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Weekly Legal Current Affairs

25–31 May 2026

This week at a glance

- The top court clears Bihar's roll clean-up. The ECI can probe citizenship to decide who votes, but it cannot finally strip anyone of citizenship; that goes to a separate authority.
- A trafficking victim's right does not end at rescue. The Court reads a right to rehabilitation into Articles 21 and 23, and hands every State a binding protection blueprint.
- A child-rape case built on parrot-like, medically unsupported allegations is quashed. The Court warns, again, against weaponising POCSO in a matrimonial war.
- Skill or not, betting on rummy and poker is still gambling. The Court backs Tamil Nadu and Karnataka: there is no fundamental right to stake money online.

In this issue

Judgments of the week

1. Association for Democratic Reforms vs Election Commission of India (Constitution)

2026 INSC 564 · Surya Kant, CJI and Joymalya Bagchi, J. (judgment authored by Surya Kant, CJI) · 27 May 2026

Facts. A batch of writ petitions challenged the Election Commission's 'Special Intensive Revision' (SIR) of the Bihar electoral roll, under which voters were asked to re-document their entitlement and names were liable to deletion ahead of the State elections. The petitioners argued the exercise was disproportionate, ultra vires the Representation of the People framework, and amounted to the ECI deciding citizenship by the back door.

Issue. Whether the SIR is traceable to statutory and constitutional power and consistent with free and fair elections; whether it meets proportionality and the notice-and-hearing safeguards; and whether the ECI may inquire into citizenship while preparing the roll.

Held. The Court upheld the SIR. It held the exercise traceable to Section 21(3) of the Representation of the People Act read with Article 324, advancing the object of Part XV, and satisfying proportionality with adequate safeguards under Rule 21A of the Registration of Electors Rules, 1960; Lal Babu Hussein v. Electoral Registration Officer does not bar a systemic, inquisitorial revision. The ECI may undertake only a limited inquiry into citizenship for inclusion in the roll, not a final determination, and where unsatisfied must refer the person within four weeks to the competent authority under the Citizenship Act, 1955, the deletion abiding that adjudication. Reliance on Section 9(2) of the Citizenship Act and the Allocation of Business Rules was rejected, and the petitions were disposed of with directions.

> ***Why it matters.*** *The line the Court draws is the one to remember: the ECI can ask whether you are a citizen for the limited purpose of the*

> *roll, but it cannot pronounce that you are not one. That belongs to the Citizenship Act authority.*

Provisions: Article 324, Constitution of India; Part XV, Constitution of India; Representation of the People Act 1950, s.21(3); Rule 21A, Registration of Electors Rules 1960; Citizenship Act 1955, s.9(2)

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2. Prajwala vs Union of India Constitution

2026 INSC 609 · J.B. Pardiwala, J. and R. Mahadevan, J. (judgment authored by J.B. Pardiwala, J.) · 29 May 2026

Facts. A long-running public interest petition on trafficking for commercial sexual exploitation came back before the Court through a miscellaneous application. The Court surveyed the whole framework, from the Palermo Protocol to the Immoral Traffic (Prevention) Act 1956, the Bharatiya Nyaya Sanhita, the JJ Act and POCSO, and examined how the State actually rescues, protects and rehabilitates victims.

Issue. Whether victims of trafficking for commercial sexual exploitation have a right to rehabilitation flowing from Articles 21 and 23; whether the existing rescue, protection and repatriation machinery has a lacuna; and whether a dedicated investigative body should be directed.

Held. The Court held that victims of trafficking for commercial sexual exploitation have a right to rehabilitation flowing from Articles 21 and 23, and, invoking Articles 32 and 142, framed a binding Victim Protection Plan spanning the pre-rescue, rescue, post-rescue, rehabilitation, repatriation and prevention stages, with directions to every State and Union Territory (including notifying recognised welfare institutions under the Explanation to Section 15(6A) ITPA and advisory bodies under Section 13(3)(b) ITPA). It urged legislative reform of Sections 7, 8 and 20 ITPA, which presently expose victims themselves to prosecution, a rethink of the fixed-period detention model, and correction of the mismatch between Section 143 BNS and the Palermo Protocol's 'means' element for child victims. Creation of a dedicated investigative agency was left to the Union's discretion, with compliance ordered within three months.

> ***Why it matters.*** *Watch the source of the right: it is read out of Articles 21 and 23 together, then enforced through Article 142. Pair this with the line of cases that treat rehabilitation, not just rescue, as part of the right to life.*

Provisions: Articles 21, 23, 32 and 142, Constitution of India; Immoral Traffic (Prevention) Act 1956, ss.7, 8, 13(3)(b), 15(6A), 20; Bharatiya Nyaya Sanhita 2023, ss.127, 143

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3. Ishwar Chand Sharma vs State of Uttar Pradesh Criminal Law

2026 INSC 587 · B.V. Nagarathna, J. and Ujjal Bhuyan, J. (judgment authored by B.V. Nagarathna, J.) · 29 May 2026

Facts. Against the backdrop of more than ten cross cases between an estranged wife and her husband's family, the wife filed a POCSO and BNS complaint alleging that the father-in-law and an uncle raped the minor prosecutrix and that two others abused and intimidated her. The High Court declined to quash the summoning order, and the accused came to the Supreme Court contending the allegations were vague, omnibus, medically unsupported and a product of the matrimonial feud.

Issue. Whether criminal proceedings under Section 65 BNS and Sections 3 and 4 POCSO, together with hurt and intimidation charges, should be quashed where the allegations are generic, lack any specific act or date, are unsupported by medical evidence and bear signs of tutoring, in a long-running matrimonial dispute.

Held. Allowing the appeal, the Court quashed the complaint, cognizance and summoning orders against the appellants. To attract Section 65 BNS and Sections 3 and 4 POCSO, the material must prima facie disclose a specific positive act within the sub-clauses of Section 3 POCSO or Section 63 BNS, which are in pari materia; bald allegations of rape with no date, detail or supporting material cannot set the criminal law in motion. The prosecutrix's statement under Section 225 BNSS was a near-verbatim, parrot-like reproduction of the complainant's Section 223 BNSS statement, indicating tutoring, and the grave 'hammer handle' allegation had no medical or injury report behind it. The case fell within categories 3, 5 and 7 of State of Haryana v. Bhajan Lal, and the Court flagged the growing misuse of POCSO and Section 498A as an arm-twisting device in matrimonial disputes (Dara Lakshmi Narayana v. State of Bihar; Achin Gupta v. State of Haryana).

> ***Why it matters.*** *Two things examiners love sit side by side here: the Bhajan Lal categories for quashing, and the new BNS/BNSS section numbers (s.65/s.63 BNS, ss.223/225 BNSS). A 'parrot-like' statement is the tell of tutoring.*

Provisions: Bharatiya Nyaya Sanhita 2023, ss.63, 65, 115, 351, 352; Protection of Children from Sexual Offences Act 2012, ss.3, 4; Bharatiya Nagarik Suraksha Sanhita 2023, ss.223, 225, 528

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4. State of Tamil Nadu vs Junglee Games India Pvt. Ltd. Constitution

2026 INSC 594 · J.B. Pardiwala, J. and R. Mahadevan, J. · 27 May 2026

Facts. Tamil Nadu and Karnataka amended their gaming laws to ban or penalise online wagering even on games of skill such as rummy and poker, dropping the long-standing 'games of mere skill' carve-out. The Madras and Karnataka High Courts struck the amendments down, holding that betting could not be divorced from gambling and that 'betting and gambling' in Entry 34 of List II does not reach games of skill. The States appealed.

Issue. Whether a State legislature, under Entry 34 of List II and Entry 1 (public order), is competent to prohibit online betting and wagering even on games of skill, and whether such a ban is manifestly arbitrary, disproportionate or violative of Article 19(1)(g).

Held. The Court allowed the appeals and set aside the High Court judgments, upholding the State amendments as intra vires. It held the High Courts committed an egregious error in reading Entry 34 of List II narrowly: 'betting and gambling' cannot be split so as to exclude betting on a game of skill. While a game of skill itself is protected under Article 19 (RMD Chamarbaugwala-I and II; Dr. K.R. Lakshmanan v. State of Tamil Nadu; State of A.P. v. K. Satyanarayana), betting or wagering on any game, even one of skill, is not so protected unless the legislature itself creates an exception. Staking money on an uncertain outcome is in the nature of res extra commercium, so no proportionality challenge arises and no fundamental right attaches; competence was additionally upheld under Entry 1 (public order) given the addiction and public-health harm.

> ***Why it matters.*** *Keep the two halves apart: playing a game of skill is protected, betting on it is not. The phrase that carries the judgment is res extra commercium, which is why Article 19(1)(g) never gets off the ground.*

Provisions: Entry 34, List II, Seventh Schedule, Constitution of India; Entry 1, List II, Seventh Schedule, Constitution of India; Article 19(1)(g), Constitution of India; Tamil Nadu Gaming Act 1930, s.11; Karnataka Police Act 1963, ss.78, 79, 80

In brief — also on the docket this week

5 Pawan Kumar Sharma vs Manoj Kumar Criminal Law

2026 INSC 539 · Pankaj Mithal, J. and Prasanna B. Varale, J. (judgment authored by Prasanna B. Varale, J.) · 25 May 2026

Issue. Whether the High Court was justified in reversing the conviction in a circumstantial-evidence case, and what weight attaches to last-seen evidence, recoveries not put to a test identification parade, and recoveries from publicly accessible places.

Held. Dismissing the appeals and upholding the acquittal, the Court reaffirmed that under Article 136 it will not interfere where the High Court has taken a plausible view. 'Last seen together' is weak evidence that cannot convict without corroboration, and Section 106 of the Evidence Act does not shift the primary burden onto the accused until the prosecution first proves its case. Articles recovered but never put to a test identification parade are meaningless, and recoveries from places open to all carry no weight; the circumstantial chain must satisfy the five tests of Sharad Birdhichand Sarda v. State of Maharashtra, which it did not.

6 Harjindra Singh vs State of U.P. Criminal Law

2026 INSC 569 · Pankaj Mithal, J. and Prasanna B. Varale, J. (judgment authored by Prasanna B. Varale, J.) · 27 May 2026

Issue. Whether the ingredients of Section 364A IPC were satisfied; whether the absence of a test identification parade and of call-detail records with a Section 65-B certificate is fatal; and whether acquittal of co-accused entitles the appellants to parity.

Held. Dismissing the appeals, the Court held that brandishing a country-made pistol to abduct defenceless children inherently constitutes the threat to cause death or hurt required by Section 364A (Shaik Ahmed v. State of Telangana). The ransom demand was proved by cogent, unshaken oral testimony, distinguishing Willian Stephen v. State of Tamil Nadu, where the case rested only on discarded electronic evidence; the absence of call records and a Section 65-B certificate from a rural exchange in 2003 was not fatal. A test identification parade is only corroborative, dock identification was reliable, and recoveries under Section 27 cemented identity; no parity arises with co-accused acquitted on different evidence.

7 Bai Avabai Hormusji Tata Trust vs Shernaz Faroukh Lawyer Civil / CPC

2026 INSC 540 · Pankaj Mithal, J. and Prasanna B. Varale, J. (judgment authored by Prasanna B. Varale, J.) · 25 May 2026

Issue. Whether a High Court exercising testamentary jurisdiction can invoke its inherent powers as a court of record under Article 215 to direct a court-monitored criminal investigation into the siphoning of an estate in custodia legis, or whether the Indian Succession Act being a self-contained code, and the Section 340 CrPC route having been bypassed, bars it.

Held. Dismissing the appeals, the Court held that a High Court exercising testamentary jurisdiction does not cease to be a constitutional court of record with inherent and plenary powers under Article 215. An administrator pendente lite under Section 247 ISA is a hand of the court, akin to a receiver, and the estate is in custodia legis; once Section 247 suspends the executor's powers, Sections 211, 227 and 307 ISA give no licence to plunder, and the ISA being a self-contained code does not immunise estate fraud or bar a court-directed investigation. The Section 340/341 CrPC bar did not apply because the Court acted under its broader inherent powers, and the Trust suffered no prejudice as it can defend any prosecution.

8 M/s Tarini Prasad Mohanty vs M/s Sunflag Iron and Steel Company Ltd. General

2026 INSC 566 · J.K. Maheshwari, J. and Atul S. Chandurkar, J. (judgment authored by Atul S. Chandurkar, J.) · 27 May 2026

Issue. Whether a writ court under Articles 226 and 227 can interfere with an arbitral tribunal's Section 16 order rejecting a stamping objection while the arbitration is pending, and whether the writ court could itself decide the merits of the stamping question.

Held. Dismissing the appeal, the Court held that following Re Interplay Between Arbitration Agreements and the Indian Stamp Act, insufficient stamping is a curable defect going only to admissibility, not validity, and any such objection falls within the tribunal's domain. A Section 16 dismissal can ordinarily be challenged only after the award under Section 34 read with Section 16(6); writ interference is permissible only where the order suffers a patent lack of inherent jurisdiction that stares one in the face, not for a mere error on merits. The Single Judge wrongly entered the merits and interpreted the contract in writ jurisdiction, which is impermissible, and the stamping question was left open for the Section 34 stage.

9 Dineshchand Surana vs UCO Bank General

2026 INSC 579 · J.B. Pardiwala, J. and K.V. Viswanathan, J. (judgment authored by J.B. Pardiwala, J.) · 27 May 2026

Issue. Whether proceedings under Section 138 of the Negotiable Instruments Act are merely a money-recovery action; whether they are stayed during the personal-insolvency moratorium under Part III of the IBC; and whether a director vicariously liable under Section 141 enjoys that protection.

Held. The Court held that Section 138 proceedings are quasi-criminal but predominantly criminal, departing from the reasoning in P. Mohanraj v. Shah Bros. Ispat that called them a 'civil sheep in a criminal wolf's clothing'. It adopted a tiered approach: the mandatory criminal aspect (imprisonment or fine) is not covered by the moratorium, because Section 79(15) excludes a liability to pay a fine from excluded debts, while the discretionary compensatory aspect is covered by the moratorium under Sections 96, 101, 124 and 128, as it depletes the debtor's assets. A Section 141 director gets the benefit only as to the compensatory part. Given the need for an authoritative pronouncement, the matter was referred to a three-Judge Bench.

10 Small Scale Entrepreneurs Association vs State of Maharashtra Service / Admin

2026 INSC 570 · Pankaj Mithal, J. and Prasanna B. Varale, J. (judgment authored by Pankaj Mithal, J.) · 27 May 2026

Issue. Whether the MIDC area falls within the municipal corporation's jurisdiction; whether the corporation alone can levy property tax where MIDC provides amenities and charges fees; and whether MIDC or its unit-holders are exempt under the MRTP Act.

Held. Partly allowing the appeals, the Court held the MIDC area falls within the corporation's limits and that only the corporation can levy property tax, MIDC having no taxing power and levying only fees or service charges. Applying the tax-versus-fee distinction (Commissioner, HRE v. Lakshmindra Thirtha Swamiar of Shirur Mutt; Sreenivasa General Traders), MIDC's charges carry an element of quid pro quo and are a contractual lease obligation, not a tax. Reading the MRTP exemption liberally, the Court held it covers all land vesting in MIDC, including that occupied by unit-holders, but only so long as MIDC actually provides the amenities; once MIDC handed maintenance to the corporation, the exemption ceased and property tax became leviable from that date.

11 Reliance Industries Ltd. vs Securities and Exchange Board of India General

2026 INSC 585 · J.B. Pardiwala, J. and R. Mahadevan, J. (judgment authored by J.B. Pardiwala, J.) · 29 May 2026

Issue. Whether the agency arrangements, the alleged cornering of open positions and the last-minutes cash-segment sale constituted fraudulent and manipulative trading under the PFUTP Regulations and the Securities Contracts (Regulation) Act, or whether the futures positions were genuine hedges.

Held. Partly allowing the appeals, the Court held that fraud under Regulations 3 and 4 of the PFUTP Regulations was not made out. On a purposive reading of the definition of fraud in Regulation 2(1)(c), inducement is the sine qua non; correctly computing open interest across all derivative series gave the company a 40.10 per cent share, not 93.60 per cent, which were genuine hedges proportionate to its cash-segment risk, so cornering did not by itself amount to manipulation. Distinguishing Kanhaiyalal Baldevbhai Patel and Rakhi Trading, the Court held SEBI had not discharged the burden of proving deceitful intent; the disgorgement order was set aside, but the penalty for breaching the position-limit disclosure was upheld.

Clear Concepts — textbook revision of two core concepts

"Last Seen Together" and the Chain of Circumstances

Evidence

Circumstantial evidence — ss.6, 8, 106 IEA 1872 → ss.4, 6, 109 BSA 2023; recovery s.27 IEA → proviso to s.23(2) BSA 2023

Where there is no eye-witness, guilt rests on a complete, unbroken chain of circumstances. Suspicion, however strong, cannot replace proof — the mental distance between "may be true" and "must be true" must be crossed. "Last seen together" is itself a weak, corroborative circumstance: it cannot alone sustain a conviction, and works only where the gap between last-seen and death is so short that no one else could be the author of the crime.

Sharad Sarda — the five golden principles. Chain so complete as to exclude innocence (origin: Hanumant Nargundkar, 1952).

- Circumstances fully established — no link missing
- Consistent only with the guilt of the accused and none other
- Conclusive in nature and tendency
- Exclude every hypothesis but guilt; two views, favour the accused

Last-seen doctrine — weak and corroborative.

- Conviction cannot rest on last-seen alone (Dharam Deo Yadav)
- Operates only where the last-seen-to-death gap is very small
- No fixed time-formula; prosecution must rule out an intervening third party
- False alibi, absconding and a misleading FIR are relevant conduct

Burden-shift and recovery.

- s.109 BSA (old s.106): fact specially within the accused's knowledge — burden on him
- Once last-seen is proved, the accused must explain when and how they parted
- s.23(2) proviso BSA (old s.27): only the part distinctly leading to discovery is admissible
- Recovery corroborates but is not by itself proof of guilt

Leading cases.

- Sharad Birdhichand Sarda v. State of Maharashtra, AIR 1984 SC 1622 — the five golden principles; the chain must exclude innocence.
- Hanumant Govind Nargundkar v. State of M.P., AIR 1952 SC 343 — origin of the chain-of-circumstances test.
- Dharam Deo Yadav v. State of U.P., (2014) 5 SCC 509 — conviction cannot rest merely on last-seen.
- State of U.P. v. Satish, (2005) 3 SCC 114 — last-seen requires a small time-gap excluding any other hand.
- Aghnoo Nagesia v. State of Bihar, AIR 1966 SC 119 — last-seen is not conclusive; turns on the accused's special knowledge.

Exam tip. Last-seen is a weak link — always pair it with the s.109 BSA burden-shift and a complete Sharad Sarda chain; one missing link is fatal to the prosecution.

Kidnapping for Ransom — s.140(2) BNS / s.364A IPC

Criminal

s.364A IPC 1860 → s.140(2) BNS 2023; related: simple kidnapping s.363 IPC → s.137(2) BNS; kidnap to confine s.365 IPC → s.139 BNS

Inserted in 1993 to combat terrorist kidnappings, s.364A IPC (now s.140(2) BNS) punishes kidnapping, abduction or detention coupled with a threat of death or hurt, made to coerce the Government, a foreign State, an inter-governmental body, or any person to act or to pay ransom. "Ransom" — a price demanded for releasing a captive — is undefined, but the demand must be communicated. It is a grave, capital-eligible offence even where the victim is not killed.

Ingredients — the three conditions.

- Kidnapping, abduction or detention of a person
- Threat to cause death or hurt, or conduct raising reasonable apprehension of it
- Done to compel the Government / a foreign State / an IGO / any person to act or pay ransom
- The ransom demand must be communicated (Malleshi)

Punishment and constitutionality.

- Death, OR imprisonment for life, AND fine
- Death valid even without actual murder of the captive (Sunder)
- Stringent sentence upheld as not disproportionate (Vikram Singh)
- The threat and ransom elements must be specifically charged and proved

Distinction from s.363 / s.365.

- s.363 (s.137 BNS): simple kidnapping — up to 7 years and fine
- s.365 (s.139 BNS): kidnap to secretly or wrongfully confine — up to 7 years
- s.364A needs the threat plus a ransom demand beyond mere kidnapping (Anil)
- Absent a communicated threat-and-ransom, the offence drops to s.363/s.365

Leading cases.

- Malleshi v. State of Karnataka, (2004) 8 SCC 95 — the ransom demand must be communicated.
- Suman Sood v. State of Rajasthan, (2007) 5 SCC 634 — meaning of "ransom"; a go-between is also liable.
- Sunder @ Sundararajan v. State, (2013) 3 SCC 215 — capital sentence valid even without actual murder.
- Vikram Singh v. Union of India, (2015) 9 SCC 502 — the s.364A punishment scheme is not unconstitutional.
- Shaik Ahmed v. State of Telangana, (2021) 9 SCC 59 — all three ingredients must coexist for s.364A.

Exam tip. All three ingredients (kidnap + threat + ransom demand) must coexist; absent a communicated threat-and-ransom, the offence falls to s.363/s.365 (ss.137/139 BNS).

Revision capsule — one-line recap of every ruling

- **Association for Democratic Reforms:** The Court upheld the SIR.
- **Prajwala:** The Court held that victims of trafficking for commercial sexual exploitation have a right to rehabilitation flowing from Articles 21 and 23, and, invoking Articles 32 and 142, framed a binding Victim Protection Plan spanning the pre-rescue, rescue, post-rescue, rehabilitation, repatriation and prevention stages, with directions to every State and Union Territory (including notifying recognised welfare institutions under the Explanation to Section 15(6A) ITPA and advisory bodies under Section 13(3)(b) ITPA).
- **Ishwar Chand Sharma:** Allowing the appeal, the Court quashed the complaint, cognizance and summoning orders against the appellants.
- **State of Tamil Nadu:** The Court allowed the appeals and set aside the High Court judgments, upholding the State amendments as intra vires.
- **Pawan Kumar Sharma:** Dismissing the appeals and upholding the acquittal, the Court reaffirmed that under Article 136 it will not interfere where the High Court has taken a plausible view.
- **Harjindra Singh:** Dismissing the appeals, the Court held that brandishing a country-made pistol to abduct defenceless children inherently constitutes the threat to cause death or hurt required by Section 364A (Shaik Ahmed v.
- **Bai Avabai Hormusji Tata Trust:** Dismissing the appeals, the Court held that a High Court exercising testamentary jurisdiction does not cease to be a constitutional court of record with inherent and plenary powers under Article 215.
- **M/s Tarini Prasad Mohanty:** Dismissing the appeal, the Court held that following Re Interplay Between Arbitration Agreements and the Indian Stamp Act, insufficient stamping is a curable defect going only to admissibility, not validity, and any such objection falls within the tribunal's domain.

- **Dineshchand Surana:** The Court held that Section 138 proceedings are quasi-criminal but predominantly criminal, departing from the reasoning in P.
- **Small Scale Entrepreneurs Association:** Partly allowing the appeals, the Court held the MIDC area falls within the corporation's limits and that only the corporation can levy property tax, MIDC having no taxing power and levying only fees or service charges.
- **Reliance Industries Ltd.:** Partly allowing the appeals, the Court held that fraud under Regulations 3 and 4 of the PFUTP Regulations was not made out.

Prelims Q&A — real past questions, with old→new code mapping

Q1. Facts, which, though not in issue, are so connected with a fact in issue as to form part of the same transaction, whether they occurred at the same time and place or at different times and places:

1. are irrelevant
2. are relevant
3. are partly relevant
4. none of the above

> **Ans: B.** This is the res gestae principle: facts forming part of the same transaction as a fact in issue are relevant. Old: s.6 Indian Evidence Act, 1872 → New: s.4 BSA, 2023 (Bharatiya Sakshya Adhiniyam). **[Rajasthan 2015]**

Q2. 'B' is found dead having suffered injuries with a sharp weapon. 'A' while in police custody confessed to killing 'B' with the motive of stealing his motorcycle after following him from his office and having concealed the weapon of offence i.e. a knife on his rooftop. 'A' gets the knife recovered before the police. In this case, under Section 27 Indian Evidence Act, the following would be admissible:

1. entire statement including motive of stealing the motorcycle and manner in which the murder was committed, i.e. following victim 'B' from his office
2. the place from which the knife was produced and the knowledge leading to the recovery of the knife
3. the fact that 'A' had murdered with the knife
4. nothing is admissible as the statement was made to a police officer after A was arrested

> **Ans: B.** Only so much of the information as distinctly relates to the fact thereby discovered — the place of concealment and the accused's knowledge leading to the recovery — is admissible (Pulukuri Kottayya v. Emperor); motive and the manner of the murder are not. Old: s.27 Indian Evidence Act, 1872 (how much of information received from accused may be proved) → New: proviso to s.23(2) BSA, 2023. **[Delhi 2018]**

Q3. 'B' has been robbed and murdered. Soon after, the stolen goods are found with 'A'. In these circumstances, what may/may not be presumed?

1. The court may presume that 'A' committed the robbery of 'B', but not his murder
2. The court may presume that 'A' committed murder of 'B', but not robbery
3. The court may presume that 'A' committed both robbery and murder of 'B'
4. Mere recovery of the stolen articles from 'A' would not justify the court in presuming that 'A' committed either the robbery or the murder of 'B'

> **Ans: C.** On the presumption arising from possession of recently stolen goods, where the robbery and murder form one transaction, the court may presume the possessor committed both (illustration (a) to the section). Old: s.114 illustration (a), Indian Evidence Act, 1872 → New: s.119 BSA, 2023. **[Delhi 2018]**

Q4. 'A' kills 'C', thinking 'C' as 'B'. 'A' is guilty of offence punishable under section –

1. 301 IPC
2. 304 Part-I IPC
3. 302 IPC
4. 304 Part-II IPC

> **Ans: C.** Mistake of identity does not save the accused — A intended to kill a human being and did, so he is guilty of murder; Section 301 (transfer of malice) explains the principle, but the punishment for the murder is under the murder section. Old: s.302 IPC (punishment for murder) → New: s.103 BNS, 2023; the transferred-malice rule, Old: s.301 IPC → New: s.100 BNS, 2023 (Bharatiya Nyaya Sanhita). **[Madhya Pradesh 2019]**

Q5. A police officer detains a person in the lock-up despite production of a bail order from the court. The police officer is guilty of –

1. Abduction
2. Wrongful confinement
3. Wrongful restraint
4. Kidnapping

> **Ans: B.** Keeping a person in custody after a valid bail order wrongfully confines him within circumscribing limits — wrongful confinement, not mere restraint. Old: s.340 IPC (wrongful confinement) → New: s.127(2) BNS, 2023 (Bharatiya Nyaya Sanhita). **[Madhya Pradesh 2019]**

Q6. The offence of Section 361 IPC is basically against –

1. family
2. society
3. any person
4. lawful guardian

Ans: D. Kidnapping from lawful guardianship is an offence against the lawful guardian whose custody is violated; the minor's own consent is immaterial. Old: s.361 IPC (kidnapping from lawful guardianship) → New: s.137(1) BNS, 2023 (Bharatiya Nyaya Sanhita). **[Madhya Pradesh 2019]**

Q7. Section 27 of the Indian Evidence Act, 1872 is an exception to the rules enacted:

1. Only in Section 24 of the Indian Evidence Act, 1872
2. Only in Section 25 of the Indian Evidence Act, 1872
3. Only in Section 26 of the Indian Evidence Act, 1872
4. In Sections 24, 25 and 26 of the Indian Evidence Act, 1872

Ans: D. Framed as a proviso, Section 27 lets in so much of the custodial information as distinctly relates to the fact discovered, operating as an exception to the group of confession-exclusion provisions in Sections 24, 25 and 26 (Pulukuri Kottayya v. Emperor). Old: ss.24–27 Indian Evidence Act, 1872 → New: ss.22–23 BSA, 2023 — s.23(2) BSA carries the s.27 'fact discovered' rule, ss.22 and 23(1) carry the old ss.24–26 exclusions. **[Madhya Pradesh 2021]**

Q8. Under Section 11 of the Hindu Marriage Act, 1955, the marriage may be declared null and void if:

1. the parties are within the degrees of prohibited relationship
2. at the time of the marriage, one of the parties was incapable of giving a valid consent to it in consequence of unsoundness of mind
3. at the time of the marriage, one of the parties was subject to recurrent attacks of insanity
4. in all the above circumstances

Ans: A. Section 11 voids a marriage only for contravention of clauses (i), (iv) and (v) of Section 5 — bigamy, prohibited degrees and sapinda relationship. Unsoundness of mind or recurrent insanity (s.5(ii)) renders the marriage voidable under s.12, not void. No old→new mapping needed: the Hindu Marriage Act, 1955 is unaffected by the 2023 criminal-law reforms. **[Rajasthan 2015]**

Q9. A Hindu male is survived by an adopted son, an after-born natural son and his married daughter. His self-acquired property shall devolve upon:

1. all the three equally
2. only to the two sons
3. only to the natural son and to the daughter
4. only to the natural son

Ans: A. On intestacy the self-acquired property of a Hindu male devolves on Class I heirs, who take equally. Adopted son, natural son and daughter are all Class I heirs and each takes one equal share. No old→new mapping needed: the Hindu Succession Act, 1956 is untouched by the 2023 reforms. **[Bihar 2021]**

Q10. A gift in favour of an unborn child is:

1. valid
2. irregular
3. voidable
4. void

Ans: D. Under Muslim law a valid hiba requires the donee to be in existence, since the gift operates as an immediate transfer with delivery of possession; a gift to a person not yet born is therefore void for want of a competent donee. (Contrast a bequest by will to a child in the womb, valid if born within six months of the testator's death.) Muslim personal law on hiba is uncodified and untouched by the 2023 reforms, so no old→new statutory mapping arises. **[Bihar 2021]**

Mains Q&A — real state mains questions, with model answers

Mains Q1. — **Delhi Judicial Service Mains, 2018 · Criminal Law (Evidence — Section 27)**

In Pulukuri Kottayya v. King Emperor it was observed that Section 27 of the Indian Evidence Act enables certain statements made by a person in police custody to be proved, and that the 'fact discovered' embraces the place from which the object is produced and the knowledge of the accused as to this. Elucidate and explain the legal effect of the quotation with examples. Examine the statement of an accused that he, with his party, lay in wait for the deceased, beat him to death, was handed a spear by a co-accused, hid the spear and his stick in a rick, and would show the place, and indicate which portions are admissible under Section 27.

Section 27 of the Indian Evidence Act, 1872 (now the proviso to Section 23(2) of the Bharatiya Sakshya Adhiniyam, 2023) is a carefully limited exception to the absolute bars in Sections 25 and 26 (now Section 23(1) and 23(2) BSA), which forbid proof of a confession made to a police officer or by a person in police custody. The provision lifts the bar only so far as information given by an accused in custody distinctly relates to a fact actually discovered in consequence of it. Its rationale is the doctrine of confirmation by subsequent events: if the truth of the information is guaranteed by an actual discovery, that part may be treated as untainted and received.

Pulukuri Kottayya v. King Emperor supplies the governing construction. The Privy Council rejected the argument that the 'fact discovered' is merely the physical object produced. Were that so, an accused's words that the weapon produced was the one he killed with would all become provable, and the ban on custodial confessions would shrink to a husk. Instead, the fact discovered embraces the place from which the object is produced coupled with the accused's knowledge of its concealment there. Information as to the past history or past use of the object, for example the words 'with which I stabbed A' added to a statement about a hidden knife, does not relate to the discovery and stays inadmissible.

Applying this, the only admissible portion is the part stating that he hid the spear and his stick in the rick and would show the place. That relates distinctly to the discovery of the weapons in a place within his knowledge. Everything else, that he and his party lay in wait, beat the deceased to death, were handed the spear, and acted at another's instigation, is past-history confession barred by Sections 25 and 26 and cannot be proved.

Three riders matter in practice. A recovery made before arrest falls outside the section; the bare fact of recovery is not by itself substantive proof of guilt; and the absence of the accused's signature on the disclosure memo detracts from its authenticity. Section 27 thus admits a sliver, not the whole, of custodial information, and a court must edit the statement before reading it in evidence.

Mains Q2. — **Madhya Pradesh Civil Judge Mains, 2019 · Constitution**

Describe the protection in respect of conviction for an offence as provided in the Constitution. Compare the same with the analogous provisions in criminal law.

Article 20 of the Constitution guarantees three distinct protections to a person accused of an offence, available to citizens and non-citizens alike. Clause (1) forbids ex post facto criminal legislation, clause (2) embodies the rule against double jeopardy, and clause (3) protects against testimonial compulsion. Together they raise to constitutional status safeguards the ordinary law had long recognised, while in some respects narrowing them.

Clause (1) sets two limits on retrospective penal law: an act cannot be made an offence for the first time with retrospective effect, and no penalty greater than that prescribed when the act was done may be imposed (Shiv Bahadur Singh Rao v. State of U.P.; Kedar Nath Bajoria v. State of West Bengal). The bar attaches to conviction and sentence, not to trial, so a change in mere procedure or forum given retrospective operation does not offend the clause. This mirrors the maxim nullum crimen sine lege but is confined to criminal liability.

Clause (2) provides that no person shall be prosecuted and punished for the same offence more than once. It corresponds to the common-law pleas of autrefois acquit and autrefois convict reflected in Section 300 CrPC (now Section 337 BNSS, 2023) and Section 26 of the General Clauses Act, but is in fact narrower: the constitutional bar requires both a previous prosecution and punishment before the same offence is again pursued, whereas the statutory and common-law rules also bar a re-trial after acquittal. The allied rule of issue estoppel, a facet of autrefois acquit, bars reception of evidence on an issue already decided in the accused's favour and operates independently of Article 20(2) (Assistant Collector of Customs v. Malwani).

Clause (3) protects an accused from being compelled to be a witness against himself, echoing nemo tenetur prodere seipsum. Its protection is available only to a person formally accused of an offence and is reinforced by Sections 161(2) and 313(3) CrPC (now Sections 180(2) and 351(3) BNSS), which together yield the rule against drawing an adverse inference from an accused's silence (State of M.P. v. Ramesh). Article 20 thus constitutionalises core criminal-law safeguards while sharply defining their contours.

Mains Q3. — **Bihar Civil Judge Mains, 2014 · Arbitration**

(a) Discuss the conditions for and the power of the court to stay legal proceedings when there is an arbitration agreement between the parties. (b) How far do the provisions of the Limitation Act apply to an arbitration under the Arbitration Act?

Where parties have agreed to refer their disputes to arbitration, the law strongly discourages one of them from approaching an ordinary court in breach of that bargain. Under the Arbitration and Conciliation Act, 1996, this is achieved not by the old discretionary stay of Section 34 of the 1940 Act but by the mandatory reference under Section 8. A judicial authority before which an action is brought in a matter that is the subject of an arbitration agreement must, on the application of a party made not later than the date of submitting its first statement on the substance of the dispute, refer the parties to arbitration.

The conditions are therefore that a valid arbitration agreement exists, that the suit concerns a matter covered by it, and that the objecting party applies before filing its first substantive statement, accompanied by the original agreement or a certified copy. After the 2015 Amendment, the court's enquiry is confined to a prima facie examination: it shall refer the parties unless it finds that prima facie no valid arbitration agreement exists. The Amendment also extended Section 8 to a party claiming through or under a signatory, following Chloro Controls India Pvt. Ltd. v. Severn Trent, relaxing the rigid identity-of-parties rule of Sukanya Holdings v. Jayesh H. Pandya.

Underpinning this is the principle of kompetenz-kompetenz in Section 16, which empowers the tribunal to rule on its own jurisdiction, including objections to the existence or validity of the agreement. By Section 16(1) the arbitration clause is treated as independent of the main contract, so that a finding that the contract is void does not by itself invalidate the clause (Shin Satellite Public Co. Ltd. v. Jain Studios). The court's role at the referral stage is thus minimal, genuine jurisdictional contests being left to the arbitrator and reviewable only after the award under Section 34.

As to limitation, Section 43 makes the Limitation Act, 1963 apply to arbitrations as it applies to court proceedings. The cause of action and the running of time are reckoned as in a suit, so a claim time-barred in court is equally barred in arbitration; an arbitration is deemed to commence when notice invoking the clause is given. The agreement to arbitrate does not enlarge the limitation period, and a stale claim cannot be revived merely by routing it through arbitration.

Mains Q4. — **Rajasthan Civil Judge Mains, 2016 · Property (Transfer of Property Act — Section 54)**

How is a sale of tangible immovable property of a value less than 100 rupees made under Section 54 of the Transfer of Property Act?

Section 54 of the Transfer of Property Act, 1882 defines 'sale' as a transfer of ownership in exchange for a price paid or promised or part-paid and part-promised. Price is an essential ingredient; a transfer of ownership in immovable property without a price, or in exchange for another thing, is not a sale but a gift or an exchange. The section then prescribes the mode by which a sale may be effected, drawing a sharp distinction by the value of the property.

For tangible immovable property of the value of one hundred rupees and upwards, and in every case of a reversion or other intangible thing, a sale can be made only by a registered instrument. Registration is mandatory, and title does not pass until the deed is registered, even though possession and consideration may already have changed hands. But for tangible immovable property of a value less than one hundred rupees, Section 54 offers a simpler alternative: such a transfer may be made either by a registered instrument or by delivery of the property. The owner of a small-value property thus has an option, to register a deed or simply to deliver possession.

The section explains that delivery of tangible immovable property takes place when the seller places the buyer, or a person directed by him, in possession of the property. Where this route is chosen, the sale is complete as soon as delivery of possession is proved, whether on the basis of an unregistered writing or otherwise (Raj Bahadur v. Babu Lal). The legislative reason for permitting the informality is that, given the small value, the cost and formality of registration are thought unnecessary, and the patent evidence of transfer afforded by actual delivery of physical possession is treated as a sufficient safeguard.

It must be noted that this concession is confined to tangible immovable property. Intangible immovable property, such as an easement, a right of ferry, a right to catch fish, or a profit a prendre, must be transferred by a registered instrument whatever its value (Ananda Behera v. State of Orissa). The under-hundred-rupees alternative of delivery is therefore limited to property that can be physically possessed, such as a small plot or a modest structure, where the very act of handing over possession manifests the transfer of ownership.

Prelims answer key: 1-B 2-B 3-C 4-C 5-B 6-D 7-D 8-A 9-A 10-D