

Weekly Legal Current Affairs

27 July – 2 August 2026

This week at a glance

- Prior environmental clearance is non-negotiable; the Court saves the 2017 amnesty but strikes down the open-ended 2021 post-facto regime.
- Convicts under death-to-life modifications argue that imprisonment for the remainder of natural life without remission is unconstitutional; the Court says a Constitution Bench settled it
- Acquitted at trial, convicted first time on the State's appeal; can he appeal that conviction, or only seek revision?
- When a subsequent purchaser's plea to be impleaded fails on merits, can he re-agitate the same claim through Order XXII Rule 10?

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Judgments of the week

1. Vanashakti v. Union of India Constitution

2026 INSC 761 · Justice Surya Kant (CJ), Justice Joymalya Bagchi, Justice Vipul M. Pancholi · 29 July 2026

Facts. Writ petitions challenged the 2017 Notification and the 2021 Office Memorandum, both of which let projects begun without prior environmental clearance under the EIA Notification, 2006 obtain clearance after the fact. A two-Judge Bench in Vanashakti-I had struck down both instruments, but a three-Judge review Bench recalled that judgment by 2:1 and restored the matters. This Bench reheard the validity of the two instruments on a clean slate.

Issue. Whether the 1986 Act read with the 2006 Notification mandates a prior clearance and what consequence follows on breach, and whether the 2017 Notification and the 2021 Office Memorandum validly permit ex post facto environmental clearance.

Held. The prior EC regime under the 2006 Notification is mandatory, and breach attracts not only penalty under Section 15 of the Environment (Protection) Act, 1986 but, by necessary implication, restoration of status quo ante including closure, demolition, remediation and recovery of costs. The 2017 Notification is upheld as a narrowly tailored, time-bound violation-management measure traceable to Section 3 of the 1986 Act read with Rule 5(3)(d) of the 1986 Rules and Section 21 of the General Clauses Act. The 2021 Office Memorandum, an executive instruction with no cut-off date or eligible class, supplants rather than supplements the 2006 Notification, fails proportionality and offends Articles 14 and 21; it is quashed with prospective effect under Article 142, and Pahwa Plastics and D. Swamy are overruled to the extent they treated it as valid. ECs already granted under either instrument remain valid unless individually assailed.

Why it matters. Don't conflate the two instruments; a closed six-month amnesty with remediation survives, an open-ended 'pollute and then pay' regime does not.

Provisions: Environment (Protection) Act 1986, s.3; Environment (Protection) Act 1986, s.5; Environment (Protection) Act 1986, s.15; Environment (Protection) Rules 1986, r.5(3)(d); General Clauses Act 1897, s.21; Constitution of India, art.14; Constitution of India, art.21; Constitution of India, art.142

2. Ramasrey @ Fakkad vs State of Uttar Pradesh Criminal Law

2026 INSC 764 · Sanjay Karol J. & Augustine George Masih J. · 29 July 2026

Facts. Four writ petitions under Article 32 were filed by convicts whose death sentences had been modified to imprisonment for the remainder of natural life without remission, some following mercy petitions accepted by the President under Article 72. They contended that the IPC provides only death or imprisonment for life, that a full-life term without remission is unconstitutional, and that it defeats their statutory right under Section 432 CrPC.

Issue. Whether a sentence of imprisonment for the remainder of natural life without remission is constitutional, and whether the Court may under Article 32 or 136 review the President's clemency orders under Article 72 or independently reduce the sentences.

Held. The Court held that the special category of sentence putting a full-life term beyond remission was found well founded by the majority of the Constitution Bench in *Union of India v. V. Sriharan* (2016) 7 SCC 1, following *Swamy Shraddananda (2) v. State of Karnataka* (2008) 13 SCC 767, and that under Sections 53 and 45 IPC life imprisonment means imprisonment for the rest of the convict's life. Where a life sentence carries no 'without remission' rider, the State's power under Section 432 CrPC is unaffected; where that condition is imposed given the gravity of the crime, denuding the statutory right is not offensive to the Constitution. On the clemency petitions of Atbir Singh and Sarabjit Singh's group, the Court found none of the limited grounds of judicial review of Article 72/161 orders under *Epuru Sudhakar v. Govt. of A.P.* (2006) 8 SCC 161 were met, and it cannot sit in appeal over the executive's exercise of remission. All petitions were dismissed.

Why it matters. Raising a two-judge challenge to a point a five-judge Bench has already answered risks being called an abuse of process; check *V. Sriharan* before arguing full-life terms are void.

Provisions: Indian Penal Code 1860, s.53; Indian Penal Code 1860, s.45; Indian Penal Code 1860, s.302; Code of Criminal Procedure 1973, s.432; Code of Criminal Procedure 1973, s.433-A; Constitution of India, art.32; Constitution of India, art.72; Constitution of India, art.161

3. Vishnu Kumar Gupta vs State of Madhya Pradesh Criminal Procedure

2026 INSC 770 · Aravind Kumar, J. & Prasanna B. Varale, J. · 30 July 2026

Facts. The Trial Court acquitted the husband of offences under Section 498-A IPC and the Dowry Prohibition Act, 1961. On the complainant's appeal, the Seventh Additional Sessions Judge, Bhind reversed the acquittal and convicted him for the first time. His appeal to the High Court under Section 415 BNSS (Section 374 CrPC) was dismissed as not maintainable.

Issue. Whether an appeal under Section 374 CrPC (Section 415 BNSS) lies against a conviction recorded by a Sessions Court exercising appellate jurisdiction while reversing an order of acquittal passed by a Trial Court.

Held. The Court answered the question in the negative, holding that the right of appeal is a creature of statute traceable to Section 372 CrPC and Section 413 BNSS, and cannot be created by interpretation. The expression 'on a trial held by' in Section 374 refers only to the court that itself conducted the trial, so a Sessions Court exercising appellate jurisdiction under Section 378 CrPC is not covered; the doctrines of merger and continuation of proceedings do not convert appellate jurisdiction into trial jurisdiction. *Arun Sharma v. State of Himachal Pradesh* was overruled as not laying down correct law. The remedy is revision under Sections 397 and 401 CrPC (Sections 438 and 442 BNSS), and because Section 401(1) lets the High Court exercise appellate powers, courts should approach such first-time appellate convictions with a more liberal and searching scrutiny.

Why it matters. First conviction by the appellate court is not a second appeal but it still gets you only a revision; press Section 401(1) so the High Court applies appellate-level scrutiny.

Provisions: Code of Criminal Procedure 1973, s.374; Code of Criminal Procedure 1973, s.372; Code of Criminal Procedure 1973, s.378; Code of Criminal Procedure 1973, s.397; Code of Criminal Procedure 1973, s.401; Bharatiya Nagarik Suraksha Sanhita 2023, s.415; Bharatiya Nagarik Suraksha Sanhita 2023, s.413; Bharatiya Nagarik Suraksha Sanhita 2023, s.419

4. Sanjiv Kumar v. Shakuntla Devi and Others Civil / CPC

2026 INSC 747 · Sanjay Karol, J. & Augustine George Masih, J. · 27 July 2026

Facts. Subsequent purchasers of a suit property (Respondents 3 & 4) had their Order I Rule 10 impleadment application in a second appeal dismissed on merits in 2000. After the appeal and cross-objections were dismissed for non-prosecution in 2018 and only the cross-objections were restored, they moved fresh applications under Order XXII Rule 10 CPC for impleadment plus condonation of 2109 days' delay. The High Court condoned the delay, restored the main appeal and impleaded them in both the appeal and cross-objections.

Issue. Whether dismissal on merits of an earlier Order I Rule 10 application bars a later Order XXII Rule 10 application on the same transfer as res judicata, and whether the bar operates identically in the main appeal and in the cross-objections.

Held. The Court held that an erroneous but merits-based decision still binds under Section 11 CPC, since res judicata attaches once an issue is consciously adjudicated, and Allahabad Development Authority v. Nasiruzzaman (1996) 6 SCC 424 was inapplicable absent any statutory prohibition or want of jurisdiction. Because the subsequent purchasers' earlier Order I Rule 10 application in the main appeal rested on the same registered sale deed and same interest and was decided on merits, their fresh Order XXII Rule 10 application was a re-agitation hit by res judicata, following Sulthan Said Ibrahim v. Prakasan 2025 SCC OnLine SC 1218 and B.S. Lalitha v. Bhuvanesh 2026 SCC OnLine SC 860. However, as no earlier application had been filed in the cross-objections, and the prior owners' failure to restore the main appeal caused a material change raising a fresh cause of action, impleadment in the cross-objections was upheld on the strength of Thomson Press (India) Ltd. v. Nanak Builders (2013) 5 SCC 397 and Amit Kumar Shaw v. Farida Khatoun (2005) 11 SCC 403; the High Court order was set aside in part.

Why it matters. *Switching the statutory provision or changing counsel does not escape res judicata once an issue is decided on merits and attains finality.*

Provisions: Code of Civil Procedure 1908, s.11; Code of Civil Procedure 1908, Order I Rule 10; Code of Civil Procedure 1908, Order XXII Rule 10; Code of Civil Procedure 1908, Order XLI Rule 19; Code of Civil Procedure 1908, s.146; Limitation Act 1963, s.5; Hindu Succession Act 1956, s.14(1)

In brief — also on the docket this week

5 Himanshu Chordia vs State of Rajasthan & Anr. Criminal Procedure

2026 INSC 778 · Sanjay Karol, J. and Vipul M. Pancholi, J. · 31 July 2026

Issue. Whether an allegation of adultery under Section 125(4) CrPC must be decided as a preliminary issue between the grant of interim maintenance and final adjudication, or only at the stage of final decision; and whether the pendency of a Section 125(4) application bars payment of interim maintenance.

Held. The Court held that Section 125(4) is an exception that bars both interim and final maintenance if adultery is proved, so the application must be decided between the interim order and final adjudication, not deferred to the end. Only where the husband presents clear and cogent evidence establishing adultery ex facie can interim maintenance be barred at the threshold; where evidence must be proved in accordance with law, interim maintenance continues in the interregnum. The High Court order dated 04.02.2025 was set aside and the matter remanded to the Trial Court to decide the Section 125(4) application on merits. Noting the photographs and videos likely came from private investigators, the Court flagged the absence of any regulation, referred to Navinchandra N. Majithia v. State of Meghalaya (2000) 8 SCC 323, R.M. Malkani v. State of Maharashtra (1973) 1 SCC 471 and Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal (2020) 7 SCC 1 on electronic-evidence proof under Section 65B, and directed that a copy of the judgment go to the Secretary, Ministry of Law and Justice and the Chairman, Law Commission of India.

6 G. Saminathan & Anr. vs The State, Represented by the Sub-Inspector of Police & Anr. Criminal Law

2026 INSC 772 · B.V. Nagarathna & Ujjal Bhuyan, JJ. · 31 July 2026

Issue. Whether retention of a refundable security deposit and sale of the property, arising from a failed development contract, make out cheating and criminal breach of trust, or amount to a civil dispute fit for quashing under Section 482 CrPC.

Held. Applying Delhi Race Club (1940) Ltd. vs. State of U.P., (2024) 10 SCC 690, the Court held that on the same substratum of facts the offences under Sections 405/406 and 415/420 IPC are mutually exclusive and cannot be sustained together. The refundable security was consideration for the GPA, not an entrustment, and mere non-return after the plan sanction was refused is not criminal breach of trust; culpable intention at inception was absent, following Hridaya Ranjan Prasad Verma vs. State of Bihar, (2000) 4 SCC 168, Dalip Kaur vs. Jagnar Singh, (2009) 14 SCC 696 and Binod Kumar vs. State of Bihar, (2014) 10 SCC 663. Finding categories (1), (3), (5) and (7) of State of Haryana vs. Bhajan Lal, 1992 Supp (1) SCC 335 attracted, and noting an arbitral award dated 12.04.2023 already determining the parties' liabilities, the Court set aside the High Court order and quashed FIR No.181 of 2021, the chargesheet and C.C. No.2776 of 2023.

7 V.N.A.S. Chandran vs S. Venila and Others Specific Relief

2026 INSC 776 · Prashant Kumar Mishra J. & N.V. Anjaria J. · 31 July 2026

Issue. Whether buyers who took inconsistent positions and sought recovery of their advance in a criminal complaint remained continuously ready and willing, and whether specific performance should be denied as a discretionary equitable remedy on the ground of conduct.

Held. The Court held that a plaintiff must prove continuous readiness and willingness and availability of funds from the agreement until the decree under Section 16(c) of the Specific Relief Act, 1963, which the buyers failed to do given dishonoured cheques and no funds on the date of suit. Following N.P. Thirugnanam, Kamal Kumar and Major Gen. Darshan Singh, it treated conduct as decisive in the discretionary relief under Section 20; the buyers had sought only recovery of Rs 85,00,000 in Plaintiff No. 2's FIR while separately claiming the land, and had taken contradictory stands on assignment to Defendant No. 5. Relying on Annamalai v. Vasanthi, it held no declaratory relief was needed since the

agreement conferred no right of unilateral termination, but the two-decade lapse and hardship to the aged defendant, per Saradamani Kandappan, weighed against relief. The appeals were allowed, the High Court decree set aside and the trial court's refund decree under Section 55(6)(b) of the Transfer of Property Act, 1882 restored.

8 S.P. Chandrakar vs State of Chhattisgarh Service / Admin

2026 INSC 769 · Sanjay Karol, Augustine George Masih · 30 July 2026

Issue. Whether the deletion of the rule by the Registrar (communicated through the Additional Registrar) was a valid exercise of power under Section 55(1) of the Chhattisgarh Cooperative Societies Act, 1960, and whether non-compliance with the laying requirement in Section 95(3) invalidated it.

Held. The Court held that authority to frame rules under Section 55(1) of the Chhattisgarh Cooperative Societies Act, 1960 inherently includes power to amend, vary or rescind them, supported by Section 21 of the General Clauses Act, 1897, and that delegation to the Additional Registrar acting 'by order of the Registrar' was valid. Applying the mandatory-directory test from *State of U.P. v. Manbodhan Lal Srivastava*, *State of U.P. v. Babu Ram Upadhyaya*, *Bhikraj Jaipuria and Atlas Cycle Industries Ltd. v. State of Haryana*, it held that because Section 95(3) attaches no consequence to non-laying before the Legislative Assembly, the laying clause is merely directory. Relying on *Kiran Devi v. Bihar State Sunni Wakf Board and Municipal Corpn. of Ahmedabad v. Ben Hiraben Manilal*, it added that a wrong label ('circular') on a validly empowered action does not vitiate it. It set aside the High Court judgments, restored the appellant's post, seniority and promotion benefits, and awarded 50% back wages.

9 High Court of Judicature for Rajasthan v. Abhay Jain Service / Admin

2026 INSC 762 · J.B. Pardiwala, J. and Manoj Misra, J. · 29 July 2026

Issue. Whether the 'consequential benefits' awarded by the 15.03.2022 judgment include the grant of Selection Scale or Super Time Scale despite the absence of the requisite number of ACRs for the years the officer was out of service.

Held. The Court held that a party cannot derive advantage from its own wrongful act, and since the officer was kept out of service by the applicant's wrongful discharge, the missing ACRs were not attributable to him. Applying *K.V. Jankiraman* [(1991) 4 SCC 109], *Dragendra Singh Jadon* [(2022) 8 SCC 378], *Prabhu Dayal Khandelwal* [(2015) 14 SCC 427] and *R.K. Jibanlata Devi* [2023 SCC OnLine SC 178], entitlement had to be assessed on the remaining valid ACRs for 2013 and 2014 (Part I and Part II); the uncommunicated 2015 ACR was excluded under *Sukhdev Singh v. Union of India* [(2013) 9 SCC 566]. The Court granted Selection Scale under Rule 49 of the RJS Rules, 2010 with effect from 16.07.2018 and Super Time Scale under Rule 50 with effect from 16.07.2021, read with the Full Court Resolution dated 15.01.2011.

10 Tehri Hydro Development Corporation Ltd. v. S.P. Singh & Ors. General

2026 INSC 773 · R. Mahadevan, J. & Manmohan, J. · 31 July 2026

Issue. Whether an appeal under Section 54 of the Land Acquisition Act, 1894 challenging only the statutory benefits awarded under Sections 23(1-A), 23(2) and 28 attracts ad valorem court fee under Section 8 of the Court Fees Act, 1870, or whether a fixed court fee suffices.

Held. The Court held that Section 23 is a complete code for compensation, with the additional amount under Section 23(1-A), solatium under Section 23(2) and interest under Section 28 being mandatory incidents that make the award one composite determination of compensation, relying on *Sunder v. Union of India* (2001) 7 SCC 211, *Narain Das Jain v. Agra Nagar Mahapalika* (1991) 4 SCC 212 and *Gurpreet Singh v. Union of India* (2006) 8 SCC 457. By Section 26(2) the Reference Court's award is deemed a decree, so an appeal under Section 54 seeking exclusion of any component seeks modification of the decree and attracts ad valorem fee under Section 8, as held in *Indore Development Authority v. Tarak Singh* (1995) Supp (3) SCC 25. Being a fiscal statute construed strictly, Section 8 draws no distinction between constituents of compensation, and no Uttarakhand amendment exempts statutory benefits. The appeal was dismissed.

11 Nisha v. Municipal Council Sangrur Constitution

2026 INSC 774 · Sanjay Karol, J. & Nongmeikapam Kotiswar Singh, J. · 31 July 2026

Issue. Whether a writ under Article 226 could be thrown out for disputed questions of fact where the facts were in truth undisputed and the delay would leave the claimant remediless, and what mechanism exists to compensate victims of stray-cattle accidents.

Held. The Court held that on the short ground of efflux of time the impugned judgment warranted interference, since the FIR, application to the Deputy Commissioner and legal notice made all facts undisputed and a fresh civil suit would leave the claimants remediless. It awarded a lump sum of Rs.15 lakhs to be remitted within four weeks, expressly not to be treated as a precedent, and held the Single Judge's Motor Vehicles Act, 1988 standard cannot be applied as a matter of rule in every case. Surveying Article 48, Article 51-A(g), the Cattle-Trespass Act, 1871, the Prevention of Cruelty to Animals Act, 1960 and cattle laws of 24 States, and relying on *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, (2005) 8 SCC 534 and *Animal Welfare Board of India v. A. Nagaraja*, (2014) 7 SCC 547, it issued five suggestions to the Centre and States on implementation, a compensation mechanism, mandatory tagging, owner responsibility and a nodal officer.

12 Reliance General Insurance Company Ltd. vs Om Parkash & Ors. Evidence

2026 INSC 767 · Sanjay Karol, Nongmeikapam Kotiswar Singh · 30 July 2026

Issue. Whether the driver held a valid driving licence on the date of the accident, and whether an official record of renewal can be proved by secondary evidence — an officer's oral statement and a letter alleging data loss — without laying the foundation required by the Evidence Act.

Held. Under Sections 61 to 65 of the Indian Evidence Act, 1872, an original official document must be proved by primary evidence, and secondary evidence is admissible only when the non-production of the original is accounted for within Section 65 and a factual foundation is laid, per *Neeraj Dutta v. State (NCT of Delhi)* and *Tharammel Peethambaran v. T. Ushakrishnan*. The Court held that RW3's oral statement and letter Ex.RW3/B, contradicted by extract Ex.RW3/A and by the penalty paid for the very interregnum, did not prove the licence stood renewed between 2007 and 2010, and the High Court wrongly treated RW3's version as gospel. Applying Sections 3 and 5 of the Motor Vehicles Act and following *Beli Ram v. Rajinder Kumar* and *National Insurance Co. Ltd. v. Hem Raj*, the owner having led no evidence of verifying or renewing the licence, the appeal was allowed, the insurer held not liable, and the principle of 'pay and recover' applied.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026 passed by Parliament.** The Bill amending the anti-paper-leak law (Public Examinations (Prevention of Unfair Means) Act, 2024) completed its passage when the Rajya Sabha cleared it by voice vote on 30 July 2026, a day after the Lok Sabha passed it on 27 July 2026. Piloted by Union Minister Jitendra Singh, it tightens provisions against cheating, impersonation and organised paper leaks in public/competitive examinations. — [30 July 2026 · pib.gov.in](#)
- **Prevention of Insults to National Honour (Amendment) Bill, 2026 passed by Parliament (Vande Mataram).** The Rajya Sabha passed the Bill on 29 July 2026, completing Parliament's approval. It amends the Prevention of Insults to National Honour Act, 1971 to grant the national song 'Vande Mataram' statutory protection on par with the National Anthem, making deliberate insult to or obstruction of Vande Mataram a punishable offence. — [29 July 2026 · aninews.in](#)
- **Registration of Births and Deaths (Amendment) Bill, 2026 passed by Lok Sabha.** Introduced in the Lok Sabha on 29 July 2026, the Bill was passed by the House on 31 July 2026 amid Opposition protests. It amends the Registration of Births and Deaths Act, 1969 to modernise and digitise civil registration, strengthen the accuracy of records and improve Centre-State coordination of the birth/death database used for public-service delivery. — [31 July 2026 · prsindia.org](#)

Clear Concepts — textbook revision of two core concepts**Delegated Legislation & the Doctrine of Ultra Vires**

Constitutional / Administrative Law

Judicial control of subordinate legislation; Articles 13, 14, 245

Delegated legislation is rule-making by the executive under power conferred by a parent Act, needed because a modern welfare State cannot itself legislate for every technical and changing detail. The power is not unlimited: the legislature must keep its essential function of laying down policy, and courts strike down as ultra vires any rule that exceeds the parent Act or the Constitution.

Meaning, need & permissible limits.

- It is expressed as rules, regulations, orders and bye-laws; Article 13(3) treats such rules having the force of law as 'law'.
- Justified by pressure of legislative time, need for technical detail, flexibility for changing conditions and emergency standby powers.
- In *re Delhi Laws Act* settled that the essential legislative function, declaring policy and enacting it into a binding rule, cannot be delegated.
- The delegate may fill in details within that policy but cannot be armed with power to repeal or amend the law, which is excessive delegation.

Substantive ultra vires. A rule is void where it travels beyond, or conflicts with, the parent Act or the Constitution.

- A rule exceeding the scope of the enabling Act is struck down, as in *Dwarka Nath* where labelling rules went beyond 'quantity and quality'.
- It also fails where it defeats the Act's policy or lacks any nexus with its object (*Kerala Samsthana Chethu*).
- Unreasonableness and manifest arbitrariness invalidate a rule under Articles 14 and 19, natural justice not applying to legislative acts.
- In *Vanashakti v. Union of India* the Court struck down the ex post facto environmental clearance notification as ultra vires the parent Act and Articles 14 and 21.

Procedural ultra vires.

- Breach of a prescribed procedure voids a rule only if that procedure is mandatory, not merely directory.
- Publication in the official gazette, and in the required language, is mandatory (*Govind Lal*); the mode of publication is directory.
- Where the parent Act requires prior consultation with a named body or affected interests, that consultation is mandatory.
- Laying before Parliament is generally directory, so simple non-laying does not by itself invalidate the rule (*Atlas Cycle*).

Leading cases.

- In *re Delhi Laws Act* (1951) — declaring policy is essential legislative function and cannot be delegated; power to repeal or amend an existing law is excessive delegation.
- *Hamdard Dawakhana v. Union of India* (1960) — s.3(d) struck down; uncanalised power fixing no standards goes beyond the permissible limits of valid delegation.
- *Raj Narain v. Chairman, Patna Admn. Committee* (1954) — the power was valid but its exercise, altering the Act's policy, was ultra vires.
- *Kerala Samsthana Chethu Thozhilali Union v. State of Kerala* (2006) — a rule with no nexus to the parent Act's object is ultra vires the Act and Article 14.
- *Indian Express Newspapers v. Union of India* (1986) — the bar on arbitrariness under Article 14 extends to subordinate legislation.

Exam tip. Attack any impugned rule under two heads: substantive (exceeds the parent Act, or is unreasonable or manifestly arbitrary) and procedural (breach of a mandatory publication, consultation or laying requirement); *Vanashakti* is a ready example of the substantive head.

Remission, Commutation & Life Imprisonment

Criminal Procedure (CrPC / BNSS)

Ss. 432-433A CrPC 1973 = ss. 473-475 BNSS 2023; Articles 72 & 161

Life imprisonment means imprisonment for the whole of the convict's remaining natural life, not 14 or 20 years; s.57 IPC treats life as 20 years only to calculate fractions of sentences. The lifer walks free only if the executive remits or commutes the sentence, or a court's clemency intervenes. The Code layers both a procedural and a substantive check over that mercy.

Executive power (BNSS ss. 473-475 = CrPC ss. 432-433A).

- s.432 CrPC / s.473 BNSS lets the appropriate Government suspend or remit a sentence; remission excuses the unserved part but leaves the conviction and sentence intact.
- s.433 CrPC / s.474 BNSS is the higher power of commutation, which changes the very nature of the sentence, such as death to life or life to a fixed term.
- s.433A CrPC / s.475 BNSS bars release before 14 years of actual imprisonment where life is imposed for a death-eligible offence or death is commuted to life.
- A prisoner has no absolute right to remission; completing 14 or 20 years with prison remission earns only consideration, never automatic release.

Statutory power vs constitutional clemency (Arts. 72 & 161).

- The President under Art. 72 and the Governor under Art. 161 hold clemency power that is constitutional, sovereign and independent of the Code.
- s.432 is controlled by s.433A, but the constitutional power cannot be fettered by any statute, prison rule or the 14-year bar.
- Inordinate delay in deciding a mercy petition can itself ground commutation of a death sentence for breach of Arts. 14 and 21.
- Judicial review of a remission or clemency order tests its legality and process, not the merits of the mercy shown.

Fixed-term life without remission.

- Sparing the gallows, a court may order life meaning the whole natural life, or a set term beyond 14 years, immune from remission.
- Shraddananda (2) built this special category as a via media between an ordinary 14-year lifer and the death penalty.
- Such a directed term operates as an injunction on the Government's remission power for that fixed period only.
- Sriharan (2016 Constitution Bench) upheld the category while holding that Art. 72/161 clemency stays untouchable by the courts.

Leading cases.

- Gopal Vinayak Godse v. State of Maharashtra (1961) — imprisonment for life lasts the convict's whole natural life unless remitted or commuted.
- Maru Ram v. Union of India (1980) — upheld the constitutional validity of the s.433A fourteen-year bar on release.
- Swamy Shraddananda (2) v. State of Karnataka (2008) — court may impose life or a term beyond 14 years barred from remission, short of death.
- Union of India v. V. Sriharan @ Murugan (2016) — Constitution Bench affirmed fixed-term life yet kept Art. 72/161 clemency beyond judicial reach.
- Laxman Naskar v. Union of India (2000) — factors guide premature release; life means the whole remaining life, no automatic exit at 20 years.

Exam tip. Fix the mapping 432-433-433A CrPC = 473-474-475 BNSS, and recall that s.57 IPC's 20-year figure is only for computing fractions, never a ceiling on a life sentence.

Revision capsule — one-line recap of every ruling

- **Vanashakti:** Prior environmental clearance under the 2006 Notification is mandatory; the 2017 amnesty Notification is a valid time-bound delegated measure, but the open-ended 2021 Office Memorandum is ultra vires the 1986 Act and quashed prospectively.
- **Himanshu Chordia:** Adultery under Section 125(4) CrPC can defeat interim maintenance only if the husband establishes it ex facie through clear and cogent evidence at the first instance; interim maintenance continues until such application is decided; the courts below erred in deferring the question to final adjudication.
- **Ramasrey @ Fakkad:** A sentence of imprisonment for the remainder of natural life without remission is constitutional; the special category was settled by the Constitution Bench in Sriharan (2016).
- **Vishnu Kumar Gupta:** No appeal lies under Section 374 CrPC against a first-time conviction recorded by a Sessions Court in appeal reversing an acquittal; the only remedy is a criminal revision under Sections 397 read with 401 CrPC.

- **G. Saminathan & Anr.:** Cheating and criminal breach of trust cannot co-exist on the same set of facts about the same property; where a lawful entrustment is alleged there is no cheating, and non-refund is not criminal breach of trust; the dispute is essentially civil and the proceedings are quashed.
- **Sanjiv Kumar:** Res judicata bars re-agitating impleadment under Order XXII Rule 10 in the main appeal where an Order I Rule 10 plea on the same sale deed was already rejected on merits; but not in the cross-objections, where no prior application was ever filed.
- **V.N.A.S. Chandran:** Specific performance denied; the buyers failed to prove continuous readiness and willingness and disqualified themselves by inconsistent conduct and a criminal complaint seeking only recovery of money.
- **S.P. Chandrakar:** The power to frame service rules under Section 55(1) carries the power to amend or delete them via Section 21 of the General Clauses Act, 1897; and the Section 95(3) laying requirement, prescribing no consequence for breach, is directory so the appellant's promotion stands.
- **High Court of Judicature for Rajasthan:** Where non-availability of the requisite ACRs is attributable solely to the employer's wrongful discharge, the officer's entitlement to Selection Scale and Super Time Scale must be assessed on his remaining valid ACRs; the employer cannot rely on a shortcoming it created.
- **Tehri Hydro Development Corporation Ltd.:** Additional amount, solatium and statutory interest are inseparable components of compensation; an appeal under Section 54 seeking to reduce them attacks the compensation decree and attracts ad valorem court fee under Section 8 of the Court Fees Act.
- **Nisha:** The Article 226 writ was maintainable since all facts were undisputed and relegating the widow to a civil court after such long delay would render her remediless; the appeal is allowed and a lump sum of Rs.15 lakhs awarded, the Motor Vehicles Act standard not being applicable as a rule in every stray-cattle case.
- **Reliance General Insurance Company Ltd.:** An official licence-renewal record must be proved by primary evidence; an officer's oral word plus an unsupported data-loss letter cannot establish validity, so the insurer is not liable and pays only on 'pay and recover'.

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

Q1. In *Vanashakti v. Union of India* (29 July 2026), the Supreme Court revisited the validity of 'ex post facto' (post-facto) environmental clearance and the executive instruments permitting it. Which statement reflects the Court's holding?

- Post-facto environmental clearance is permissible so long as the project ultimately controls pollution.
- Post-facto environmental clearance is alien to environmental jurisprudence, and the 2021 Office Memorandum permitting it was ultra vires the Environment (Protection) Act, 1986 (and hence quashed).
- The 2021 Office Memorandum was a valid piece of conditional legislation immune from judicial review.
- The grant of environmental clearance is a purely policy matter falling wholly outside Articles 14 and 21.

Ans: B. The Court held that a regime of ex post facto EC is 'alien to environmental jurisprudence' and that the impugned Office Memorandum, being executive (delegated/subordinate) action, could not override the prior-EC requirement of the EIA Notification framed under the Environment (Protection) Act, 1986; it was struck down as ultra vires the parent Act (and violative of Articles 14 and 21), though the quashing of the 2021 OM was made prospective. Classic ultra vires control of delegated legislation – subordinate instruments cannot travel beyond the enabling statute. Environment (Protection) Act, 1986 is unchanged. **[This week's ruling: *Vanashakti v. Union of India*, 2026 INSC 761 (29 Jul 2026)]**

Q2. In *Ramasrey @ Fakkad v. State of U.P.* (29 July 2026), following the Constitution Bench in *Union of India v. V. Sriharan* (Swamy Shraddananda), the Supreme Court reiterated that a sentence of 'imprisonment for life' means:

- Imprisonment for 14 years, after which release becomes automatic.
- Imprisonment for 20 years, that figure being fixed by Section 57 IPC.
- Imprisonment for the remainder of the convict's natural life, the convict being entitled only to apply for remission/commutation under Article 72 or 161 of the Constitution or under Section 432 CrPC.
- A term that must be remitted once the convict completes 20 years inclusive of remission earned.

Ans: C. The Court reaffirmed *Gopal Vinayak Godse* and *Maru Ram*: life imprisonment (s.53 read with s.45 IPC) is imprisonment for the rest of the convict's life; the terminal point is the convict's last breath unless the appropriate Government commutes/remits. Section 57 IPC's '20 years' is only a yardstick for calculating fractions of sentence, not the length of a life term. Remission lies via Art 72/161 or the statutory power. Old: s.432 CrPC (remission) → New: s.473 BNSS, 2023; s.433 → s.474; s.433A → s.475 BNSS. **[This week's ruling: *Ramasrey @ Fakkad v. State of Uttar Pradesh*, 2026 INSC 764 (29 Jul 2026)]**

Q3. If the husband and wife are living separately by mutual consent, which of the following is the correct preposition under Section 125(4) of the Code of Criminal Procedure, 1973?

- Wife is still entitled to maintenance, if she is not able to maintain herself.
- Wife is entitled to maintenance, if her health condition is not good.
- Wife is entitled to maintenance, if she is required to take care of her minor children.
- Wife is not entitled to maintenance.

Ans: D. Section 125(4) CrPC expressly bars maintenance to a wife who is living in adultery, or who without sufficient reason refuses to live with her husband, or where the spouses are living separately by mutual consent. Mutual-consent separation therefore disentitles the wife. Old: s.125 CrPC (order for maintenance; sub-s.(4) disqualifications) → New: s.144 BNSS, 2023 (sub-s.(4) retains the adultery / mutual-consent bar). **[Karnataka Judiciary Prelims 2020]**

Q4. In which of the following writs, the doctrine of res judicata is not applicable?

- A. Habeas corpus
- B. Certiorari
- C. Mandamus
- D. Quo warranto

Ans: A. The rule of res judicata (s.11 CPC as a general principle of finality) does not strictly bar a writ of habeas corpus – given that personal liberty is at stake, a detenu may move a fresh petition (including on new grounds), so the doctrine is treated as inapplicable to habeas corpus. Section 11 CPC is unchanged; the point here is the constitutional-law application of the principle to writ jurisdiction. **[Haryana Judiciary Prelims 2018]**

Q5. Criminal Breach of Trust is defined under _____ of the Indian Penal Code.

- A. Section 403
- B. Section 404
- C. Section 405
- D. Section 406

Ans: C. Section 405 IPC defines criminal breach of trust (entrustment of property + dishonest misappropriation/conversion in violation of the trust); Section 406 prescribes the punishment. Section 403 is criminal misappropriation and 404 is misappropriation of property of a deceased. Old: s.405 IPC (definition) / s.406 (punishment) → New: s.316 BNS, 2023 (s.316(1) defines CBT, s.316(2) punishes it; s.316(5) covers a public servant, old s.409). **[Odisha Judiciary Prelims 2017]**

Q6. If the requisite court fee is not paid on the plaint, in spite of an order by the court, the plaint shall be

- A. Rejected
- B. Returned to the plaintiff
- C. The suit shall be dismissed
- D. The plaintiff shall be permitted to withdraw the suit

Ans: A. Under Order VII Rule 11(c) CPC, where the relief is undervalued or the requisite court fee is not paid and the plaintiff fails to make it good within the time allowed by the court, the plaint 'shall be rejected'. Rejection (unlike return under R.10) is a deemed decree and is appealable. CPC and the Court-Fees Act framework are unchanged. **[Karnataka Judiciary Prelims 2019]**

Q7. A being the owner of a plot of land, sells the same to B through a registered sale deed in the year 2005. B however does not make full payment to A. A again sells the same land to C in the year 2010 without informing him of the earlier transaction of 2005. Who would be the person aggrieved in these circumstances:

- A. B (the first purchaser).
- B. A (the seller).
- C. C (the subsequent purchaser)
- D. None of the above

Ans: C. On execution and registration of the 2005 sale deed, ownership passed to B under Sections 54/55 of the Transfer of Property Act, 1882, even though the price was unpaid (A retains at most an unpaid-vendor's charge under s.55(4)(b), not title). By 2010 A had nothing left to convey, so the 2010 sale passed no title; C, having paid without notice of the prior deed, is the person aggrieved. Transfer of Property Act, 1882 is unchanged. **[Rajasthan Judiciary Prelims 2017]**

Q8. Which Section of the Specific Relief Act, 1963 says that specific performance of a contract can not be enforced in favour of a person who failed to prove his readiness and willingness to perform his part of contract?

- A. Section 13.
- B. Section 14.
- C. Section 15.
- D. Section 16.

Ans: D. Section 16(c) of the Specific Relief Act, 1963 bars specific performance to a plaintiff who fails to aver and prove continuous readiness and willingness to perform the essential terms of the contract (the 'explanation' clarifies that actual tender of money is not always required, but the plaintiff must prove he was ready and willing). Specific Relief Act, 1963 (incl. the 2018 amendment) is unchanged. **[Karnataka Judiciary Prelims 2021]**

Q9. As per Schedule for compensation for third party fatal accidents under Section 163A of the Motor Vehicles Act, 1988 the amount of compensation arrived at, in consideration of the expenses, which a victim would have incurred, towards maintaining himself, had he been alive, shall be reduced

- A. 1/2
- B. 1/3
- C. 1/4
- D. 1/8

Ans: B. Under the Second Schedule to Section 163A (structured-formula, no-fault liability), the multiplicand is reduced by one-third (1/3) towards the personal and living expenses the deceased would have incurred on himself. The same one-third deduction principle for a bachelor/deceased was affirmed in Sarla Verma and National Insurance Co. v. Pranay Sethi. Note: Section 163A and the Second Schedule were omitted by the Motor Vehicles (Amendment) Act, 2019 (now Section 164 provides a fixed sum), but the 1/3 personal-expense deduction survives in case law. **[Rajasthan Judiciary Prelims 2017]**

Q10. Which Article of the Constitution of India confers power on the Governor of a state to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence against any law relating to a matter to which the executive power of the state extends.

- A. Article 172
- B. Article 272
- C. Article 72
- D. Article 161

Ans: D. Article 161 confers on the Governor the pardoning power in respect of offences against laws within the State's executive power. The parallel power of the President is Article 72. (These are constitutional powers, distinct from the statutory remission power under s.432 CrPC / s.473 BNSS – the distinction reiterated in this week's Ramasrey ruling.) The Constitution is unchanged. **[Karnataka Judiciary Prelims 2018]**

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

Mains Q1. — Rajasthan Judicial Service Mains, 2015 · Criminal Law — Culpable Homicide vs Murder: Grave and Sudden Provocation (Exception 1 to s.300 IPC)

What are the conditions enumerated in proviso to Exception 1 of Section 300 of IPC, subject to which defence can be set up by accused that he lost power of self-control due to grave and sudden provocation given by victim?

Exception 1 to Section 300 IPC (now Exception 1 to s.101 of the Bharatiya Nyaya Sanhita, 2023) is the law's concession to human infirmity: where the offender, whilst deprived of the power of self-control by grave and sudden provocation, kills the person who gave the provocation, or another by mistake or accident, the offence is lowered from murder to culpable homicide not amounting to murder, punishable under s.304 Part I IPC (now s.105 BNS 2023). The concession, however, is not unqualified. The Exception carries three provisos, and unless the accused brings his case within all of them the plea of provocation must fail.

The first proviso requires that the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person. A man cannot engineer the provocation and then shelter behind his own contrivance. The second proviso requires that the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such a public servant; thus, as the Code's own illustrations show, a person excited to passion by a lawful arrest at the hands of a bailiff, or by a magistrate's remark disbelieving his deposition, who then kills, commits murder. The third proviso requires that the provocation is not given by anything done in the lawful exercise of the right of private defence, so that one who kills because his intended victim lawfully resisted him cannot invoke the Exception.

Whether the provocation was in fact grave and sudden enough is, by the Explanation, a question of fact. The governing test was settled in *K.M. Nanavati v. State of Maharashtra*, AIR 1962 SC 605: whether a reasonable man of the same class of society, placed in the accused's situation, would be so provoked as to lose self-control; words and gestures may suffice, and the mental background created by the victim's earlier acts is relevant, provided the fatal blow is traceable to passion not yet cooled.

Applying this in *Nanavati* itself, the three hours between the wife's confession and the shooting afforded room for regaining self-control and for premeditation, so the Exception was refused. The settled position, therefore, is that these provisos confine the mitigation to a genuine, sudden loss of self-control untainted by the accused's own design, by lawful acts, or by calculated revenge.

Mains Q2. — UP Judicial Service (Civil Judge) Mains, 2018 · Constitution — Article 21: Protection of Life and Personal Liberty ('procedure established by law')

"No person shall be deprived of his life and personal liberty except according to procedure established by law." Discuss with the help of decided cases. [15 Marks]

The words reproduced in the question are the very language of Article 21, which the founders placed at the heart of Part III to shield the individual against executive and legislative despotism. A conscious choice underlies its phrasing. The Constituent Assembly deliberately preferred the expression "procedure established by law" over the American "due process of law", intending that a person's life and liberty should be taken away only in accordance with a law duly enacted, and not left to the shifting notions of judges about what is fair. How far that intention has survived is the real story of Article 21.

In its earliest reading, *A.K. Gopalan v. State of Madras* (AIR 1950 SC 27) gave the article a narrow, literal meaning. "Personal liberty" was confined to freedom from physical restraint by incarceration or otherwise, and "procedure established by law" meant no more than a procedure prescribed by a competent legislature. Articles 19, 21 and 22 were treated as a self-contained code, mutually exclusive, so that a valid detention law could not be tested against the reasonableness demanded by Article 19. The Court thus disclaimed any power to examine the quality of the procedure itself.

That compartmentalised view was dismantled by the seven-Judge Bench in *Maneka Gandhi v. Union of India* (AIR 1978 SC 597). Holding that Articles 14, 19 and 21 are not mutually exclusive but form a golden triangle, the Court ruled that a procedure which is arbitrary, oppressive or fanciful is no procedure at all, and that any procedure depriving a person of life or liberty must be right, just and fair, and must satisfy Article 14. The principles of natural justice were read as implicit in Article 21.

On this foundation "life" was expanded, in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (AIR 1981 SC 746), to mean the right to live with human dignity, and later, in *Justice K.S. Puttaswamy v. Union of India*, to embrace privacy as an intrinsic part of the right.

The position is now settled. Whenever deprivation of life or personal liberty is complained of, the Court, exercising judicial review, must ask whether an authorising law exists and whether its procedure is reasonable, fair and just, and not arbitrary. A law under Article 21 must satisfy the triple test of prescribing a procedure that withstands Articles 19 and 14 alike.

Mains Q3. — Odisha Judicial Service Mains, 2017 · Specific Relief — discretion and power of the court in decreeing specific performance

Describe the discretion and power of the Court in decreeing specific performance.

Under the Specific Relief Act, 1963 as originally framed, decreeing specific performance was an exercise of equitable discretion. Damages were the rule and specific relief the exception; the court would compel performance only where the ordinary remedy was inadequate. Section 10 permitted enforcement where the damage caused by non-performance could not be ascertained, or where compensation in money would not afford adequate relief, presuming that a breach of a contract for immovable property could not be so relieved while a breach concerning movable property ordinarily could.

The heart of that scheme lay in section 20, which declared that the jurisdiction to decree specific performance is discretionary and that the court is not bound to grant relief merely because it is lawful to do so. That discretion was never arbitrary. It had to be exercised on sound and reasonable judicial principles, correctible on appeal only where exercised perversely or against such principles, as reaffirmed in (2015) 1 SCC 597. The court weighed hardship, unfairness, conduct securing an unfair advantage, and delay or laches before granting or withholding a decree.

Cutting across this discretion lay the plaintiff's burden under section 16(c) to aver and prove continuous readiness and willingness to perform the essential terms of the contract, so that a party in default could not invoke the court's aid. In *Gomathinayagam Pillai v Palaniswami Nadar* (AIR 1967 SC 868) the Court held that in a contract for sale of immovable property time is ordinarily not of the essence, provided the purchaser remains ready and willing to pay within a reasonable time.

The Specific Relief (Amendment) Act, 2018 recast this architecture. Section 10 now mandates that specific performance shall be enforced, subject only to the exceptions in sections 11(2), 14 and 16, and the old section 20, the repository of discretion, has been deleted and replaced by a right of substituted performance. The court's discretion has thus been withdrawn; it can no longer refuse a decree unless one of those exceptions applies, and section 16(c) now requires proof of readiness and willingness without the earlier averment. For infrastructure contracts, sections 20A and 41(ha) bar injunctions that would stall a project.

In *Katta Sujatha Reddy v Siddamsetty Infra Projects (P) Ltd.*, (2023) 1 SCC 355, the Supreme Court held that these amendments create new substantive rights and operate prospectively. The settled position is that specific performance is now the rule and damages the exception, the court's former discretion surviving only in the residual statutory exceptions and in its scrutiny of the plaintiff's readiness and willingness.

Mains Q4. — Karnataka Judicial Service (Civil Judge) Mains, 2020 · Evidence — Burden of proof and onus of proof (ss.101-106, IEA)

What are the Rules of Burden of Proof? State the difference between Burden of Proof and Onus of Proof.

The law of burden of proof is best understood as an answer to a single practical question: if no evidence at all were led, who would lose? Section 101 IEA (now s.104 BSA 2023) supplies the foundational rule, that whoever desires a court to give judgment on a legal right or liability dependent on facts he asserts must prove that those facts exist, so that the burden rests on the party who substantially asserts and not on the one who merely denies. Section 102 (now s.105 BSA 2023) locates this burden on the person who would fail if no evidence were given on either side, while s.103 (now s.106 BSA 2023) fixes the burden as to any particular fact on the party who wishes the court to believe in its existence. To these general rules the Act adds special ones: s.105 casts on the accused the burden of proving that his case falls within a General or Special Exception, and s.106 (now s.109 BSA 2023) places on a party the burden of proving facts especially within his own knowledge.

The distinction the question presses, between burden of proof proper and onus of proof, maps onto the classical division between the legal or persuasive burden and the evidential burden. The legal burden is the obligation to establish an issue; it is fixed by the pleadings, rests on the party who came to court, and remains constant throughout the trial (*Narchinva V. Kamat v. Alfredo Antonio Doe Martins*). Onus of proof, by contrast, is the burden of adducing evidence at a given stage; it is not stationary but shifts from side to side as evidence accumulates or as a presumption is raised in a party's favour. Thus a plaintiff suing on a negotiable instrument need lead no initial evidence of consideration, because the statutory presumption throws the onus of rebuttal on the defendant.

The difference is of real consequence. As the Supreme Court held in *Rangammal v. Kuppuswamy*, misplacing the burden of proof vitiates the judgment, so a trial judge must remain clear which burden he is applying. Yet the question of onus loses much of its importance once both sides have led their evidence, for the court then decides on the totality of the material. In criminal cases the legal burden of proving guilt beyond reasonable doubt lies on the prosecution and never shifts (*State of Maharashtra v. Vasudeo Ramchandra Kaidalwar*), s.106 being no device to relieve that burden, as *Shambhu Nath Mehra v. State of Ajmer* cautions; only the evidential onus of a plea such as alibi or a statutory exception moves to the accused. That, in sum, is the settled position.

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

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