

Weekly Legal Current Affairs

1-7 June 2026

This week at a glance

- A married daughter loses her ration-shop claim but a married son never does. The Court calls that what it is: a stereotype, struck down.
- Decades as a Night Guard, granted temporary status, then denied pension because nobody signed a regularisation order. The Court refused to let paperwork swallow the right.
- If you've formally asked the tribunal to fix its own award, the limitation clock to challenge it does not start ticking until that request is decided. Win or lose.
- Married in 2007, together for barely three months, apart for fifteen years. The wife still wanted the marriage. The Court ended it anyway.

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Judgments of the week

1. Kulsum Nisha vs State of U.P. & Ors. Constitution

2026 INSC 617 · Pamidighantam Sri Narasimha, J. and Alok Aradhe, J. (Judgment authored by Alok Aradhe, J.) · 2 June 2026

Facts. A fair price shop allotted to the appellant's mother fell vacant on the mother's death in 2024. The appellant, a married daughter who continued to reside in the same village and was the sole earning member supporting her sisters (one visually impaired), applied for allotment under the dependent quota. Her application was rejected by the SDM, Deputy Commissioner and the Allahabad High Court solely because, as a married daughter, she was excluded from the definition of 'family' under Clause IV(10) of the U.P. G.O. (read with Clause 2(p) of the 2016 Order).

Issue. Whether the exclusion of a married daughter from the definition of 'family' under Clause 2(p) of the U.P. Essential Commodities (Regulation of Sale and Distribution Control) Order, 2016 and Paragraph IV(10) of the G.O. governing dependent-quota allotment of fair price shops is constitutionally sustainable.

Held. The Court held the exclusion unconstitutional, manifestly arbitrary and built on the gender stereotype that a daughter stops belonging to her natal family once she marries. What matters to the dependent quota is dependency, financial need and residence, not marital status, which has no rational nexus to the welfare object; tellingly, a married son is never excluded. Rather than strike the clause down, the Court read it purposively, treating 'unmarried, legally separated and widowed daughters' as illustrative and holding that 'daughter' covers a married daughter who proves dependency, furnishes the certificate and NOCs, resides locally and meets the other G.O. conditions. Saida Begum and Kusumlata were overruled and Vimla Srivastava approved. The rejection orders were quashed and allotment directed within four weeks.

Why it matters. This is the reading-in move, not a strike-down. When a welfare clause is under-inclusive, the Court would rather extend it than kill it. Pair it with the Shayara Bano manifest-arbitrariness line.

Provisions: Articles 14, 15(1), 21 and 39(a)/(c) of the Constitution of India; Section 3, Essential Commodities Act, 1955; Clauses 2(p) and 7(2), U.P. Essential Commodities (Regulation of Sale and Distribution Control) Order, 2016; Paragraph IV(10) and Paragraph V, U.P. G.O. No. 6 of 2019

2. Bhikhani Devi and Etc. v. Union of India and Others Service / Admin

2026 INSC 612 · Sanjay Karol and Augustine George Masih, JJ. (judgment authored by Augustine George Masih, J.) · 1 June 2026

Facts. The appellants were casual labourers (Night Guards) in the Department of Posts who, after decades of continuous service, were conferred 'temporary status' under the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1991 and treated at par with temporary Group 'D' employees, but were never formally regularised. On their superannuation/death, the Department denied pension and family pension on the sole ground that they had not been formally regularised as Group 'D' employees. The CAT granted relief; the Patna High Court reversed it on grounds of delay/laches and absence of regularisation.

Issue. Whether a temporary status casual labourer, in the absence of a formal order of regularisation, is entitled to pensionary benefits on superannuation.

Held. A temporary status casual labourer is entitled to pension on superannuation even without formal regularisation. Reading the 1991 Scheme with the circular of 30.11.1992, the Court held that 'such as' in the list of benefits is illustrative, so parity with temporary Group 'D' employees carries all their benefits, pension included. Clause 6, which counts 50% of temporary-status service after regularisation, is only an additional benefit and neither creates nor conditions the underlying entitlement, which flows from the Scheme read with Rule 10(1-B) of the CCS (Temporary Service) Rules, 1965 and the CCS (Pension) Rules, 1972. The parity is in service benefits, not identity of status. Following Jitendra Kumar Srivastava, pension is property under Article 300A and cannot be defeated by administrative inaction or financial-burden pleas. Arrears, though, were capped at three years and two months before the Original Applications were filed.

Why it matters. The lever here is 'such as' as illustrative language plus the model-employer doctrine. Watch how the Court reads a beneficial scheme: enumerated benefits are examples, not a closed list.

Provisions: Rule 10(1-B), CCS (Temporary Service) Rules, 1965; CCS (Pension) Rules, 1972; Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1991; Articles 14, 38, 39, 43 and 300A, Constitution of India

3. National Highways Authority of India v. T. Younis & Anr. Civil / CPC

2026 INSC 616 · Pamiidghantam Sri Narasimha, J. and Alok Aradhe, J. · 2 June 2026

Facts. After land acquisition under the National Highways Act, 1956, an Arbitrator (Deputy Commissioner) passed a fresh award redetermining compensation. Both NHAI and the landowner filed applications under Section 33 of the Arbitration and Conciliation Act, 1996, which were dismissed by a common order. NHAI then filed its Section 34 application reckoning limitation from the date of disposal of the Section 33 applications; the High Court held the Section 33 application was non-maintainable and so the application was time-barred.

Issue. Whether limitation under Section 34(3) of the Arbitration and Conciliation Act, 1996 commences from the date of the original arbitral award or from the date of disposal of an application made under Section 33, and whether such deferral depends on the Section 33 application being 'maintainable'.

Held. Where a Section 33 request has been formally invoked and entertained by the tribunal, limitation under Section 34(3) starts only when that request is disposed of, whether it is allowed, dismissed or later found not maintainable. The statute draws no line between allowed and dismissed applications, and courts cannot read in a 'maintainability' restriction the legislature did not enact. Forcing parties to file Section 34 applications during pending Section 33 proceedings, merely from abundant caution, would only multiply proceedings. The Court found reliance on State of Arunachal Pradesh v. Damani Construction Co. misplaced, that case having involved a mere letter rather than a formal Section 33 application. It warned that sham or mala fide Section 33 applications filed only to defeat limitation may attract exemplary costs.

Why it matters. Distinguish this from Damani Construction: a formal Section 33 application defers the clock, an informal letter does not. The form of the request is what counts.

Provisions: Section 34(3), Arbitration and Conciliation Act, 1996; Section 33, Arbitration and Conciliation Act, 1996; Section 3G(5), National Highways Act, 1956

4. Sonal Talpada vs Veerbhan Singh Family Law

2026 INSC 620 · Sanjay Karol, J. and Augustine George Masih, J. · 2 June 2026

Facts. The parties, both doctors in government service, married in 2007 per Hindu rites but cohabited for only about two to three months and lived separately for roughly fifteen years thereafter, with no child from the wedlock. The husband filed for divorce under Section 13(1)(ia) of the Hindu Marriage Act, 1955 alleging cruelty; the Family Court dismissed the petition, but the High Court of Rajasthan allowed his appeal and granted divorce. The wife appealed to the Supreme Court, maintaining throughout that she did not want to dissolve the marriage.

Issue. Whether the husband was subjected to 'cruelty' within Section 13(1)(ia) HMA, and whether prolonged separation and a de facto abandonment of the matrimonial bond justified dissolving the marriage, including by exercise of Article 142 powers, despite the wife's opposition.

Held. The Court upheld the decree. Persistent, unilateral refusal of conjugal relations without reasonable cause is mental cruelty under Section 13(1)(ia), applying Samar Ghosh, and an appellate court may treat a long separation with no genuine attempt at reconciliation as an indicator of it, since an appeal continues the suit and post-petition conduct is fair to weigh. Though desertion under Section 13(1)(ib) was never pleaded, the Court read the fifteen-year estrangement neutrally as a shared, de facto abandonment by both sides. Finding the marriage emotionally dead, childless and beyond salvage with both spouses financially independent, it invoked Article 142(1) to do complete justice and dissolved it on irretrievable breakdown, dismissing the wife's appeal.

Why it matters. Note the two-track reasoning: cruelty under Section 13(1)(ia) does the statutory work, Article 142 (Shilpa Sailesh) does the breakdown work. Breakdown is still not a statutory ground.

Provisions: Section 13(1)(ia), Hindu Marriage Act, 1955; Section 13(1)(ib), Hindu Marriage Act, 1955; Article 142(1), Constitution of India

In brief — also on the docket this week

5 State of Punjab v. Balraj Singh @ Billa Criminal Law

2026 INSC 618 · Sanjay Karol, J. and Nongmeikapam Kotiswar Singh, J. · 2 June 2026

Issue. Whether the High Court's order granting regular bail in a commercial-quantity NDPS case is sustainable when it was passed without any consideration of the mandatory twin conditions under Section 37 of the NDPS Act.

Held. Setting aside the bail, the Court held that in commercial-quantity cases recording satisfaction of the twin conditions under Section 37(1)(b) (ii) is a sine qua non, and 'reasonable grounds' (per Lalrintluanga Sailo, Ahmadalieva Nodira and Namdeo Ashruba Nakade) means substantial and probable cause, not a mere prima facie view. An order resting only on custody and delay, with antecedents of similar offences and just 1 year 7 months served against a possible 20-year sentence, did not engage Article 21, and where drug-fuelled harm to the national economy collides with personal liberty, the former prevails.

6 Darubai & Anr. vs Kamalabai & Ors. Property / TPA

2026 INSC 613 · Sanjay Karol, J. and Augustine George Masih, J. · 1 June 2026

Issue. Whether a widow who inherits the separate property of an intestate male Hindu under Section 8 of the Hindu Succession Act, 1956 can act as 'karta' and alienate the property on the ground of legal necessity, and whether the heirs take such property as tenants-in-common or as joint tenants.

Held. Heirs succeeding under Section 8 read with Section 19 take the property as tenants-in-common, not joint tenants, since devolution is by succession and not survivorship, so each of Darubai and the four daughters owned a definite 1/5th share. With ascertained shares there is no joint family and no karta; coparcenary character does not attach merely because property came from a paternal ancestor (following CWT v. Chander Sen, Yudhishter v. Ashok Kumar and M. Arumugam v. Ammaniammal). Darubai could deal only with her own 1/5th, her legal-necessity plea failed, and the appeal was dismissed.

7 CA Ramchandra Dallaram Choudhary v. Adani Infrastructure and Developers Pvt. Ltd. Limitation

2026 INSC 629 · Dipankar Datta, J. and Satish Chandra Sharma, J. · 1 June 2026

Issue. Whether the Supreme Court can condone delay in re-filing an appeal under Section 62 IBC where the defects are not cured within the 28-day period prescribed by the Supreme Court Rules, given the strict, time-bound limitation regime of the IBC.

Held. It could not. The Court held the IBC's limitation scheme is strict and self-contained, with condonation beyond the statute's own grace period alien to its framework; Section 62 gives 45 days plus a non-extendable 15, an outer limit of 60. An in-time appeal must be defect-free, defects must be cured within the 28 days of the SCR, and the subordinate Rules cannot override the IBC's timelines, so once that window lapses the lis stands frozen. Article 142 was declined despite the appellant being a neutral liquidator, and reliance on a prior condonation in the same litigation was rejected, the Court warning that limitation cannot turn elastic through serial condonations.

8 Shephali Chakraborty vs The State of West Bengal Family Law

2026 INSC 621 · Sanjay Karol J. and Nongmeikapam Kotiswar Singh J. · 3 June 2026

Issue. Whether court permission under Section 8 HMGA should be granted to a natural guardian to alienate a minor's undivided share in land under a development agreement, and what standard the court must apply in assessing 'necessity or evident advantage to the minor'.

Held. Allowing the appeal, the Court held Section 8 imposes a fiduciary, parens patriae restraint requiring an independent, welfare-centric assessment in which a guardian's consent or family convenience is no substitute, and the minor's benefits must be secure, measurable and enforceable. On the facts, turning a passive, illiquid, jointly held and vulnerable undivided share into a residential unit plus definite money better served the child, though this is fact-specific and no proposition of law; permission was granted with safeguards, including parking the proceeds in a nationalised-bank FD auto-renewing until majority.

9 The Director of Mines and Geology vs M/s BMM Ispat Ltd & Anr. General

2026 INSC 627 · Sanjay Karol J. and Nongmeikapam Kotiswar Singh J. (authored by Sanjay Karol J.) · 4 June 2026

Issue. Whether the State could, on account of a subsequent statutory enhancement of royalty, charge royalty at a rate higher than (and different from) the 10% stipulated in the tender/auction agreement, where payment was made before the amendment but the mineral was removed after it.

Held. Allowing the State's appeal, the Court held that royalty under Section 9 of the MMDR Act, 1957 is a statutory levy on the dispatch of minerals, governed by the rate 'for the time being specified' in the Second Schedule on the date the mineral is actually moved. Relying on the nine-Judge Bench in Mineral Area Development Authority v. SAIL (2024) 10 SCC 1, it held that liability crystallises on removal, so ore lifted after 1 September 2014 attracted 15%; a contract entered before the amendment cannot freeze the statutory rate, and the purchase amounted to 'mining operations' so Section 9 applied.

10 Seesa Santhosh v. The State of Telangana and Anr. Criminal Law

2026 INSC 628 · Dipankar Datta, J. and Satish Chandra Sharma, J. · 4 June 2026

Issue. Whether the High Court was justified, in exercise of its revisional jurisdiction, in releasing the accused's passport and permitting him to travel abroad for medical treatment, having regard to the accused's conduct, the prolonged pendency of the trial, and the right to a speedy trial under Article 21.

Held. Setting aside the High Court and Sessions Court orders and restoring the Magistrate's, the Court held the High Court had been indulgent rather than restrained: comparable medical care exists at home, and the accused's record of initiating and abandoning proceedings after obtaining interim protection cast doubt on his bona fides and had stalled the trial. The right to travel abroad is part of Article 21, but so is the right to a speedy trial, and no right is absolute (relying on Rajesh Ranjan Yadav v. CBI); the accused need not deposit his passport but may not leave the country except with the Sessions Court's express permission after committal.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Income-tax (Amendment) Ordinance, 2026 (Ordinance No. 2 of 2026) promulgated.** President Droupadi Murmu, under Article 123, promulgated the Income-tax (Amendment) Ordinance, 2026 on 5 June 2026 (gazette notification CG-DL-E-05062026-273164). Since Parliament was not in session, it exempts interest income and capital gains on specified Central Government securities for Foreign Institutional Investors (FIIs) and the Bank for International Settlements (BIS), to deepen the bond market and attract foreign capital. The Ordinance is deemed to have come into force from 1 April 2026. — [2026-06-05 · scconline.com](#)

APPOINTMENTS & INSTITUTIONS

- **Supreme Court Collegium - High Court judge recommendations:** 10 names across three High Courts: Amit Lahoti (Madhya Pradesh HC); Raghavendra Seetharam Srivatsa, Hema Kulkarni, Subramanya Rangarao, Thadagavadi Prakash Vivekananda, Bakkaswara Pramod and Hombe Gowda Shanthi Bhushan (Karnataka HC); and judicial officers Chirag Bhanu Singh, Bhupesh Sharma and Yogesh Jaswal (Himachal Pradesh HC) — SC Collegium, headed by CJI Surya Kant (with Justices B.V. Nagarathna, J.K. Maheshwari, Vikram Nath and M.M. Sundresh), recommended 7 advocates and 3 judicial officers for elevation as High Court judges in a meeting held on 2 June 2026. — [2026-06-02 · scconline.com](#)

POLICY & JUSTICE ADMINISTRATION

- **Supreme Court releases Draft 'Regulations for Use of Artificial Intelligence (AI) in Courts, 2026'.** On 3 June 2026 the Supreme Court's AI Committee published draft regulations for public consultation (feedback open till 20 June 2026). They permit AI only for limited support functions (case management, legal research, document summarisation, translation, accessibility) while strictly prohibiting AI-only judicial decisions, AI-driven adjudication/sentencing without human control, risk-scoring algorithms for bail, undisclosed AI-generated evidence, and surveillance of judges/litigants. Lawyers must disclose use of AI in pleadings. Governance is multi-layered: an apex body at the Supreme Court, AI committees at High Courts, and technical committees. Core principle: human primacy and judicial independence. — [2026-06-03 · livelaw.in](#)

Clear Concepts — textbook revision of two core concepts**Res Judicata — Section 11, CPC**

CPC

Section 11, Code of Civil Procedure, 1908

Res judicata ("a matter already adjudged") bars a court from trying any suit or issue that has already been directly and substantially in issue, between the same parties under the same title, in a competent court, and has been heard and finally decided. It rests on the twin maxims *nemo debet bis vexari pro una et eadem causa* (no one should be vexed twice for the same cause) and *interest reipublicae ut sit finis litium* (the State has an interest in finality of litigation), so that a once-decided matter — right or wrong — attains conclusiveness and is not re-agitated.

Statutory scheme — s.11 and its 8 Explanations. S.11 enacts the rule; the eight Explanations expand it.

- Expl. I: 'former suit' means a suit DECIDED earlier, irrespective of when instituted.
- Expl. II: competence of the former court is judged irrespective of any right of appeal.
- Expl. III: the matter must have been alleged by one party and denied/admitted (expressly or impliedly) by the other.
- Expl. IV: constructive res judicata — matters that 'might and ought' to have been raised are deemed to have been in issue.

Essential conditions (five concurrent requirements).

- **MATTER DIRECTLY AND SUBSTANTIALLY IN ISSUE** — the matter in the later suit must be the same matter that was directly and substantially in issue in the former suit, either actually (Expl. III) or constructively (Expl. IV); a matter merely collateral or incidentally in issue does not attract the bar.
- **SAME PARTIES** — between the same parties, or parties claiming under them (read with Expl. VI on representative suits).
- **SAME TITLE** — the parties must have litigated under the same title/capacity in the former suit.
- **COMPETENT COURT** — the former court must have been competent to try the subsequent suit (read with Expl. II and Expl. VIII).

Constructive res judicata (Explanation IV).

- Any matter which 'MIGHT AND OUGHT' to have been made a ground of attack or defence in the former suit, but was not, is DEEMED to have been directly and substantially in issue and decided — so it cannot be raised in a later suit.
- 'Might' denotes possibility/opportunity to raise the plea; 'ought' is mandatory, casting a duty to raise every available ground; the 'and' is conjunctive, so BOTH must be satisfied (*Government of Bombay v Pestonji*).
- The object is to prevent piecemeal litigation and ensure finality — a party must put forward his whole case at once (*Devilal Modi v Sales Tax Officer*).
- It applies to execution proceedings and to writ proceedings (*Direct/State Tamil Nadu line; Shiv Chander More v Lt Governor*).

Leading cases.

- *Duchess of Kingston's Case* (1776) — leading English source; per Sir William de Grey, a judgment of a competent court is conclusive between parties on the matter directly decided.
- *Daryao v State of U.P.*, AIR 1961 SC 1457 — principle of res judicata applies to writ petitions under Art. 32; a writ dismissed on merits by a High Court bars a fresh writ on the same facts.
- *Devilal Modi v Sales Tax Officer*, AIR 1965 SC 1150 — constructive res judicata: a plea that could have been raised against the same party must be raised then, and cannot be taken in a later proceeding.
- *Sheodan Singh v Daryao Kunwar*, AIR 1966 SC 1332 — for res judicata the former matter must have been 'heard and finally decided'; dismissal on a preliminary/technical ground (e.g. limitation) is not on merits.
- *Mathura Prasad Sarjoo Jaiswal v Dossibai N.B. Jeejeebhoy*, AIR 1971 SC 2355 — a pure question of law, or a decision rendered on an erroneous view of law later changed, does not operate as res judicata; matter in issue means rights litigated.

Exam tip. Five conditions must CONCUR (same matter directly & substantially in issue + same parties + same title + competent court + heard and finally decided); remember Expl. IV (constructive res judicata = 'might and ought') and that the bar fails on a pure question of law, lack of jurisdiction, change in law, or dismissal not on merits.

Dying Declaration — s.26(a) BSA, 2023 (old s.32(1) IEA)

Evidence

Section 26(a), Bharatiya Sakshya Adhiniyam, 2023 (formerly s.32(1), Indian Evidence Act, 1872)

A dying declaration is a statement — written or verbal — of relevant facts made by a person, since dead, as to the cause of his death or any circumstance of the transaction that resulted in it; it is admissible whenever the cause of that person's death comes into question, in civil or criminal proceedings alike. An exception to the hearsay rule, it rests on necessity (the best witness is dead) and the maxim *nemo moriturus praesumitur mentire* — a dying person is presumed to speak the truth. Unlike English law (*R v Woodcock*), the Indian provision applies whether or not the maker expected death.

Essentials & admissibility. Requisites for a valid dying declaration:

- The maker must be DEAD — if a person who makes a statement in expectation of death does not in fact die, it is NOT a dying declaration, though it may be used as a former statement to corroborate his own testimony in court (*Ramesh Prasad Misra*).
- The death of the maker must be in question in the proceeding.
- The statement must relate to the CAUSE of his death OR to any of the CIRCUMSTANCES OF THE TRANSACTION which resulted in his death (*Moti Singh*) — not to extraneous matters.
- The maker must have been competent to testify had he lived.

Evidentiary value.

- A dying declaration that the court finds to be TRUE, VOLUNTARY and one that inspires full confidence can by itself form the SOLE basis of conviction, with NO requirement of corroboration as a rule of law — the leading authority is *Khushal Rao v State of Bombay*, reaffirmed in *Laxman v State of Maharashtra* and consistently applied (*Pathan Kareemulla*; *Munnu Raja*).
- There is no rule that a dying declaration is a weaker species of evidence; once found reliable it stands on a footing equal to, and often higher than, ordinary oral testimony — a declaration recorded by a competent Magistrate stands on a 'much higher footing' than one resting on later oral recollection, which is open to infirmities of memory and character (*Jaiprakash*).
- The requirement of corroboration is a rule of PRUDENCE, not of law: corroboration is sought only where the declaration does not inspire full confidence, or where there are suspicious circumstances.
- Caution is warranted because the statement has not been tested by cross-examination (*Gulam Hussain*), but a reliable declaration is not to be rejected for minor infirmities, an irregularity by the investigating officer, the wrongful acquittal of a co-accused named in it, or the fact that it was made in one language and recorded in another customarily used by the courts/police (*State of Rajasthan v Kishore*; *Muralidhar*).

Forms & who records.

- FORMS: a dying declaration may be ORAL, WRITTEN, or made by signs/nods/gestures. A gesture/nod declaration has evidentiary value, its weight depending on who recorded it, his qualifications, the nature of the questions (simple vs complicated) and how clear and understandable the gestures were (*Jayaraj v Tamil Nadu*).
- For an oral declaration, faithful reproduction of the EXACT WORDS of the maker is very important (*Baboo*).
- A First Information Report (FIR) lodged by a victim who later dies can operate as a dying declaration.
- Where the original written declaration is not available, SECONDARY evidence of it is admissible (*Aber Rama Gova*).

Leading cases.

- *Khushal Rao v State of Bombay*, AIR 1958 SC 22 — leading authority: a dying declaration which is true and voluntary and inspires full confidence can be the SOLE basis of conviction; corroboration is a rule of prudence, not law; it is not a weaker kind of evidence.
- *Laxman v State of Maharashtra*, AIR 2002 SC 2973 (Constitution Bench) — a true and reliable dying declaration needs no corroboration; a doctor's fitness certificate is not an absolute legal requirement where fitness is otherwise established; voluntariness and truthfulness are what matter.
- *Pakala Narayana Swami v Emperor*, AIR 1939 PC 47 — classic exposition of 'circumstances of the transaction which resulted in his death'; confirms that under the Indian Act the statement is relevant whether or not the maker was under expectation of death (wider than English law).
- *Sharad Birdhichand Sarda v State of Maharashtra*, AIR 1984 SC 1622 — landmark on s.32(1)'s scope: applies to homicide AND suicide; 'circumstances of the transaction' is wider than the English rule but narrower than *res gestae*; circumstances must have a proximate relation to the death.
- *Moti Singh v State of Uttar Pradesh*, AIR 1964 SC 900 — declaration admissible only as to the cause of death or circumstances of the transaction resulting in death, and only when the cause of death is in question; here death not proved to be caused by the injuries, so inadmissible.

Exam tip. Indian law (s.26(a) BSA / s.32(1) IEA) does NOT require the maker to be under expectation of death — that is the English rule (*R v Woodcock*); a true, voluntary dying declaration inspiring confidence can be the SOLE basis of conviction without corroboration (*Khushal Rao*; *Laxman*).

Revision capsule — one-line recap of every ruling

- **Kulsum Nisha:** The Court held the exclusion of married daughters unconstitutional as violative of Articles 14 and 15(1), being manifestly arbitrary and founded on a gender-based stereotype that a daughter ceases to belong to her natal family upon marriage.
- **State of Punjab:** The Supreme Court set aside the bail order, holding that in cases involving commercial quantity of narcotics, recording satisfaction of the twin conditions under Section 37(1)(b)(ii) NDPS Act is a sine qua non for grant of bail and cannot be avoided.
- **Bhikhani Devi and Etc.:** The Court held that a temporary status casual labourer is entitled to pensionary benefits on superannuation even without formal regularisation.
- **National Highways Authority of India:** The Supreme Court held that where a request under Section 33 has been formally invoked and entertained by the arbitral tribunal, limitation under Section 34(3) commences only from the date that request is disposed of, irrespective of whether the Section 33 application is ultimately allowed, dismissed, or found maintainable.
- **Sonal Talpada:** The Court upheld the decree of divorce, holding that persistent and unilateral refusal of conjugal/sexual relations without reasonable cause constitutes mental cruelty and is a valid ground under Section 13(1)(ia) HMA, applying Samar Ghosh.
- **Darubai & Anr.:** Heirs succeeding under Section 8 read with Section 19 of the Hindu Succession Act, 1956 take the property as tenants-in-common and not as joint tenants, devolution being by succession and not by survivorship.
- **CA Ramchandra Dallaram Choudhary:** The Court held that the scheme of limitation under the IBC is strict and self-contained, and condonation of delay beyond the period expressly contemplated by the statute is alien to its framework.
- **Shephali Chakraborty:** Allowing the appeal, the Court held that Section 8 imposes a fiduciary, parens patriae-rooted statutory restraint requiring the court to make an independent, welfare-centric assessment of whether alienation is necessary or for the minor's evident advantage; a guardian's consent or familial convenience cannot substitute for that scrutiny.
- **The Director of Mines and Geology:** The Court held that royalty under Section 9 of the MMDR Act, 1957 is a statutory levy payable on the dispatch (removal or consumption) of minerals from the leased area, and the applicable rate is the rate 'for the time being specified' in the Second Schedule on the date the mineral is actually moved.
- **Seesa Santhosh:** The Supreme Court set aside the High Court order and the Sessions Court order, restoring the Magistrate's order dated 7 May 2025.

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

Q1. Which provision of the constitution recognizes the right of the accused to remain silent ?

1. Article 19
2. Article 21
3. Article 20
4. Article 14

Ans: C. Article 20(3) embodies the privilege against self-incrimination ('No person accused of any offence shall be compelled to be a witness against himself'), from which the right of an accused to remain silent flows (Nandini Satpathy v. P.L. Dani; Selvi v. State of Karnataka). Article 21 (life and personal liberty) supports it but the specific textual source recognized in this question is Article 20. Constitution unchanged — Articles 20 and 21 are part of the Constitution of India and were NOT touched by the 2023 criminal-law overhaul, so no old/new mapping applies here. **[Delhi 2019]**

Q2. The maximum period of solitary confinement provided under Section 73 IPC is:

1. one month
2. two months
3. three months
4. six months

Ans: C. Section 73 IPC caps the TOTAL solitary confinement a court may order at three months (scaled by sentence length: up to 1 month if imprisonment ≤ 6 months; up to 2 months if 6 months–1 year; up to 3 months if > 1 year). Hence the maximum is three months. Old: s.73 IPC (limit of solitary confinement) → New: s.11 BNS, 2023 (Bharatiya Nyaya Sanhita), which retains the same scheme and the same three-month outer limit. (Execution rule s.74 IPC → s.12 BNS.) **[Delhi 2019]**

Q3. The offence of voyeurism is punishable under:

1. Section 354A IPC
2. Section 354B IPC
3. Section 354C IPC
4. Section 354D IPC

Ans: C. Voyeurism (watching/capturing the image of a woman engaging in a private act) is s.354C IPC (354A = sexual harassment; 354B = disrobing/assault with intent to disrobe; 354D = stalking) — all inserted by the Criminal Law (Amendment) Act, 2013. Old: s.354C IPC (voyeurism) → New: s.77 BNS, 2023. (Mapping of the cluster: 354A → s.75 BNS, 354B → s.76 BNS, 354C → s.77 BNS, 354D stalking → s.78 BNS.) **[Delhi 2019]**

Q4. Under section 468 Cr.P.C. the period of limitation for an offence punishable with a term not exceeding one year is :

1. Six months
2. One year
3. Two years
4. Three years

Ans: B. Section 468 CrPC bars cognizance after the limitation period, which is: 6 months if the offence is punishable with fine only; ONE year if punishable with imprisonment not exceeding one year; and three years if imprisonment exceeds one year but not three years. So for an offence punishable up to one year, the period is one year. Old: s.468 CrPC, 1973 (bar to taking cognizance after lapse of limitation) -> New: s.514 BNSS, 2023 (Bharatiya Nagarik Suraksha Sanhita), which carries the same three-tier limitation scheme. **[Delhi 2019]**

Q5. Dislodging a tooth by a fist blow is an offence punishable under

1. Section 325 IPC
2. Section 323 IPC
3. Section 324 IPC
4. Section 326 IPC

Ans: A. Grievous hurt is defined in s.320 IPC, and one of the enumerated clauses is 'destruction or permanent impairing of the powers of any member or joint' / loss of a tooth. Dislodging a tooth therefore amounts to grievous hurt, punishable under s.325 IPC (voluntarily causing grievous hurt). It is not s.323 (simple hurt), and s.324/326 require a dangerous weapon or means — a bare fist is not a deadly weapon, so 325 is correct. Old: definition of grievous hurt s.320 IPC -> New: s.116 BNS, 2023; punishment for voluntarily causing grievous hurt s.325 IPC -> New: s.117(2) BNS, 2023 (Bharatiya Nyaya Sanhita). (Simple hurt s.323 IPC -> s.115 BNS; hurt by dangerous weapon s.324 IPC -> s.118 BNS; grievous hurt by dangerous weapon s.326 IPC -> s.118(2) BNS.) **[Delhi 2019]**

Q6. A is arrested by police and accused of murder of B. During investigation A voluntarily agrees to undergo narco analysis and therein he confesses to have murdered B.

1. The confession is relevant and can be sole basis of conviction
2. The confession is irrelevant
3. The confession is relevant but requires corroboration
4. Only that much of A's statement can be used to lead to discovery of a fact.

Ans: D. A confession made to a police officer / while in police custody is inadmissible (s.25 and s.26 Evidence Act), and Selvi v. State of Karnataka holds compelled narco results inadmissible; only the limited 'discovery' exception in s.27 applies — so much of the statement as distinctly leads to the discovery of a fact may be proved. Hence option (d). Old: s.25/26 (confession to police / in custody) and s.27 (how much of information from accused may be proved) of the Indian Evidence Act, 1872 -> New: s.23 BSA, 2023 (Bharatiya Sakshya Adhinyam) — s.23(1) bars confessions to police, s.23(2) (proviso) is the old s.27 discovery exception. (Old s.24-26 -> s.22-23 BSA.) **[Haryana 2018]**

Q7. Under Section 116 of the Evidence Act, the tenant is stopped from denying

1. This title to the property of the actual owner
2. The title to the property of the landlord
3. Both (a) & (b)
4. None of these

Ans: B. Section 116 (estoppel of tenant and of licensee of person in possession) bars a tenant, during the continuance of the tenancy, from denying that the LANDLORD had, at the beginning of the tenancy, a title to the property — not the title of any 'actual owner'. So option (b). Old: s.116 Indian Evidence Act, 1872 (estoppel of tenant/licensee) -> New: s.122 BSA, 2023 (Bharatiya Sakshya Adhinyam), which reproduces the rule verbatim. (Estoppel s.115 IEA -> s.121 BSA.) **[Haryana 2018]**

Q8. A contract is not frustrated by

1. commercial impossibility
2. imposition of government restrictions
3. destruction of subject matter of contract
4. All of the above

Ans: A. Under s.56 of the Indian Contract Act, 1872 (doctrine of frustration / subsequent impossibility), mere commercial hardship or unprofitability does NOT discharge a contract — Satyabrata Ghose v. Mugneeram Bangur and Alopi Parshad v. Union of India hold that 'commercial impossibility' (it has become more expensive/less profitable) is not frustration. By contrast, government prohibition and destruction of the subject matter DO frustrate. Hence (a). The Indian Contract Act, 1872 is unchanged by the 2023 criminal-law reforms, so no old->new code mapping applies. **[Bihar 2021]**

Q9. The change of the nature of the obligation in a contract is known as

1. rescission
2. novation
3. renovation
4. alteration

Ans: B. Novation (s.62, Indian Contract Act, 1872) is the substitution of a new contract for the old, or change of parties, by which the existing obligation is replaced/altered with consent of all parties; the old contract need not be performed. Rescission is cancellation of the contract; alteration is a change in the terms of the same contract. The change of the very nature of the obligation = novation, so (b). The Indian Contract Act, 1872 is unchanged by the 2023 reforms — no old->new mapping applies. **[Bihar 2021]**

Q10. A commission to make local investigation can be issued under

1. Order XXVI, Rule 1, CPC
2. Order XXVI, Rule 6, CPC
3. Order XXVI, Rule 9, CPC
4. Order XXVI, Rule 10, CPC

Ans: C. Under the Code of Civil Procedure, 1908, a commission for LOCAL INVESTIGATION (e.g., to ascertain boundaries, possession, profits/mesne profits) is issued under Order XXVI, Rule 9. (Rule 1 = commission to examine a witness; Rule 10 = procedure/report of the local-investigation commissioner; the power source is also s.75(b) CPC.) Hence (c). The CPC, 1908 is unchanged by the 2023 criminal-law overhaul — it governs civil procedure and there is no old->new code mapping. **[Bihar 2021]**

Mains Q&A — real state mains questions, with model answers**Mains Q1. — Rajasthan Civil Judge (Jr Div) Mains, 2017 · Specific Relief**

Under the provisions of Specific Relief Act, 1963, what remedies are available to a person dispossessed from the immovable property, Explain.

The Specific Relief Act, 1963 furnishes a dispossessed holder of immovable property with two distinct and complementary remedies, drawn from the principle that no one may be turned out of property otherwise than in due course of law. The first lies under Section 5, which declares that a person entitled to possession of specific immovable property may recover it in the manner provided by the Code of Civil Procedure, 1908. This is the ordinary proprietary or possessory suit: a plaintiff may sue either on the strength of his title by ownership or on the strength of his prior possession, the law presuming, by the maxim *qui prior est tempore potior est jure*, a better title in him who was earlier in possession (*Nair Service Society Ltd v K.C. Alexander*, AIR 1968 SC 1165). Such a suit is governed by the Limitation Act, 1963 — Article 65 where the claim rests on title, the period running not from dispossession but from the date the defendant's possession becomes adverse, and Article 64 where it rests on prior possession, running for twelve years from dispossession. Even a person with mere possessory title, good against all but the true owner, may recover under this section (*Perry v Clissold*, (1907) AC 73).

The second remedy, under Section 6, is a special and summary one. Where a person is dispossessed without his consent and otherwise than in due course of law, he may sue to recover possession notwithstanding any other title set up against him, provided he comes to court within six months. Its object is to discourage persons from taking the law into their own hands, however good their title (*Lallu Yeshwant Singh v Rao Jagdish Singh*, AIR 1968 SC 620); even the true owner cannot forcibly oust one in settled possession (*Krishna Ram Mahale v Shobha Venkat Rao*, AIR 1989 SC 2097; *Munshi Ram v Delhi Administration*, AIR 1968 SC 702). The court inquires only into prior possession and dispossession, not title. The remedy carries three statutory limitations: no suit lies after six months or against the Government, and under Section 6(3) no appeal or review lies from the decree — the aggrieved party's recourse being a revision under Section 115 CPC, or a writ where the Government is concerned. Crucially, Section 6(4) saves the right to sue afresh on title; a decree under Section 6 is no bar to a subsequent suit under Section 5, the two remedies being not mutually exclusive but cumulative.

Mains Q2. — Karnataka Civil Judge Mains, 2021 · Constitution

Describe the procedure for carrying out amendment in the Constitution of India. Can Fundamental rights be amended?

The Constitution of India is neither wholly rigid nor wholly flexible, and it provides for three distinct modes of alteration. A large number of provisions may be altered by Parliament by a simple majority outside the rigours of Article 368 — for instance, the admission or establishment of new States and reconstitution of existing States (Articles 2 to 4), the creation or abolition of Legislative Councils in the States (Article 169), and the administration of Scheduled and Tribal Areas (Article 240). The Constitution expressly declares that such changes shall not be deemed to be amendments of the Constitution. Secondly, the bulk of the remaining provisions may be amended under Article 368(2) by a special majority, that is, a majority of the total membership of each House together with a majority of not less than two-thirds of the members of that House present and voting. Thirdly, for entrenched federal provisions enumerated in the proviso to Article 368(2) — such as the manner of election of the President, the extent of the executive power of the Union and the States, the Supreme Court and the High Courts, the distribution of legislative powers, the representation of States in Parliament, and Article 368 itself — the special majority must additionally be ratified by the Legislatures of not less than one-half of the States before the Bill is presented for assent.

An amendment is initiated by a Bill in either House. Article 368(1), inserted by the Twenty-fourth Amendment (1971), describes this as the exercise of Parliament's constituent power; and after that amendment the President is bound to give his assent to a Bill duly passed. By Article 368(3) — read with Article 13(4) — nothing in Article 13 applies to an amendment made under this Article, so a constitutional amendment is not 'law' that can be struck down for abridging a fundamental right.

Whether Fundamental Rights can be amended has had a chequered history. In *Shankari Prasad v. Union of India* (AIR 1951 SC 458) and *Sajjan Singh v. State of Rajasthan* (AIR 1965 SC 845), the Supreme Court held that Fundamental Rights were amendable and that a constitutional amendment was not 'law' under Article 13. This was reversed in *Golak Nath v. State of Punjab* (AIR 1967 SC 1643), where a majority held that Fundamental Rights lay beyond the amending power. Parliament responded with the Twenty-fourth Amendment. In *Kesavananda Bharati v. State of Kerala* (AIR 1973 SC 1461) a thirteen-Judge Bench overruled *Golak Nath*, holding that Fundamental Rights are amendable but that Parliament cannot, in the name of amendment, damage or destroy the basic structure of the Constitution. This was reaffirmed in *Indira Nehru Gandhi v. Raj Narain* (AIR 1975 SC 2299) and in *Minerva Mills v. Union of India* (AIR 1980 SC 1789), which struck

down clauses (4) and (5) of Article 368 inserted by the Forty-second Amendment, treating the limited amending power and judicial review as basic features. *Waman Rao v. Union of India* (AIR 1981 SC 271) confined the doctrine prospectively to amendments after 24 April 1973. The settled position, therefore, is that Parliament may amend or even abridge any individual fundamental right, but cannot damage or destroy the basic structure of the Constitution.

Mains Q3. — Delhi Judicial Service Mains, 2022 · Contract

What are the rights of an unpaid seller? Distinguish between the unpaid seller's right of lien and right of stoppage in transit. Support your answer with the help of examples.

When a buyer fails to pay, the Sale of Goods Act, 1930 does not leave the seller remediless. The Act first defines who may claim its protection: under Section 45 an "unpaid seller" is one to whom the whole of the price has not been paid or tendered, so that a seller who has received only part of the price stands on the same footing as one wholly unpaid. Where the price was paid by a negotiable instrument received conditionally and that instrument is dishonoured, the seller is again deemed unpaid. The protection extends to any person in the position of a seller, such as a consignor or an agent who has himself paid the price, though, as *J.L. Lyons & Co. v May & Baker* held, it does not convert a buyer who has rejected and recovered his price into a seller.

Section 46 confers two sets of remedies. Against the goods, even where property has passed, the unpaid seller enjoys a lien for the price while in possession (ss.47-49), a right of stoppage in transit on the buyer's insolvency (ss.50-52), and a right of re-sale (s.54). Against the buyer personally, he may sue for the price where property has passed and payment is wrongfully refused (s.55), and otherwise sue for damages for non-acceptance (s.56). These rights against the goods arise by implication of law, not by agreement.

The heart of the question is the distinction between lien and stoppage in transit. Lien, under Section 47, is the right to retain possession and refuse delivery until the price is paid; its sine qua non is that the seller is still in possession, and it is available where the sale was for cash, or on credit whose term has expired, or where the buyer becomes insolvent. Thus if A sells a horse to B with price payable on 1 March and B seeks delivery after that date without paying, A may retain the horse. Stoppage in transit, under Section 50, is the opposite situation: the seller has already parted with possession and the goods are in the hands of a carrier as middleman, and on the buyer's insolvency the seller may resume possession and retain the goods till paid. If A sends 100 bales to B, 60 reach B and B becomes insolvent, A may stop the remaining 40 in transit and hold them for the whole price.

The contrast is therefore sharp. Lien is a right to retain possession; stoppage is a right to regain it. Lien presupposes that possession has not been parted with; stoppage presupposes that it has, and that the goods lie with an independent carrier before the buyer takes delivery. Lien attaches whenever the buyer is in default, solvent or insolvent; stoppage arises only on insolvency. As the texts put it, where lien ends the right of stoppage begins. Both rights may be defeated under Section 53 where the seller assents to a sub-sale (*Knight v Wiffen*) or where the buyer transfers documents of title to a bona fide transferee for value, and both yield, on continued default, to the right of re-sale under Section 54.

Mains Q4. — Odisha Judicial Service Mains, 2019 · Criminal Law

"Every murder is culpable homicide but every culpable homicide is not murder." Explain, keeping in mind the scheme of the Penal Code in dealing with the two offences.

The aphorism captures the very architecture of the Penal Code's law of homicide: every murder is culpable homicide but every culpable homicide is not murder. As Sarkaria, J. explained in *State of A.P. v. Rayavarapu Punnayya*, culpable homicide is the genus and murder its species — all murder is culpable homicide, but not the converse. Section 299 defines the wider offence: whoever causes death with the intention of causing death (clause a), or with the intention of causing such bodily injury as is likely to cause death (clause b), or with the knowledge that he is likely by such act to cause death (clause c). Section 300 then carves out of this genus the gravest cases and labels them murder.

The elevation turns on the degree of intention or knowledge. Murder firstly mirrors clause (a) — intention to cause death. Murder secondly corresponds to clause (b) but adds the offender's special knowledge that the injury is likely to cause death of that particular victim given his peculiar state of health. Murder thirdly is the pivotal clause: intention to cause a bodily injury that is, objectively, sufficient in the ordinary course of nature to cause death. The difference from clause (b) is one of degree of probability — "likely to cause death" means merely probable, whereas "sufficient in the ordinary course of nature" means death is the most probable result. In *Virsa Singh v. State of Punjab*, Vivian Bose, J. laid down the enduring test: the prosecution must prove the injury was present, its nature, that it was intended and not accidental, and that it was objectively sufficient to cause death. Murder fourthly answers to clause (c) but requires knowledge of an act so imminently dangerous that it must in all probability cause death.

The Code then performs the reverse movement. The five Exceptions to section 300 reduce what would otherwise be murder to culpable homicide not amounting to murder: grave and sudden provocation; exceeding the right of private defence in good faith; a public servant exceeding lawful powers in advancing public justice; a sudden fight in the heat of passion without undue advantage or cruelty; and death caused with the consent of a person above eighteen. The reasoning in *Reg. v. Govinda* is to the same effect.

This is no academic exercise. Murder attracts section 302; culpable homicide not amounting to murder attracts section 304, Part I where intention is dominant, or Part II where only knowledge exists. The recast law preserves the scheme intact — culpable homicide is section 100, murder section 101, punishment for murder section 103 and for culpable homicide not amounting to murder section 105 of the Bharatiya

Nyaya Sanhita, 2023.

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

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