirement. However, Statement ii incorrectly suggests that an enquiry may be dispensed with on grounds of reasonable impracticability without recording reasons. The constitutional exception expressly requires recorded reasons supporting the conclusion that conducting the enquiry is not reasonably practicable.

(c) Incorrect. Statement ii disregards the requirement to record reasons when an enquiry is considered not reasonably practicable. Statement iv incorrectly permits a departmental superior to invoke the State-security exception independently. The supplied constitutional framework assigns the relevant determination concerning State security to the President or Governor.

(d) Incorrect. Statement iii correctly recognises that the President or Governor may consider an enquiry inexpedient in the interest of State security. However, Statement iv incorrectly extends that determination to an ordinary departmental superior acting independently. The constitutional exception requires satisfaction of the specifically designated authority rather than an unrestricted departmental decision.

4. Correct Answer: (c) An employee receives adequate notice and repeated opportunities but remains absent without explanation.

Reference Line: "If the employee fails to participate despite having received a reasonable opportunity, the enquiry may proceed ex parte."

Explanation:

(a) Incorrect. Communicating charges after the scheduled hearing has concluded does not provide the employee with an adequate opportunity to prepare and present a defence. Natural justice requires meaningful notice of the allegations before disciplinary adjudication. Proceeding ex parte in these circumstances would disregard the absence of a reasonable opportunity to participate.

(b) Incorrect. The opportunity to defend against disciplinary charges must be meaningful rather than merely formal. Where an employee submits a written defence, refusing to consider it undermines the fairness of the adjudicatory process. The authority cannot justify such disregard by treating the employee's subsequent non-participation as sufficient grounds for proceeding ex parte.

(c) Correct. Natural justice requires adequate notice and a reasonable opportunity to participate in disciplinary proceedings. Where an employee receives repeated opportunities but remains absent

without explanation, the authority may proceed ex parte. The employee's non-participation does not automatically invalidate an enquiry that otherwise satisfies the prescribed procedural safeguards.

(d) Incorrect. Communicating hearing dates without informing the employee of the allegations does not satisfy the requirement of adequate notice. An employee must understand the charges to exercise a meaningful opportunity to present a defence. Non-attendance following an inadequate communication cannot independently justify treating the ex parte proceedings as procedurally fair.

5. Correct Answer: (d) Rule 43 and Schedule II

Reference Line: "Rule 43 identifies the authorities empowered to impose disciplinary penalties, with Schedule II allocating specific powers according to the employee's rank and the nature of the punishment."

Explanation:

(a) Incorrect. Rule 20 and Schedule I of the Railway Protection Force Rules, 1959 concern the appointment powers of superior officers. They help identify authorities competent to appoint specified categories of Force members. The allocation of disciplinary powers according to employee rank and the nature of punishment is governed by Rule 43 and Schedule II.

(b) Incorrect. Section 6 of the Railway Protection Force Act, 1957 governs appointment of Force members. It recognises the appointment authority of the Chief Security Officer and permits other authorised superior officers to exercise appointment powers. It does not constitute the specific framework allocating disciplinary penalties according to employee rank and punishment.

(c) Incorrect. Section 9 of the Railway Protection Force Act empowers competent superior officers to take disciplinary action for negligence, misconduct, or unfitness, subject to constitutional and statutory safeguards. However, the specific allocation of disciplinary competence according to the employee's rank and the nature of punishment is prescribed by Rule 43 and Schedule II.

(d) Correct. Rule 43 and Schedule II of the Railway Protection Force Rules, 1959 establish the framework for identifying authorities competent to impose specified disciplinary penalties. Under the supplied rules, an Assistant Security Officer could remove Rakshaks and Senior Rakshaks, while dismissal was treated separately. Such competence must also satisfy the constitutional restriction under Article 311(1).

13. Pre-Cognizance Hearing Mandatory Where Cognizance Taken After BNSS

1. Correct Answer: (c) Cognizance is premature because the required superior officer's report was not received.

Reference Line: "It requires an opportunity for the public servant to explain the circumstances and the receipt of a report from the superior officer."

Explanation:

(a) Incorrect. Section 223(2) BNSS requires both an opportunity for the public servant to explain the circumstances and receipt of a report from the superior officer. Although Ruchira was permitted to submit her explanation, the second requirement remained unfulfilled. Providing one safeguard does not dispense with the other statutory condition.

(b) Incorrect. The disclosure of an alleged offence does not eliminate the additional safeguards applicable to complaints concerning public servants acting in their official capacity. Section 223(2) prescribes specific requirements before cognizance can be taken in such cases. The Magistrate must comply with those requirements even where the complaint contains allegations of criminal conduct.

(c) Correct. Section 223(2) BNSS requires the public servant to receive an opportunity to explain the circumstances and the Magistrate to receive a report from the superior officer. Since Ruchira's alleged conduct concerns her official duties, both safeguards apply. Taking cognizance without obtaining the required report fails to satisfy the prescribed procedure.

(d) Incorrect. Section 223(2) requires an explanation from the public servant and a report from the superior officer. The supplied provision does not make completion of departmental disciplinary proceedings a prerequisite for taking cognizance. The Magistrate's error concerns the absence of the required superior officer's report rather than the status of disciplinary proceedings.

2. Correct Answer: (a) Conduct further investigation and submit the prescribed further report to the Magistrate.

Reference Line: "Where additional evidence is obtained, the investigating agency must submit the prescribed further report."

Explanation:

(a) Correct. Section 193(9) BNSS permits further investigation after a police report has been forwarded to the Magistrate. Since investigators discovered additional transaction records within the existing case, they may examine the new evidence through further investigation. The investigating agency must subsequently submit the prescribed further report rather than retain the findings without reporting them.

(b) Incorrect. Submission of the original police report does not prevent the investigating agency from conducting further investigation where additional evidence emerges. Section 193(9) expressly recognises this possibility and requires the prescribed further report. Treating the earlier report as conclusive would disregard the statutory mechanism for incorporating subsequently obtained evidence.

(c) Incorrect. Section 193(9) distinguishes further investigation within an existing criminal case from a fresh investigation. The additional transaction records concern the same financial fraud investigation and may be examined through the existing procedural framework. Commencing an unrelated new investigation is therefore not the course contemplated by the supplied provision.

(d) Incorrect. The statutory framework requires additional evidence obtained during further investigation to be incorporated through the prescribed further report. Section 193(9) does not make completion of the trial a prerequisite for reporting such material. Withholding the findings until that stage would fail to follow the specified further-investigation procedure.

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

Reference Line: "Section 210 BNSS, corresponding to Section 190 CrPC, provides for Magistrates to take cognizance of offences upon receiving a complaint, a police report, or information from another person, or upon their own knowledge."

Explanation:

(a) Incorrect. Statement iii correctly recognises that information received from another person or the Magistrate's own knowledge may provide a basis for taking cognizance. However, Statement ii incorrectly makes submission of a police report compulsory. Section 210 recognises several independent sources upon which a Magistrate may take cognizance.

(b) Incorrect. Statement i correctly identifies a complaint as one recognised basis for taking cognizance under Section 210. Statement iv incorrectly equates cognizance with a judicial determination of guilt.

Cognizance concerns judicial consideration of an alleged offence for proceeding under criminal law rather than deciding whether the accused committed it.

(c) Incorrect. Statement ii incorrectly restricts cognizance to cases involving a police report, overlooking complaints and other recognised sources of information. Statement iv incorrectly treats taking cognizance as establishing guilt. Section 210 concerns the Magistrate's consideration of an alleged offence rather than the final determination of criminal responsibility.

(d) Correct. Statement i accurately recognises the Magistrate's authority to take cognizance upon receiving a complaint. Statement iii also correctly identifies information from another person and the Magistrate's own knowledge as recognised bases for cognizance. Both statements reflect the different statutory sources contemplated under Section 210 BNSS.

4. Correct Answer: (b) A Magistrate postpones summons and directs an inquiry to assess whether sufficient grounds exist.

Reference Line: "Section 225 BNSS permits postponement of the issue of process and provides for an inquiry or investigation to determine whether sufficient grounds exist for proceeding."

Explanation:

(a) Incorrect. Issuing summons after determining that sufficient grounds exist corresponds to the subsequent stage governed by Section 227 BNSS. Section 225 instead concerns postponement of process and preliminary inquiry or investigation to determine whether proceedings should continue. The situation therefore represents issuance of process rather than the preliminary scrutiny contemplated under Section 225.

(b) Correct. Section 225 BNSS authorises the Magistrate to postpone issuing process and undertake an inquiry or investigation to determine whether sufficient grounds exist for proceeding. Deferring summons while examining the basis of the complaint falls within this preliminary judicial function. The situation therefore accurately reflects the power recognised under the provision.

(c) Incorrect. Section 225 concerns an inquiry or investigation undertaken while issuance of process is postponed. Summoning the accused before initiating an inquiry intended to determine whether process should issue reverses the sequence contemplated by the provision. The preliminary assessment is meant to assist the Magistrate in deciding whether sufficient grounds exist for proceeding.

(d) Incorrect. Section 225 does not require the Magistrate to establish the accused's guilt before issuing process. Its purpose is to determine whether sufficient grounds exist for proceeding, which is distinct from deciding criminal responsibility at trial. Postponing summons until guilt is established therefore misunderstands the limited purpose of the preliminary inquiry.

5. Correct Answer: (a) Section 200 CrPC

Reference Line: "Section 200 CrPC required a Magistrate taking cognizance upon a complaint to examine the complainant and witnesses present, subject to specified statutory exceptions."

Explanation:

(a) Correct. Section 200 CrPC governed examination of the complainant and witnesses present when a Magistrate took cognizance upon a complaint, subject to statutory exceptions. The provision formed part of the earlier procedural framework and did not contain an express requirement to hear the accused before cognizance, unlike Section 223(1) BNSS.

(b) Incorrect. Section 190 CrPC corresponded to the provision governing the Magistrate's power to take

cognizance of offences. It identified the recognised bases for cognizance rather than specifically prescribing the examination of complainants and witnesses upon oath. That examination was governed by Section 200 CrPC.

(c) Incorrect. Section 173(8) CrPC concerned further investigation after submission of a police report, corresponding broadly to Section 193(9) BNSS. It addressed additional investigation and subsequent reporting within an existing criminal case. It did not govern the examination of complainants and witnesses upon cognizance of a complaint.

(d) Incorrect. Section 223(2) BNSS provides additional safeguards concerning complaints against public servants for alleged offences connected with their official functions or duties. It requires an opportunity for explanation and a superior officer's report. The earlier CrPC provision governing examination of complainants and witnesses was Section 200.

14. Order XXIII of CPC Liberty Cannot Cure Order 2 Rule 2 Bar

1. Correct Answer: (a) The subsequent suit is barred because the available relief was omitted without leave.

Reference Line: "A subsequent suit seeking an omitted relief is barred unless the plaintiff obtained the Court's leave to reserve that relief."

Explanation:

(a) Correct. Order II Rule 2(3) prevents a plaintiff from subsequently seeking an available relief arising from the same cause of action when it was omitted without the Court's leave. Aadhira could have sought removal of the wall in her original suit but failed to reserve that relief. Her subsequent suit is therefore barred under the supplied principle.

(b) Incorrect. The distinction between a declaration of ownership and removal of an encroachment does not independently permit separate proceedings. Order II Rule 2(3) focuses on whether the reliefs arose from the same cause of action and were available when the original suit was instituted. Both conditions are satisfied in Aadhira's case.

(c) Incorrect. Obtaining a declaration of ownership does not retrospectively authorise a separate suit for another relief that was available when the earlier proceedings began. The relevant question is whether the plaintiff obtained the Court's leave to reserve the omitted relief. A favourable judgment in the original suit does not remove this procedural requirement.

(d) Incorrect. Order II Rule 2(3) applies to the omission of an available relief arising from the same cause of action without the Court's leave. It does not require proof that the plaintiff expressly relinquished that relief. Aadhira's failure to include the removal claim or obtain leave is sufficient to attract the stated restriction.

2. Correct Answer: (b) The oral agreement may be enforceable because the contractual requirements are satisfied.

Reference Line: "Section 10 recognises agreements as contracts when the requirements of lawful consideration, free consent, competent parties, lawful object, and other applicable conditions are satisfied."

Explanation:

(a) Incorrect. Section 10 does not require every enforceable contract to be executed in writing. An oral

agreement may constitute a binding contract when the statutory requirements are satisfied and no specific law requires a prescribed form. Since the agreed terms are supported by reliable communications, the absence of signatures does not independently defeat enforceability.

(b) Correct. Section 10 recognises oral agreements where the essential contractual requirements are satisfied. Samaira and Kushagra agreed upon the goods, consideration, and delivery terms with free consent and legal competence. As reliable evidence establishes their concluded bargain and no law requires writing, the agreement may be enforceable notwithstanding the absence of a signed document.

(c) Incorrect. Establishing lawful consideration is necessary but does not eliminate the requirement of consensus ad idem concerning the essential contractual terms. The parties must have reached a concluded agreement rather than merely acknowledged a proposed payment. Section 10 requires consideration of the relevant contractual elements collectively.

(d) Incorrect. An individual's assertion that an oral agreement existed does not establish an enforceable contract. The claimant must prove a concluded bargain satisfying the statutory requirements through reliable evidence. The existence of an oral understanding must therefore be distinguished from a legally established contractual obligation.

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

Reference Line: "However, amendment is not automatic, and applications made after commencement of trial must satisfy the due-diligence requirement contained in the proviso to the rule."

Explanation:

(a) Incorrect. Statement i correctly recognises that courts may permit amendments necessary to determine the real questions in controversy. However, Statement ii incorrectly treats identification of an omitted relief as creating an unconditional entitlement to amendment. Order VI Rule 17 makes amendment subject to judicial permission and applicable statutory requirements.

(b) Incorrect. Statement ii incorrectly assumes that a plaintiff possesses an automatic right to amend pleadings whenever an additional relief is identified. Statement iv correctly recognises the due-diligence requirement applicable to amendment applications made after commencement of trial. The combination is therefore incorrect because the statutory power to permit amendments is not unconditional.

(c) Incorrect. Statement i correctly identifies the purpose of permitting amendments to resolve the real controversy between the parties. Statement iii also correctly recognises that a plaintiff may seek an amendment to introduce an additional relief rather than commencing separate proceedings. However, the combination omits Statement iv, which correctly identifies the statutory due-diligence requirement.

(d) Correct. Statement i accurately reflects the court's power to permit amendments necessary for resolving the actual dispute. Statement iii recognises amendment as an available procedural course for introducing additional relief, subject to statutory conditions. Statement iv correctly identifies the additional due-diligence requirement applicable once the trial has commenced.

4. Correct Answer: (c) An architect produces credible correspondence establishing the agreed services, consideration, and acceptance.

Reference Line: "A plaintiff alleging a concluded contract must establish its existence through credible evidence."

Explanation:

(a) Incorrect. An unsigned draft may indicate contractual negotiations but does not independently

establish that the parties reached a concluded agreement. The seller's evasive responses do not discharge the purchaser's burden of proving the asserted contractual right. The claimant must establish the agreement through credible affirmative evidence.

(b) Incorrect. A witness's public standing does not create a legal presumption that their testimony establishes an alleged contract. Section 101 requires proof of the facts necessary to support the claimant's asserted right. Without sufficient evidence of the agreed contractual terms, the contractor cannot rely upon the witness's reputation to discharge that burden.

(c) Correct. The architect produces credible correspondence establishing the essential terms of the disputed contractual arrangement, including the services, consideration, and acceptance. Such evidence supports the existence of a concluded agreement rather than relying upon weaknesses in the opposing party's case. The situation therefore provides the strongest basis for satisfying the burden under Section 101.

(d) Incorrect. Contradictions in the defendant's testimony may affect the credibility of that party's account but do not independently prove the supplier's alleged contract. Section 101 places the burden upon the person asserting the contractual right. The supplier must therefore establish the concluded agreement through credible evidence rather than relying on deficiencies in the defendant's testimony.

5. Correct Answer: (a) Order VI Rule 2

Reference Line: "Order VI Rule 2 requires pleadings to contain a concise statement of the material facts on which a party relies, rather than the evidence intended to prove those facts."

Explanation:

(a) Correct. Order VI Rule 2 CPC requires pleadings to state the material facts supporting a party's claim or defence in a concise manner. It distinguishes the essential factual foundation of the case from the evidence used to establish those facts. This requirement ensures that the opposing party understands the factual case that must be answered.

(b) Incorrect. Order XXIII Rule 1(3) CPC governs withdrawal of a suit with liberty to institute fresh proceedings where the statutory grounds are satisfied. It concerns withdrawal and reinstitution rather than the contents of pleadings. The requirement to state material facts instead of evidence is prescribed under Order VI Rule 2.

(c) Incorrect. Order II Rule 2(1) CPC requires a plaintiff to include the whole claim arising from a particular cause of action. It seeks to prevent unnecessary multiplicity of proceedings through the splitting of claims. It does not prescribe the distinction between material facts and evidence in pleadings.

(d) Incorrect. Order VI Rule 17 CPC empowers courts to permit amendments of pleadings where necessary to determine the real questions in controversy, subject to statutory conditions. It governs changes to existing pleadings rather than their essential factual contents. The requirement to plead material facts is established by Order VI Rule 2.

15. Compromise Decree without Necessary Party is a Nullity

1. Correct Answer: (c) Her heir may pursue rights devolving through her, subject to succession provisions.

Reference Line: "Her legal heirs may pursue rights devolving through her under the relevant succession provisions."

Explanation:

- (a) Incorrect. Section 6 recognises daughters as coparceners by birth, with rights and liabilities comparable to those of sons. The existence of these rights does not depend upon completion of partition during the daughter's lifetime. Mahika's death before partition does not, by itself, extinguish the interest capable of devolving through her.
- (b) Incorrect. The amended Section 6 does not confine coparcenary rights to surviving male members of a Mitakshara joint Hindu family. Daughters acquire coparcenary status by birth and possess rights comparable to those of sons. Mahika's brothers therefore cannot exclude her legal heir merely by relying on the traditional distinction between male and female coparceners.
- (c) Correct. Section 6 recognises Mahika's coparcenary rights by birth, irrespective of whether partition occurred during her lifetime. Her legal heir may pursue rights devolving through her under the applicable succession provisions. The brothers' argument that her coparcenary interest disappeared merely because she died before partition is inconsistent with the supplied statutory principle.
- (d) Incorrect. A daughter's coparcenary interest is not confined to property separately allotted to her during her lifetime. Section 6 recognises her rights in coparcenary property by birth, while the relevant succession provisions govern rights devolving through her. The absence of a prior allotment does not independently defeat her legal heir's claim.

2. Correct Answer: (a) The court may consider corrective action to secure justice within statutory limits.

Reference Line: "These powers may support appropriate corrective action where a decree has been obtained through proceedings that disregard essential legal safeguards."

Explanation:

- (a) Correct. Section 151 CPC preserves the inherent powers of civil courts to secure the ends of justice and prevent abuse of judicial process. Since the decree affecting Lavanya was passed through proceedings that disregarded an essential procedural safeguard, the court may consider appropriate corrective action. Such intervention must remain consistent with express statutory provisions.
- (b) Incorrect. Section 151 does not establish an unconditional prohibition against corrective action after a decree has been passed. The supplied principle recognises that inherent powers may support correction where proceedings disregard essential legal safeguards. The court must assess the nature of the defect and applicable statutory restrictions rather than refusing intervention merely because a decree exists.
- (c) Incorrect. Inherent powers under Section 151 cannot ordinarily be exercised in a manner inconsistent with express statutory provisions. Although the provision supports judicial action necessary for fairness, it does not authorise courts to disregard statutory prohibitions. The absence of an express prohibition in Lavanya's case is therefore relevant to considering the requested corrective measure.
- (d) Incorrect. Section 151 preserves the court's inherent authority to make orders necessary for justice or prevention of procedural abuse. The supplied provision does not make the opposing party's consent an essential condition for exercising such authority. The court must instead assess the procedural defect, necessity of correction, and applicable statutory limitations.

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

Reference Line: "Order XXIII Rule 3 permits a court to record a lawful agreement or compromise, in writing and signed by the parties, through which a suit is adjusted wholly or partly."

Explanation:

- (a) Incorrect. Statement i correctly identifies that a lawful compromise adjusting a suit must satisfy the

requirements concerning writing and signatures. However, Statement ii incorrectly treats recording the compromise as compulsory without judicial examination. Order XXIII Rule 3 requires the court to satisfy itself that the proposed agreement meets the statutory requirements before passing a compromise decree.

(b) Incorrect. Statement iii correctly recognises the court's duty to examine whether the compromise satisfies the prescribed conditions. However, Statement ii incorrectly eliminates this judicial responsibility. The mere presentation of a proposed settlement does not independently establish that it is lawful or fulfils the requirements necessary for recording it.

(c) Incorrect. Statement iii correctly recognises the court's obligation to verify the statutory requirements before passing a compromise decree. Statement iv incorrectly assumes that an agreement between participating parties automatically extinguishes an omitted necessary party's independent rights. A compromise cannot acquire such an effect merely because the participating parties have agreed to its terms.

(d) Correct. Statement i accurately reflects the statutory requirements concerning a lawful compromise recorded in writing and signed by the parties. Statement iii correctly recognises that the court must satisfy itself regarding compliance with the prescribed conditions before passing a decree. Both statements describe essential requirements under Order XXIII Rule 3 CPC.

4. Correct Answer: (b) An omitted co-owner seeks participation where the decree may determine her ownership.

Reference Line: "Order I Rule 10(2) empowers a court, at any stage of the proceedings, to add a person who ought to have been joined or whose presence is necessary for effectively and completely adjudicating the questions involved in the suit."

Explanation:

(a) Incorrect. A neighbour's knowledge of historical facts may assist the court in understanding the dispute, but that circumstance does not independently establish the need to add the neighbour as a party. Order I Rule 10(2) concerns persons whose participation is necessary for effective and complete adjudication. The neighbour's stated interest is limited to providing factual information.

(b) Correct. The omitted co-owner possesses an existing legal interest in the property that may be determined by the eventual decree. Her participation is therefore relevant to ensuring that the ownership dispute is effectively and completely adjudicated. Order I Rule 10(2) authorises the court to add such a person to protect the proper determination of the controversy.

(c) Incorrect. The broker's expectation that the judgment may influence future commissions does not establish an existing legal interest requiring determination in the property proceedings. Order I Rule 10(2) focuses on the person's relationship with the questions involved in the suit. A possible commercial consequence does not independently justify addition as a party.

(d) Incorrect. A prospective purchaser's intention to acquire property after litigation does not, by itself, establish that the person's presence is necessary to resolve the existing ownership dispute. The court must consider whether the applicant ought to have been joined or is required for complete adjudication. A possible future transaction provides a weaker basis than an existing co-ownership interest.

5. Correct Answer: (c) Section 96(3) CPC

Reference Line: "Section 96(3) provides that no appeal shall lie from a decree passed by the court with the consent of the parties."

Explanation:

- (a) Incorrect. Section 151 CPC preserves the inherent powers of civil courts to make orders necessary for the ends of justice or to prevent abuse of judicial process. It does not prescribe the specific restriction on appeals against consent decrees. That restriction is governed by Section 96(3).
- (b) Incorrect. Order I Rule 9 CPC provides that a suit shall not ordinarily fail because of misjoinder or non-joinder of parties, subject to the exception concerning necessary parties. It deals with defects in the constitution of proceedings rather than appeals against decrees passed with the parties' consent.
- (c) Correct. Section 96(3) CPC prohibits an appeal from a decree passed with the consent of the parties. The provision reflects the principle that parties who voluntarily settle their dispute cannot ordinarily challenge the resulting decree through a regular appeal. Issues concerning the validity of consent or the lawfulness of the compromise require separate consideration.
- (d) Incorrect. Order XXIII Rule 3A CPC prohibits a fresh suit seeking to set aside a decree on the ground that the underlying compromise was unlawful. It concerns the institution of separate proceedings challenging a compromise decree rather than the statutory restriction on appeals. The latter is specifically governed by Section 96(3) CPC.

16. Fine in Addition to Sentence Cannot Be Imposed Where Statute Does Not Provide for It

1. Correct Answer: (c) The statutory ingredients may be satisfied if the stated circumstances are proved.

Reference Line: "Section 304-B IPC defines dowry death where a woman's death occurs under unnatural circumstances within seven years of marriage and it is shown that she was subjected to cruelty or harassment by her husband or his relatives soon before her death in connection with a dowry demand."

Explanation:

- (a) Incorrect. Section 304-B requires cruelty or harassment connected with a dowry demand soon before an unnatural death occurring within seven years of marriage. The provision does not make actual delivery of the demanded property an essential ingredient. Therefore, the absence of payment does not independently defeat the prosecution's case.
- (b) Incorrect. Section 304-B expressly recognises cruelty or harassment by the husband or his relatives. The husband's sister falls within the category of relatives contemplated by the provision. Consequently, the husband's absence from the alleged harassment does not exclude the application of Section 304-B where the remaining statutory ingredients are established.
- (c) Correct. Tarushi's death occurred under unnatural circumstances within seven years of marriage, and the alleged harassment by her husband's relative was connected with a dowry demand soon before her death. These facts correspond to the essential ingredients of Section 304-B. If established through legally acceptable evidence, they may sustain liability under the provision.
- (d) Incorrect. Section 304-B requires proof of the specified unnatural death and dowry-related cruelty or harassment soon before that death. It does not impose an additional requirement that the prosecution prove the harassment itself physically caused the death. The relevant statutory connection concerns the nature and timing of the dowry-related harassment.

2. Correct Answer: (a) Suspension affects sentence execution without overturning the conviction or removing bail conditions.

Reference Line: "Such relief does not automatically overturn the conviction."

Explanation:

(a) Correct. Section 430 BNSS permits suspension of sentence execution and release on bail during a pending appeal, subject to applicable statutory conditions. Such an order does not automatically overturn the conviction. Omkar must therefore comply with the imposed bail conditions while the appeal remains pending and the conviction has not been set aside.

(b) Incorrect. Suspension of sentence concerns the temporary operation of the punishment rather than the legal existence of the conviction. The appellate court's decision to grant bail does not independently nullify the trial court's finding of guilt. The conviction remains subject to the outcome of the pending appellate proceedings.

(c) Incorrect. An acquittal is distinct from an order suspending the execution of a sentence pending appeal. Section 430 does not convert a conviction into an acquittal merely because the appellant receives interim relief. Omkar's release affects the execution of his sentence without amounting to a final determination of innocence.

(d) Incorrect. Section 430 recognises the appellate court's authority to impose appropriate conditions when releasing a convicted appellant on bail. Such conditions may secure participation in the appellate proceedings. Omkar's release therefore does not eliminate the court's authority to regulate his conduct during the pendency of the appeal.

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

Reference Line: "It ordinarily prescribes imprisonment of not less than six months, extendable to two years, and a fine extending to ₹10,000, subject to the statutory provision permitting a shorter term for adequate and special reasons."

Explanation:

(a) Incorrect. Statement i correctly recognises that Section 4 penalises demanding dowry and does not require actual receipt of the demanded property. However, Statement iii incorrectly identifies ₹50,000 as the maximum statutory fine. The supplied provision prescribes a fine extending to ₹10,000, making this combination incorrect.

(b) Incorrect. Statement ii correctly identifies the ordinary imprisonment range of six months to two years under Section 4. Statement iv incorrectly suggests that a shorter sentence may be imposed without adequate and special reasons. The statutory qualification expressly requires such reasons for departing from the ordinary minimum imprisonment term.

(c) Incorrect. Statement iii incorrectly states that the maximum fine is ₹50,000, whereas the prescribed limit is ₹10,000. Statement iv also disregards the statutory requirement of adequate and special reasons for imposing imprisonment below six months. Neither statement accurately describes the punishment framework established under Section 4.

(d) Correct. Statement i correctly identifies the demand for dowry as the prohibited conduct, without making actual receipt an essential requirement. Statement ii accurately states the ordinary imprisonment range of six months to two years. Both statements therefore reflect the conduct and punishment contemplated under Section 4 of the Dowry Prohibition Act.

4. Correct Answer: (b) A High Court temporarily halts recovery of a fine while the criminal appeal remains pending.

Reference Line: "Suspension or stay of a fine temporarily prevents its enforcement according to the terms of the judicial order."

Explanation:

(a) Incorrect. Where an appellate court finally removes a monetary penalty after determining that it was unauthorised by law, the penalty is set aside rather than temporarily suspended. Such an order resolves the legality of that component of the sentence. It is therefore distinguishable from a temporary stay of enforcement pending appeal.

(b) Correct. Temporarily halting recovery of a monetary penalty while an appeal remains pending represents suspension or stay of the fine. The order prevents enforcement according to its terms without finally determining whether the penalty was legally sustainable. The appellate court may subsequently examine the validity of the fine during final adjudication.

(c) Incorrect. Substituting a different lawful sentence through a final appellate judgment constitutes a substantive determination concerning punishment. It changes the operative sentence rather than merely postponing enforcement of the original monetary penalty. The situation therefore involves final appellate modification rather than temporary suspension of a fine.

(d) Incorrect. Correcting an arithmetical error concerns the accuracy of the amount recorded in the sentencing order. Such correction is distinct from temporarily preventing enforcement of an existing monetary penalty. A stay affects enforceability for the period specified by the court, whereas an arithmetical correction addresses an error in the recorded amount.

5. Correct Answer: (c) Section 498-A IPC

Reference Line: "Section 498-A IPC criminalises specified forms of cruelty committed against a married woman by her husband or his relatives."

Explanation:

(a) Incorrect. Section 304-B IPC concerns dowry death, requiring an unnatural death within seven years of marriage and the prescribed connection with dowry-related cruelty or harassment soon before death. It establishes a distinct offence with punishment extending from seven years to life imprisonment, rather than the general cruelty offence identified in the question.

(b) Incorrect. Section 80 IPC provides an exception to criminal liability for accidents occurring during the performance of lawful acts, without criminal intention or knowledge, and with proper care and caution. It does not criminalise cruelty committed against a married woman by her husband or his relatives.

(c) Correct. Section 498-A IPC criminalises specified cruelty against a married woman by her husband or his relatives. It covers wilful conduct of the prescribed seriousness and harassment connected with unlawful demands for property or valuable security. The provision prescribes imprisonment extending to three years and liability to fine.

(d) Incorrect. Section 4 IPC concerns the extraterritorial application of the Indian Penal Code to specified offences committed beyond India. It does not define or punish cruelty against a married woman. The relevant offence is prescribed under Section 498-A IPC.

17. Biological Father Can Adopt His Own Illegitimate Son under HAMA

1. Correct Answer: (d) The actual transfer with the required intention may establish a valid adoption.

Reference Line: "Section 11(vi) requires the child to be actually given and taken in adoption with the intention of transferring the child from the family of birth to the adoptive family."

Explanation:

(a) Incorrect. Section 11(vi) emphasises the actual giving and taking of the child with the intention of transferring the child into the adoptive family. An elaborate religious ceremony is not invariably required. Since the child was physically transferred with the necessary intention, the absence of elaborate ceremonies does not independently invalidate the adoption.

(b) Incorrect. A declaration of intention cannot substitute for the act of giving and taking required under Section 11(vi). The provision requires an identifiable transfer of the child from the family of birth to the adoptive family. Therefore, intention must be accompanied by the requisite act rather than remaining a mere expression of willingness.

(c) Incorrect. The presence of witnesses may assist in establishing what occurred during the adoption, but it does not independently satisfy the statutory requirement. Section 11(vi) requires proof of actual giving and taking accompanied by the intention to transfer the child. Witnesses alone cannot replace proof of that essential act.

(d) Correct. Leher physically handed over the child to Eklavya with the intention of transferring the child into his family. These circumstances satisfy the requirement of actual giving and taking under Section 11(vi). Since an elaborate ceremony is not invariably necessary and the remaining conditions are satisfied, the adoption may be recognised as valid.

2. Correct Answer: (b) The civil court may examine the alleged undue influence despite registration.

Reference Line: "Registration has evidentiary significance but does not conclusively establish the voluntary character or genuineness of every underlying transaction."

Explanation:

(a) Incorrect. Registration provides evidentiary support concerning a transaction but does not conclusively establish that the document was executed voluntarily. Where undue influence or absence of conscious consent is alleged, the court may examine the circumstances surrounding execution. The registration certificate therefore does not independently defeat Rishika's challenge.

(b) Correct. Sections 58, 59, and 60 of the Registration Act recognise important registration procedures and their evidentiary significance. However, registration does not render the underlying transaction immune from challenges concerning undue influence or lack of conscious consent. The civil court may therefore examine Rishika's allegations and the supporting evidence.

(c) Incorrect. Sections 91 and 92 of the Indian Evidence Act do not make registered instruments immune from challenges involving fraud, undue influence, or absence of conscious consent. Their existence does not eliminate the court's authority to examine whether execution was genuinely voluntary. Naman's argument therefore extends their effect beyond the supplied legal principle.

(d) Incorrect. Challenges to registered transactions are not confined to procedural defects in registration endorsements. A party may question the voluntary character or genuineness of the underlying transaction through relevant evidence. Rishika's allegations concern the circumstances in which consent was obtained, rather than merely the registration procedure.

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

Reference Line: "The child must be Hindu, must not already have been adopted, and must ordinarily be unmarried and below fifteen years of age, subject to applicable customary exceptions."

Explanation:

(a) Correct. Statement ii accurately recognises Hindu status as an eligibility requirement under Section 10. Statement iv also correctly identifies that the ordinary conditions concerning age and marital status are subject to applicable customary exceptions. Both statements therefore reflect the statutory qualifications governing persons capable of being adopted.

(b) Incorrect. Statement ii correctly identifies the requirement that the child must be Hindu. However, Statement i incorrectly suggests that an already adopted child may undergo another adoption merely with the prospective parent's consent. Section 10 expressly requires that the child must not already have been adopted, making the proposed combination incorrect.

(c) Incorrect. Statement iv correctly recognises the customary exceptions applicable to age and marital-status requirements. However, Statement iii incorrectly treats birth outside marriage as an automatic statutory disqualification. Section 10 contains no express exclusion on that ground, and eligibility must instead be assessed according to the prescribed conditions.

(d) Incorrect. Statement i incorrectly permits the adoption of a child who has already been adopted, contrary to Section 10. Statement iii also incorrectly excludes children born outside marriage, although the provision contains no such express disqualification. Neither proposition accurately reflects the statutory requirements for eligibility.

4. Correct Answer: (c) Both courts find ownership of Plot B established through a deed concerning only Plot A.

Reference Line: "Interference may be justified where findings are perverse, unsupported by evidence, based on a misreading of material evidence, or affected by a substantial legal error."

Explanation:

(a) Incorrect. Concurrent findings ordinarily receive judicial deference where the fact-finding courts have assessed the available evidence. Preferring one witness's testimony over another involves evaluating credibility and factual reliability. A different assessment of the same testimony does not, by itself, establish a substantial question of law permitting interference under Section 100 CPC.

(b) Incorrect. Where both courts adopt a valuation supported by the evidence, the existence of another reasonable estimate does not independently justify interference in a second appeal. Section 100 CPC restricts review to substantial questions of law. A disagreement between competing evidentiary assessments does not ordinarily satisfy that requirement.

(c) Correct. The courts' finding concerning ownership of Plot B rests upon a deed that concerns only Plot A. This indicates a material misreading of documentary evidence supporting the concurrent factual conclusion. Such a defect may raise a substantial question of law and justify interference under Section 100 CPC, notwithstanding concurrence between the lower courts.

(d) Incorrect. Concurrent findings based on revenue records ordinarily receive judicial deference where the adopted inference has evidentiary support. The possibility of another reasonable interpretation does not independently establish perversity or legal error. Without a substantial question of law, the High Court cannot ordinarily substitute its preferred factual interpretation in a second appeal.

5. Correct Answer: (b) Section 16

Reference Line: "Section 16 concerns the evidentiary significance of registered documents recording adoption."

Explanation:

- (a) Incorrect. Section 9 of HAMA governs the persons legally competent to give a child in adoption and the conditions governing that power. It addresses the authority to give a child rather than the evidentiary significance of registered adoption documents.
- (b) Correct. Section 16 of HAMA concerns the evidentiary significance of registered documents recording adoption. The supplied principle also identifies a special documentary requirement introduced in Uttar Pradesh for adoptions made on or after 1 January 1977. Its applicability depends on the relevant legal framework and the date of adoption.
- (c) Incorrect. Section 12 of HAMA governs the legal effects of a valid adoption, including the adopted child's status in the adoptive family and the ordinary severance of ties with the family of birth. It does not specifically govern the evidentiary significance of registered adoption documents.
- (d) Incorrect. Section 10 of HAMA prescribes the eligibility requirements for a person to be adopted, including Hindu status, absence of previous adoption, and applicable age and marital-status conditions. It concerns the child's eligibility rather than the evidentiary treatment of documents recording an adoption.

18. Does Conversion Automatically End Scheduled Tribe Status?

1. Correct Answer: (c) Further scrutiny may be undertaken under the governing law despite the existing certificate.

Reference Line: "However, the present judgment held that it does not necessarily foreclose examination of continuing community affiliation where subsequent material raises a relevant factual dispute."

Explanation:

- (a) Incorrect. The emergence of additional evidence questioning community affiliation does not automatically establish that an existing Scheduled Tribe certificate must be cancelled. Such evidence may justify further scrutiny, but the determination must follow the governing statutory framework. The authority must assess the relevant material before reaching a conclusion regarding the claimant's status.
- (b) Incorrect. Although Parliament possesses authority to modify the list of recognised Scheduled Tribes, an individual's continuing community affiliation presents a distinct factual question. An existing certificate does not necessarily prevent examination of subsequent material concerning that affiliation. *Nirupama* cannot therefore treat the certificate as conclusive merely because the community remains notified.
- (c) Correct. A Scheduled Tribe certificate issued by a competent authority constitutes relevant evidence of recognised tribal status. However, where subsequent material raises a genuine factual dispute concerning continuing community affiliation, further examination may be permissible under the governing law. The certificate must be considered alongside the relevant evidence rather than treated as automatically conclusive.
- (d) Incorrect. Subsequent objections do not automatically eliminate the evidentiary significance of a certificate issued by a competent authority. The certificate remains relevant to the assessment of tribal status, although it may not conclusively resolve every subsequent dispute. The authority must evaluate the available material according to the applicable statutory framework.

2. Correct Answer: (a) The transfer remains restricted because Samar does not belong to a Scheduled Tribe.

Reference Line: "Section 157-B restricted the transfer of land by specified Scheduled Tribe tenure-holders to persons who did not belong to a Scheduled Tribe."

Explanation:

(a) Correct. Section 157-B restricted transfers of land by specified Scheduled Tribe tenure-holders to purchasers outside the Scheduled Tribe category. Apeksha falls within the protected category, while Samar admittedly does not belong to a Scheduled Tribe. His Scheduled Caste status does not independently satisfy the statutory requirement governing the proposed transfer.

(b) Incorrect. The supplied provision specifically concerns transfers to persons who do not belong to a Scheduled Tribe. It does not treat Scheduled Caste status as equivalent to Scheduled Tribe membership for determining the applicability of the restriction. Samar's recognised disadvantaged status therefore does not independently exempt the proposed transaction from Section 157-B.

(c) Incorrect. Section 157-B focuses on the statutory status of the tenure-holder and the proposed transferee rather than their residence within the same district. Samar's local residence does not establish membership of a Scheduled Tribe. Consequently, geographic proximity cannot independently remove the restriction applicable to the proposed transfer.

(d) Incorrect. Section 157-B is not confined to purchasers belonging to communities lacking any form of legal recognition. Its restriction concerns transfers to persons who do not belong to a Scheduled Tribe. Samar's membership of another recognised social category therefore does not remove the transaction from the scope of the provision.

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

Reference Line: "Article 342 empowers the President to specify, by public notification, tribes or tribal communities recognised as Scheduled Tribes in relation to a State or Union Territory, subject to the prescribed constitutional requirements."

Explanation:

(a) Incorrect. Statement i correctly recognises the President's constitutional authority to specify Scheduled Tribes in relation to a State or Union Territory through public notification. However, Statement iii incorrectly attributes independent power to revise the notified list to the Governor under Article 366(25). That Article defines Scheduled Tribes by reference to Article 342 rather than conferring such authority.

(b) Incorrect. Statement ii correctly identifies Parliament's power to exclude communities from the notified Scheduled Tribes list through legislation. Statement iv incorrectly assumes that a State executive department may modify the constitutionally recognised list through an administrative circular. The prescribed constitutional framework does not recognise such an independent executive power.

(c) Incorrect. Statement iii incorrectly treats Article 366(25) as an independent source of authority for the Governor to revise the Scheduled Tribes list. Statement iv similarly attributes modification powers to a State executive department. Both propositions disregard the constitutional framework governing initial specification and subsequent legislative modification of recognised Scheduled Tribes.

(d) Correct. Statement i accurately reflects the President's authority to specify Scheduled Tribes through public notification under Article 342. Statement ii correctly recognises that Parliament may subsequently exclude communities through legislation. Both statements identify constitutionally recognised powers

concerning the specification and modification of Scheduled Tribe status.

4. Correct Answer: (b) A revenue officer decides a dispute expressly outside the jurisdiction conferred by the governing law.

Reference Line: "However, the alternative-remedy rule is discretionary rather than an absolute constitutional prohibition, particularly where substantial legal or jurisdictional questions arise."

Explanation:

(a) Incorrect. A dispute concerning competing interpretations of revenue records primarily involves factual assessment. Where an effective statutory revision remedy exists, the High Court ordinarily considers its availability before exercising writ jurisdiction. The claimant's disagreement with the assessment does not, by itself, establish a substantial jurisdictional defect warranting exceptional intervention.

(b) Correct. An authority exercising power beyond the jurisdiction conferred by law raises a substantial legal defect concerning its competence to decide the dispute. Although Section 210 provides a statutory revision remedy, its availability does not create an absolute constitutional bar against writ jurisdiction. The jurisdictional illegality therefore provides a strong basis for the High Court to consider intervention.

(c) Incorrect. Disagreement over property valuation based on competing assessments primarily concerns evaluation of the available material. The existence of another reasonable valuation does not independently establish jurisdictional illegality or a substantial legal defect. Such disputes ordinarily favour examination through the available statutory mechanism rather than immediate constitutional intervention.

(d) Incorrect. Article 226 preserves the High Court's constitutional writ jurisdiction, but the existence of an effective statutory remedy remains an important discretionary consideration. A litigant's preference to avoid the prescribed revision procedure does not independently establish a reason for bypassing it. The situation identifies no substantial legal or jurisdictional defect justifying such intervention.

5. Correct Answer: (a) Section 167

Reference Line: "Section 166 dealt with transfers rendered void because of contravention of specified statutory restrictions, while Section 167 prescribed consequences following such invalid transfers, including the statutory vesting of relevant interests."

Explanation:

(a) Correct. Section 167 of the U.P. Zamindari Abolition and Land Reforms Act, 1950 prescribed the statutory consequences arising from transfers rendered void under the applicable restrictions. These consequences included the vesting of relevant interests as provided by law. The provision therefore addressed the legal effects following an invalid transfer.

(b) Incorrect. Section 166 dealt with transfers rendered void because they contravened specified statutory restrictions. Its function concerned the invalidity of prohibited transactions. Section 167 separately prescribed the consequences flowing from such invalidity, including the statutory vesting of relevant interests.

(c) Incorrect. Section 157-B restricted transfers of land by specified Scheduled Tribe tenure-holders to persons who did not belong to a Scheduled Tribe. It established a substantive restriction designed to protect tribal landholdings. The statutory consequences following transfers rendered void were addressed separately under Section 167.

(d) Incorrect. Section 210 of the Uttar Pradesh Revenue Code, 2006 concerns the statutory remedy of revision. It provides a mechanism for challenging specified revenue decisions rather than prescribing the consequences of void transfers under the earlier land reform legislation. Those consequences were governed by Section 167.

19. Queer Partners Can Take Medical Decisions in Emergencies If Authorised by Patient

1. Correct Answer: (c) The exclusion raises a constitutional discrimination concern without automatically establishing medical decision-making authority.

Reference Line: "In Navtej Singh Johar v. Union of India, the Supreme Court recognised constitutional protection against discrimination based on sexual orientation."

Explanation:

(a) Incorrect. The absence of legally recognised marriage does not independently eliminate constitutional protection against discrimination based on sexual orientation. Since the government hospital considers nominations from unmarried heterosexual partners, rejecting Shalmali's nomination solely because of her sexual orientation raises an equality concern under Article 15.

(b) Incorrect. Constitutional protection against discriminatory treatment does not automatically confer unrestricted authority upon every nominated healthcare representative. The legal recognition of such representatives remains dependent upon the applicable regulatory framework. Article 15 addresses discriminatory exclusion rather than independently establishing every form of medical decision-making authority.

(c) Correct. Article 15 provides constitutional protection against specified forms of discrimination, while the principles recognised in Navtej Singh Johar extend constitutional protection to sexual orientation. The hospital's differential treatment of materially comparable nominations raises a discrimination concern. However, the precise authority of a nominated partner requires separate legal determination.

(d) Incorrect. The existence of hospital regulations does not exclude constitutional scrutiny of discriminatory State action. Where a government hospital treats similarly situated persons differently because of sexual orientation, the decision may raise concerns under Article 15. Compliance with institutional procedures must therefore be distinguished from compliance with constitutional equality requirements.

2. Correct Answer: (d) The disclosure raises concerns involving dignity, privacy, and personal autonomy under Article 21.

Reference Line: "Article 21 protects life and personal liberty and encompasses important dimensions of human dignity, bodily autonomy and privacy."

Explanation:

(a) Incorrect. Article 21 protects interests extending beyond physical safety, including dignity, privacy, and bodily autonomy. Public disclosure of sensitive medical information may interfere with these constitutionally protected interests even where no physical injury occurs. The absence of bodily harm therefore does not independently defeat Arohi's constitutional claim.

(b) Incorrect. Administrative control over hospital records does not independently justify disregarding the constitutional privacy interests of patients. Article 21 recognises the importance of personal autonomy and dignity in matters involving medical treatment. The hospital's administrative responsibility must

therefore operate consistently with applicable constitutional requirements.

(c) Incorrect. The constitutional protection of privacy is not confined to circumstances in which medical treatment has been denied. Medical information concerns an individual's personal affairs and may engage interests protected under Article 21. Arohi's complaint concerns disclosure of sensitive information rather than access to treatment, but it nevertheless raises a constitutional issue.

(d) Correct. Article 21 protects important dimensions of human dignity, privacy, and personal autonomy, particularly in matters involving personal medical information. The unauthorised public disclosure of Arohi's treatment details raises concerns under these constitutional protections. The hospital's conduct may therefore be examined for consistency with the requirements of Article 21.

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

Reference Line: "In the same-sex marriage litigation, the Supreme Court declined to judicially confer the legal status of marriage upon queer couples under the existing marriage legislation."

Explanation:

(a) Correct. Statement i correctly identifies the Supreme Court's refusal to judicially confer the legal status of marriage upon queer couples under the existing legislation. Statement iii also correctly recognises that healthcare representation presents a narrower legal question than statutory marriage recognition. Both statements reflect the distinctions identified in the supplied principle.

(b) Incorrect. Statement i accurately describes the outcome concerning statutory marriage recognition. However, Statement iv incorrectly assumes that the judgment established recognised marriage as a compulsory condition for every healthcare representation arrangement. The supplied principle identifies healthcare representation as a separate question requiring consideration under the applicable legal framework.

(c) Incorrect. Statement iii correctly identifies the distinction between healthcare representation and the conferral of marital status. Statement ii incorrectly equates constitutional protection of intimate relationships with statutory marriage recognition. The supplied principle expressly distinguishes these concepts, making the refusal to confer marriage status different from denying constitutional protection to intimate relationships.

(d) Incorrect. Statement ii incorrectly treats constitutional protection of intimate relationships as equivalent to legal recognition of marriage. Statement iv incorrectly assumes that the judgment made statutory marriage necessary for all healthcare representation arrangements. Neither proposition accurately reflects the distinction between the constitutional protection of relationships and the separate legal question of medical representation.

4. Correct Answer: (b) A competent patient receives relevant information and voluntarily authorises the proposed treatment.

Reference Line: "Informed consent requires that a patient capable of making decisions receive relevant information about a proposed medical intervention and voluntarily authorise it."

Explanation:

(a) Incorrect. Signing an authorisation does not independently establish informed consent where the patient has not received relevant information concerning the proposed intervention. The doctrine requires both adequate information and voluntary authorisation. A signed document cannot replace the informational requirement necessary for the patient to make a meaningful decision.

(b) Correct. The patient possesses decision-making capacity, receives relevant information concerning the proposed medical intervention, and voluntarily authorises treatment. These circumstances satisfy the essential requirements of informed consent. The decision therefore reflects the patient's informed and voluntary exercise of authority over medical treatment.

(c) Incorrect. Informed consent recognises the authority of a capable patient to make voluntary decisions concerning medical intervention. A relative's authorisation does not independently replace the expressed decision of a patient who retains decision-making capacity. The capable patient's refusal is therefore relevant to determining whether the proposed treatment has been validly authorised.

(d) Incorrect. Where a patient lacks decision-making capacity, identifying an appropriate representative requires consideration of the treatment, applicable legal requirements, and any valid prior expression of the patient's wishes. An unverified assumption about earlier preferences does not independently establish informed authorisation. The situation therefore lacks the clear safeguards present in option (b).

5. Correct Answer: (c) Clause 7.16 of the IMC Regulations

Reference Line: "Clause 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, is central to the petition because of its provisions concerning consent for medical procedures."

Explanation:

(a) Incorrect. Article 15 of the Constitution prohibits specified forms of discrimination, including discrimination on the ground of sex, within its constitutional framework. Although the petitioner relied upon constitutional equality principles to challenge exclusion from medical representation, Article 15 is not the regulatory provision concerning medical consent identified in the question.

(b) Incorrect. Article 21 protects life and personal liberty, including important dimensions of bodily autonomy, privacy, and dignity. These constitutional guarantees are relevant to decisions concerning medical treatment. However, the specific professional ethics regulation concerning consent identified in the supplied material is Clause 7.16 of the IMC Regulations.

(c) Correct. Clause 7.16 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, concerns consent for medical procedures and is central to the petition regarding healthcare representation. The Centre proposed an interpretation that would not exclude a duly authorised partner because of sexual orientation or marital status, although the precise legal recognition remains subject to determination.

(d) Incorrect. *Navtej Singh Johar v. Union of India* is a Supreme Court judgment recognising constitutional protections concerning sexual orientation, dignity, privacy, equality, and autonomy. Although these principles are relevant to discriminatory treatment in healthcare representation, the judgment is not the specified regulatory provision governing medical consent under the IMC Regulations.

20. No Written Grounds of Arrest not an Automatic Ground for Bail

1. Correct Answer: (d) Denial of her chosen lawyer violates a separate constitutional safeguard despite disclosure of grounds.

Reference Line: "Article 22(1) guarantees an arrested person the right to be informed of the grounds of arrest as soon as may be, along with the right to consult and be defended by a legal practitioner of their choice."

Explanation:

- (a) Incorrect. Article 22(1) guarantees two distinct protections concerning communication of arrest grounds and access to legal representation. Satisfying the requirement to inform Vatsala of the grounds does not extinguish her entitlement to consult a legal practitioner of her choice. The police must respect both constitutional safeguards.
- (b) Incorrect. Article 22(1) specifically recognises the arrested person's right to consult and be defended by a legal practitioner of their choice. Merely offering access to a lawyer selected by the police does not justify refusing consultation with the chosen practitioner. The constitutional safeguard concerns the arrested person's choice rather than unrestricted police discretion.
- (c) Incorrect. The right to consult a legal practitioner under Article 22(1) arises in connection with arrest and is not confined to proceedings after formal charges have been framed. Its purpose includes enabling an arrested person to understand the legal position and pursue appropriate remedies. Postponing access on the stated ground would disregard this protection.
- (d) Correct. Article 22(1) separately protects the right to know the grounds of arrest and the right to consult a chosen legal practitioner. Although Vatsala received the grounds promptly, refusing access to her chosen lawyer infringes the latter safeguard. Compliance with one constitutional requirement does not excuse violation of the other.

2. Correct Answer: (b) Both may incur liability because their actions furthered the shared criminal intention.

Reference Line: "Section 3(5) BNS provides for joint liability where a criminal act is done by several persons in furtherance of their common intention."

Explanation:

- (a) Incorrect. Section 3(5) does not require every participant to perform the same physical act constituting the offence. Liability may arise where several persons act in furtherance of their common intention. Mrunal's role in facilitating access to the secured room must therefore be considered alongside the shared agreement.
- (b) Correct. Mrunal and Tejasvi agreed to destroy the records and performed complementary acts towards achieving that purpose. Mrunal facilitated access while Tejasvi carried out the destruction. Their conduct may attract joint liability under Section 3(5), since the criminal act was undertaken in furtherance of their common intention.
- (c) Incorrect. Mere presence near the commission of an offence does not establish the common intention required under Section 3(5). The provision concerns participation in a criminal act undertaken in furtherance of a shared intention. Mrunal's potential liability arises from her agreed and purposeful contribution rather than her proximity to the incident.
- (d) Incorrect. Section 3(5) recognises joint responsibility where several persons undertake a criminal act in furtherance of their common intention. Liability is not necessarily restricted to the participant performing the final physical act. Mrunal's deliberate assistance in carrying out the agreed plan may therefore attract criminal responsibility.

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

Reference Line: "While considering regular bail, courts assess relevant circumstances such as the nature

of the accusation, supporting material, risk of interference with proceedings and criminal antecedents."

Explanation:

- (a) Correct. Statement i correctly recognises the specified bail powers of the High Court and Court of Session under Section 483. Statements ii and iii accurately identify relevant considerations, including the accusations, supporting material, interference risks, and criminal antecedents. All three statements reflect the supplied statutory framework governing regular bail.
- (b) Incorrect. Statements i and iii correctly identify the competent courts and relevant considerations concerning interference and antecedents. However, Statement iv incorrectly requires conclusive determination of guilt before regular bail can be considered. Bail proceedings involve assessment of relevant circumstances rather than final adjudication of criminal responsibility.
- (c) Incorrect. Statement ii correctly identifies the nature of accusations and supporting material as relevant considerations under Section 483. Statement iv incorrectly treats determination of guilt as a prerequisite for bail. The court assesses the circumstances relevant to release without conducting the final criminal trial at that stage.
- (d) Incorrect. Statements ii and iii correctly identify considerations relevant to regular bail, including supporting material and the risk of interference with proceedings. Statement iv incorrectly requires a conclusive finding of guilt. Section 483 concerns bail-related judicial powers, which remain distinct from the final determination of criminal responsibility.

4. Correct Answer: (c) An exceptional emergency prevents immediate written delivery; oral grounds are followed by written grounds in an understood language within a reasonable time, three hours before remand.

Reference Line: "Where exceptional circumstances prevent immediate written communication, the grounds may initially be conveyed orally but must be furnished in writing within a reasonable time and no later than two hours before production for remand."

Explanation:

- (a) Incorrect. The Supreme Court's stated requirement permits initial oral communication where exceptional circumstances make immediate written communication impracticable. Administrative convenience does not independently establish such circumstances. Although the written grounds were subsequently supplied three hours before remand, the stated reason for withholding them initially does not satisfy the exceptional requirement.
- (b) Incorrect. The requirement concerning written grounds includes furnishing them in a language understood by the arrested person. Providing written information in an unfamiliar language does not satisfy that requirement merely because an oral explanation accompanies it. The absence of written grounds in an understood language leaves the prescribed safeguard unfulfilled.
- (c) Correct. The exceptional emergency explains why immediate written communication was impracticable, permitting initial oral communication. The police subsequently furnished written grounds in a language understood by the arrested person within a reasonable time and three hours before remand. These circumstances satisfy the communication requirements identified in the supplied judgment.
- (d) Incorrect. Exceptional circumstances may justify initial oral communication, but they do not eliminate the subsequent written-communication requirement. The stated rule requires written grounds to be furnished no later than two hours before production for remand. Supplying them only forty-five minutes

beforehand fails to satisfy that prescribed outer limit.

5. Correct Answer: (b) Section 103(1) BNS

Reference Line: "Section 103(1) BNS prescribes death or imprisonment for life, together with liability to fine, for murder."

Explanation:

(a) Incorrect. Section 3(5) BNS concerns criminal acts committed by several persons in furtherance of their common intention. It establishes the principle of joint liability without requiring each participant to perform the same physical act. It does not prescribe the punishment for murder.

(b) Correct. Section 103(1) BNS prescribes the punishment for murder under the Bharatiya Nyaya Sanhita, 2023. The provision authorises death or imprisonment for life, together with liability to fine. It therefore corresponds to the punishment structure identified in the question.

(c) Incorrect. Section 47 BNSS governs communication of the grounds of arrest to persons arrested without a warrant. It also provides for informing eligible arrested persons of their right to bail. The provision concerns arrest-related procedural safeguards rather than punishment for murder.

(d) Incorrect. Section 483 BNSS confers specified bail-related powers on the High Court and Court of Session. It governs judicial consideration of release on bail under the applicable statutory framework. It does not prescribe punishments for substantive offences, including murder.



Faces That Inspire

Our Torchbearers: ALUMNIS IN NLS BANGALORE & NLU DELHI



Ananya Prakash



Masirah Ahmad



Arush Sarma



Nikhil Dabbas



Sampoorno Mukherjee



Vaishnavi K. Prasad



Ananya Kapani



Ananya Tripathi



Tejaswini Singh



Nandil B. Sarma



Anushree Prasad



Eshan Nakra



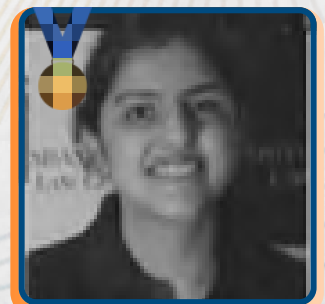
Varun Pathak



Romit Kohli



Hardik Choubey



Karina Chawla

...a few among the many achievers.



NISHANT PRAKASH LAW CLASSES



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



(011) 42420442
(+91) 8800802630



www.nplc.in



info@nplc.in



[@nishantprakashlawclass](https://www.instagram.com/nishantprakashlawclass)