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**RESILIENCE LAW ACADEMY**

**LAW TIMES**

**MONTHLY  
CONSOLIDATION**

## 1. Section 163 BNSS in Delhi

On 30th September, the Delhi Police commissioner announced the immediate enforcement of Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) due to anticipated protests and demonstrations in early October. This six-day directive prohibits gatherings of five or more people, bans sit-ins, and restricts the carrying of weapons in specific districts of Delhi. The decision is prompted by political tensions linked to various issues, including the DUSU election results and upcoming festivals, with an aim to maintain law and order during sensitive events.

- On 30<sup>th</sup> September 2024, the Commissioner of Police, Delhi, exercising powers vested under the law, implemented **Section 163** of BNSS 2023 in specific districts of Delhi.
- The order shall remain in effect for a **duration of six days** from the date of implementation.

## 2. Extra-judicial confession

Recently, the [Jharkhand High Court](#) in the matter of **Budhu Nag Chatar v. The State of Jharkhand** has held that an extra judicial confession can be a basis for conviction if it is made before an impartial and independent person.

## 3. Ordering further investigation

Recently the [Supreme Court](#) observed the limitations on ordering further investigations under **Section 173(8) of the CrPC**. It ruled that requests for further investigation must be based on new evidence or materials that could significantly impact the case, rather than mere speculation.

- **Justices BR Gavai and KV Viswanathan** held in the matter of **K. Vadivel v. K. Shanthy & Ors.**
- The court observed that fishing expeditions are not permissible, reinforcing the need for a reasonable basis before permitting additional inquiries.

#### 4. Criminal cases arising out of civil transactions

Recently, the [Supreme Court](#) in the matter of **K. Bharthi Devi and Anr. V. State of Telangana & Anr.** has held that criminal cases having civil nature should be quashed when the dispute between the parties is settled.

#### 5. Production of accused within 24 hours

A bench of **Justice P. Sam Koshy and Justice N. Tukaramji** held that Article 22 (2) of the [Constitution of India, 1950 \(COI\)](#) and Section 167 of [Code of Criminal Procedure Code, 1973 \(CrPC\)](#) mandates production of accused before the nearest judicial Magistrate within 24 hours of arrest.

- The Telangana High Court held this in the case of **Smt. T. Ramadevi, W/o T. Srinivas Goud v. The State of Telengana, Rep. By it's Principal Secretary and Others.**

#### 6. Principles For Interpreting Tax Statutes

Recently, the [Supreme Court](#) in the matter of Chief Commissioner of Central Goods and Service Tax and Ors. v. M/S Safari Retreats Private Limited and Ors. has outlined the governing principles of interpretation in context of Central Goods and Services Tax (CGST) Act, 2017.

- The Supreme Court in this case made the following observations by applying principles of interpretation of Tax law as:
  - **It is the legislature's Responsibility to interpret the statute:**
    - It was emphasized by the Supreme Court that the text of the tax statute must be read as it is given without any modifications based on the intent of the legislature.
    - If the applicability of that statute leads to an absurd result it would be the responsibility of the legislature to interpret the same and not of the court.
  - **Strict Construction approach for interpretation:**
    - If a tax statute has two interpretations, then the one benefiting the taxpayer must be applied.
    - Tax law must not be interpreted based on the principles of equity and the language of the tax law must be the sole basis for interpretation.

- **No use of presumptions**
  - While interpreting the tax law no presumptions and assumptions must be applied the sole basis must be the words expressly provided in the statute.
  - The taxpayer must not be held liable when there is a loophole in the statute to expressly provide for certain laws.
- **Terms to be understood in the Commercial sense during trade and usage**
  - Where words are not expressly defined, they must not be interpreted based on the definitions provided in other statutes.
- **Tax provisions where the words are expressly given**
  - Where the literal interpretation of the words results in injustice, such law can be interpreted as to prevent the injustice.

### **7. Intentional insult under SC/ST act**

Recently, the [Rajasthan High Court](#) in the matter of **Chhinder Singh v. State** has held that for the charge under Section 3 (1) (r) of the ST/SC (Prevention of Atrocities) Act, 1989 the insult must be done in public place.

### **8. Official secrets act**

A bench of **Justice SG Chapalgaonkar** and **Justice Vibha Kankanwadi** held that anything done in the police station is absolutely not included in Section 3 of Official Secrets Act, 1923 (OSA).

- The [Bombay High Court](#) held this in the case of **Subhash Rambhau Athare v. The State of Maharashtra**.

### **9. Discriminatory attitude towards women**

The [Supreme Court](#) recently granted relief to a female Sarpanch disqualified on technical grounds, marks the discriminatory attitudes towards women in rural governance. The Court emphasized the seriousness of removing an elected representative, particularly a woman in a reserved position, pointing

to systemic biases within administrative processes that challenge women's authority in leadership roles.

- **Justices Surya Kant and Ujjal Bhuyan** held this in the matter of **Manisha Ravindra Panpatil v. The State of Maharashtra & Ors.**

#### **10. Trial of Live-in Partner under Section 498A and Section 304B of IPC**

A bench of Justice Raj Beer Singh held that even if the applicant and the deceased were residing as husband and wife the provisions under Section 498A and Section 304B of IPC shall be invoked.

- The [Allahabad High Court](#) held this in the case of Adarsh Yadav v. State of U.P. and Another.

#### **11. Power of Consumer Commission to Issue Arrest Warrant**

Recently, the [Delhi High Court](#) in the matter of Rakesh Khanna v. Naveen Kumar Aggarwal & Ors has held that the [Consumer Commission](#) has the power to issue arrest warrant against the director of the company to hold the company accountable for its non-compliance.

#### **12. Suo Moto Cognizance**

A recent article in The Indian Express states a serious health crisis in Greater Noida, where over 300 residents, including 170 children, fell ill due to E.coli and bleaching powder in the water supply. The National Green Tribunal (NGT) took Suo moto cognizance of the issue, linking it to potential violations of the Water (Prevention and Control of Pollution) Act and the Environment Protection Act, and has issued notices to relevant authorities to respond by 28th January, 2025.

#### **13. Order XII Rule 6 of CPC**

The [Supreme Court](#) has recently stated that under Order XII Rule 6 of the [Civil Procedure Code, 1908 \(CPC\)](#), judgments based on admissions must be clear and unambiguous. The court cautioned against using this rule for judgment if admissions contain mixed questions of fact and law, as it could prevent a party from challenging the matter on merits in appeal.

- Justices Sudhanshu Dhulia and Prasanna B. Varale held this in the matter of Rajesh Mitra @Rajesh Kumar Mitra & Anr. v. Karnani Properties Ltd .

#### **14. Central administrative tribunal**

Recently, the [Allahabad High Court](#) in the matter of **Arun Kumar Gupta v. Union of India Thru.Secy.Ministry of Chemical and Fertilizer Deptt. Chemical Petro Chemical and Ors.**, has held that the [Administrative Tribunals](#) are the substitutes for the Civil Court and has the same powers as of the Civil Courts under the [Code of Civil Procedure, 1908 \(CPC\)](#).

#### **15.Abetment of suicide employee**

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#### **16.Sex Determination Offence under PCPNDT Act**

Recently, the [Allahabad High Court](#) in the matter of **Dr Brij Pal Singh v. State of Uttar Pradesh and Another** has held that the Police cannot investigate under the Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT) and only the Appropriate authority have the jurisdiction to take the cognizance of such cases.

#### **17.Doctrine of Forum Shopping**

A bench of Justice Swarna Kanta Sharma held that in appropriate cases, the Court may decline to exercise its discretion by invoking the doctrine of forum conveniens.

- The [Delhi High Court](#) held this in the case of **Michael Builders and Developers v. The Indian Nursing Council and Ors.**

#### **18.Benefit of Section 437 CrPC**

Recently, the [Allahabad High Court](#) in the matter of **Kanika Dhingra v. State of U.P. and connected matters** has held that the court may deny bail if the offence is an economic offence affecting public at large and a woman holding an influential position cannot be given benefit of [Section 437 of the Code of Criminal Procedure, 1973 \(CrPC\)](#)

- Section 437 of CrPC is now covered under Section 480 of [Bharatiya Nagarik Suraksha Sanhita, 2023 \(BNSS\)](#)

### **19.Principle of judicial non-interference**

The [Delhi High Court](#), led by Justice Subramonium Prasad states the critical principle of judicial non-interference in both domestic and international arbitration. The petition filed under Section 11(5) of the [Arbitration and Conciliation Act, 1996 \(A & C Act\)](#) seeking the appointment of a sole arbitrator.

### **20.Reservation of person with disabilities**

A bench of **Chief Justice Sunita Agarwal and Justice Pranav Trivedi** held that the Government should undo the wrong and provide reservation to persons with disabilities.

- The [Gujarat High Court](#) held this in the case of **National Federation of the Blind v. The State of Gujarat & Anr.**

### **21.Second FIR for the same incident**

Recently, the [Allahabad High Court](#) in the matter of **Sangeeta Mishra v. State of U.P. and 6 Others** has held that a second First Information Report (FIR) is permissible when it has different version of discoveries and evidence found in the same case for which the first FIR was filed.

### **22.No bar to transfer immovable property**

The [Supreme Court](#) ruled that a minor can receive immovable property through a sale deed, states that **such transfer does not constitute a contract** as defined under the [Indian Contract Act,1872](#). The Court clarified that while minors cannot be transferors, they can be transferees, allowing for the legal transfer of property ownership to minors.

- Justices CT Ravikumar and Sanjay Kumar held in the matter of **Neelam Gupta & Ors v. Rajendra Kumar Gupta & Anr.**

### **23.No Factual Inquiry under Article 226 of the COI**

A bench of Chief Justice Mrs. Sunita Agarwal and Justice Pranav Trivedi held that within the scope of Article 226 of the [Constitution of India, 1950](#) (COI) there can be no factual inquiry.

- The [Gujarat High Court](#) held this in the case of Jakhariya Saleman Manek & Anr v. Ministry of Environment Forest and Climate Change & Ors.

#### **24. Adverse possession in law**

The Supreme Court ruled that the limitation period for proving title by adverse possession starts from when the defendant's possession becomes adverse, not from when the plaintiff gains ownership. This decision arose in a case where a defendant, claiming adverse possession since 1968, argued that a 1986 dispossession suit was time-barred.

- The Court clarified that the focus should be on the nature of possession rather than the ownership date.
- Justices CT Ravikumar and Sanjay Kumar held in the matter of **Neelam Gupta & Ors v. Rajendra Kumar Gupta & Anr.**

#### **25. Duty of Daughter to Maintain Parents**

A bench of Justice Saurabh Shyam Shamshery held that a daughter is obligated to maintain her mother.

- The [Allahabad High Court](#) held this in the case of Sangeeta Kumari v. State of U.P. and Another.

#### **26. Order XXI Rule 99**

Recently, the [Supreme Court](#) in the matter of Renjith K.G. & Others V. Sheeba has held that a third party may file a suit under [Order XXI Rule 99 of the Code of civil Procedure, 1908 \(CPC\)](#) during pendency of litigation to claim his rights.

#### **27. Royalty Imposed by Municipal Corporation**

The [Supreme Court](#) ruled that the 'royalty' charged by the Patna Municipal Corporation from advertising companies for hoardings is not a tax. This decision overturned the Patna High Court's directive to refund the royalty stating that such charges are not compulsory exactions and therefore fall outside the scope of taxation as defined by Article 265 of the [Constitution of India, 1950 \(COI\)](#).

- The ruling referenced a decision clarifying the distinction between royalty and tax.

#### **28. Order Passed under Section 12 of the Guardianship Act**



Recently, the [Delhi High Court](#) in the matter of **X v. Y** has held that the orders passed under Section 12 of the Guardianship & Wards Act, 1890 (G & W Act) would be appealable under Section 19 of the Family Courts Act, 1984 (FC Act).

### **29. Application of Preponderance of Probabilities**

Recently, the [Supreme Court](#) in the matter of Sajeena Ikhbal & Ors. V. Mini Babu George & Ors. has held that while determining accidental claims the principle of preponderance of probability must be applied and not the test of proof beyond reasonable doubt.

### **30. Section 6A of the Citizenship Act, 1955**

The [Supreme Court](#) of India upheld the constitutional validity of Section 6A of the [Citizenship Act](#), which recognizes the Assam Accord, by a 4:1 majority. The majority opinion, led by [Chief Justice DY Chandrachud](#), emphasized the need to balance humanitarian concerns with local population protections, while dissenting Justice Pardiwala argued that the provision had become unconstitutional over time due to its arbitrary nature and ineffective enforcement mechanisms.

### **31. CIRP under Article – 226**

Recently, the [Supreme Court](#) in the matter of **CoC of KSK Mahanadi Power Company Ltd. v. Uttar Pradesh Power Corporation Ltd. and Ors.** has held that the [High Court of Telangana](#) has breached the procedure laid down in the Bankruptcy laws and the Supreme Court disapproves the High Court's decision of deferring the CIRP process.

### **32. Scope of Interference Under Section 37 of Arbitration and Conciliation Act, 1996**

A bench of Justice Piyush Agarwal held that the order cannot be challenged unless the parties are able to show that the order is patently illegal or arbitrary.

- The [Allahabad High Court](#) held this in the case of Vivek Nayak (Died) And Another v. The Arbitrator / Collector And 3 Others.

### **33. Impact of child marriage**

The [Supreme Court](#) observed that the Prohibition of Child Marriage Act, 2006 requires a collective effort for effective implementation, prioritizing

prevention over prosecution. A bench led by Chief Justice DY Chandrachud noted the tailoring strategies to address the main causes such as poverty and gender inequality.

- Guidelines were issued to various government ministries to ensure widespread awareness and compliance.
- The need for legal action, the Court warned against solely focusing on prosecutions, which are ineffective for driving social change.

#### **34. Conditions For Remission**

A bench of Justice Abhay S Oka and Justice Augustine George Masih laid down the law regarding conditions imposed while granting remission.

- The [Supreme Court](#) held this in the case of Mafatbhai Motibhai Sagar v. State of Gujarat & Ors.

#### **35. Agreement to sell property under joint ownership**

The Supreme Court ruled that a plaintiff seeking specific performance of a property sale must secure consent from all co-owners. In a case involving five joint owners, the plaintiff's reliance on the brothers' assurances without the sisters' consent was deemed insufficient.

- **Justices Vikram Nath, Pankaj Mithal, and Prasanna B. Varale** held in the matter of Janardan Das & Ors. v. Durga Prasad Agarwalla & Ors .
- The trial court denied the claim, but the High Court had allowed it, prompting the appellant to appeal to the Supreme Court.

#### **36. Guidelines of SC to High Court for Pronouncing Judgment**

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- The [Supreme Court](#) held this in the case of Ratilal Jhaverbhai Parmar & Ors. v. State Of Gujarat & Ors.

#### **37. Bank is a Juristic Person**

The **Supreme Court** has quashed a criminal case against HDFC Bank Ltd. for allegedly violating an Income Tax Department notice that prohibited the

operation of bank accounts, fixed deposits, and lockers of an income tax assessee. The court set aside a High Court decision that had allowed the case to proceed, clarifying that the bank acted within the scope of the notice after the IT Department modified its restrictions.

- **Justices BR Gavai and KV Viswanathan** held in the matter of **HDFC Bank Ltd. v. The State of Bihar & Ors.**
- The court stated that the FIR must demonstrate fraudulent inducement and criminal intent (mens rea) from the crime, which was clearly lacking in the case involving HDFC Bank, as it is a juristic person.

### **38. Release of under-trial prisoners**

Recently, the [Supreme Court](#) in the matter of **In Re-Inhuman Conditions in 1382 Prisons** has held that [Section 479 of Bharatiya Nagarik Suraksha Sanhita, 2023\(BNSS\)](#) should be implemented effectively in all the states.

### **39. Office Memorandum and Article 309 of Constitution of India**

A bench of Justice C Hari Shankar and Justice Dr. Sudhir Kumar Jain laid down that an Official memorandum cannot supersede the Recruitment Rules under Article 309 of the [Constitution of India, 1950 \(COI\)](#).

- The [Delhi High Court](#) held this in the case of Union of India & Ors v. Jagdish Singh & Ors.

## **CURRENT AFFAIRS**

- A new cyclone is expected to form in the Bay of Bengal. It will be named 'Dana', which means a beautiful, precious pearl in Arabic. This name was proposed by Qatar.
- The fourth global coral bleaching event (GCBE4) began in January 2023. It is the most extensive and rapid coral bleaching event

recorded. According to National Oceanic and Atmospheric Administration (NOAA).

- A recent study has found toxic 'Forever Chemicals' in drinking water worldwide. These chemicals, known as perfluoroalkyl substances (PFAS), were detected in both tap and bottled water in major cities across the UK and China.
- Diabetes affects over 500 million people globally. It leads to nearly 7 million deaths annually. The disease is marked by high blood sugar levels. Recently, scientists announced a breakthrough in diabetes treatment.
- Abhyuday Jindal has been named the new President of the Indian Chamber of Commerce (ICC), taking over from Ameya Prabhu.
- Prime Minister Narendra Modi is scheduled to visit Russia from October 22-23 to attend the 16th BRICS Summit in Kazan, at the invitation of President Vladimir Putin. This will be Modi's second trip to Russia in 2023.
- In January 2024, after an oil spill in Ennore, Thiruvallur district, the Tamil Nadu government introduced a detailed plan to handle future oil spills.
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- The Indian Army's Sudarshan Chakra Corps is conducting a major exercise called "Exercise SWAVLAMBAN SHAKTI" at the Babina Field Firing Ranges near Jhansi.
- The European Space Agency (ESA) has introduced a new programme called the Moonlight Lunar Communications and Navigation Services (LCNS).
- Karnataka's School Education and Literacy Minister, Madhu Bangarappa, launched "Shiksha Copilot," a digital tool powered by artificial intelligence (AI). This tool aims to improve the education system in government schools, helping both teachers and students perform better academically

- Hong Kong has regained its title as the freest economy in the world, surpassing Singapore, according to the Fraser Institute's Economic Freedom of the World report.
- Nayab Singh Saini has been sworn in as the Chief Minister of Haryana for the second time. This confirms that the Bharatiya Janata Party (BJP) will continue to lead the state for a third straight term.
- The Federal Trade Commission (FTC) in the United States is introducing a new rule called the "click-to-cancel" rule, aimed at making it easier for people to cancel subscriptions and memberships.
- Recent studies suggest a "gut-first hypothesis" for Parkinson's Disease (PD), which means that problems in the gastrointestinal (GI) system might play a key role in causing and worsening the disease.
- Meta, in partnership with the Indian government, launched a safety campaign called 'Scam se Bacho'. This campaign will run for two months and is designed to help people in India learn how to avoid online scam.
- The International Conference of Telecom Regulators, organized by the Telecom Regulatory Authority of India (TRAI), took place in New Delhi. It was held alongside two major events—the World Telecom Standardization Assembly (WTSA-24) and the India Mobile Congress (IMC-24).
- A new Centre of Excellence in Ayurveda Research will be set up at the CSIR-National Institute for Interdisciplinary [Science](#) and Technology (NIIST) in Pappanamcode, Kerala.
- PROBA-3, led by the European Space Agency (ESA), is set to launch in November 2024. It's a groundbreaking mission involving multiple European countries and the Indian Space Research Organisation (ISRO).
- A recent meeting between India and the Philippines focused on improving cooperation on cyber security. Officials from both countries' ministries responsible for cyber diplomacy and digital infrastructure led the discussion.
- The Global Hunger Index (GHI) is an annual report measuring hunger and malnutrition levels in countries worldwide.
- On October 6, 2024, Professor Shubha Tole was elected president-elect of the International Brain Research Organisation (IBRO), a global group representing neuroscience societies.

- The Indian Coast Guard has appointed S Paramesh as its new Director General after the unfortunate passing of Rakesh Pal.
- India's first Multi-Purpose Vessel (MPV) project ship, built by L&T Shipyard for the Indian Navy, has been launched at L&T Kattupalli.
- For the first time, India is hosting the 19th International Conference of Drug Regulatory Authorities (ICDRA) from 14th to 18th October 2024.
- During an event in Berlin, the World Health Organization (WHO) announced it has received \$700 million in new funding pledges for its 2025-2028 budget.
- The Central Electricity Authority (CEA) has started an ambitious National Electricity Plan (Transmission). This plan aims to increase India's renewable energy capacity significantly.

RESILIENCE