

Weekly Legal Current Affairs

14–20 September 2026

This week at a glance

- Section 29 POCSO presumes guilt, but it never converts a contradictory prosecution story into proof beyond reasonable doubt.
- No receiver, no interim protection, until the Section 92 court grants leave; but urgent facts can dispense with notice before leave.
- Maharashtra made sellers dye and embitter methanol after a hooch tragedy; the Court struck the rules down as manifestly arbitrary.
- A truck seized at 1 a.m. by breaking the steering lock: the Court reads RBI's fair-practice guidelines into every repossession clause.

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Judgments of the week

1. Deepak in JC v. State Govt. of NCT Delhi Criminal Law

2026 INSC 1008 · Prashant Kumar Mishra, N.V. Anjaria · 17 September 2026

Facts. A 2.5-year-old girl was allegedly taken by the neighbouring jhuggi-dweller appellant to Hans Raj City Park on 09.12.2015, and her mother (PW-5) said blood was later found on her pyjama. The trial court convicted under Section 363 IPC and Section 6 POCSO, sentencing him to 10 years RI, and the Delhi High Court confirmed it on 03.07.2025. The FSL report (Ex.PW-8/A) showed no semen, no male DNA and no blood on the pyjama, and Dr. Varnit found no injury and an intact hymen.

Issue. Whether the statutory presumption under Sections 29 and 30 of the POCSO Act can sustain a conviction where the ocular and medical evidence conflict, and what standard of proof the accused must meet to rebut it.

Held. The Court found manifest contradictions between PW-5 and PW-1 on the time of examination and who accompanied the child, plus material improvements over her Section 164 Cr.PC statement, so PW-5 failed the sterling witness test laid down in Rai Sandeep alias Deepu vs. State (NCT of Delhi) (2012) 8 SCC 21 and repeated in Ganesan vs. State (2020) 10 SCC 573. Relying on Noor Aga v. State of Punjab (2008) 16 SCC 417, Naresh Kumar alias Nitu (2017) 15 SCC 684 and Kali Ram vs. State of Himachal Pradesh (1973) 2 SCC 808, it held that presumptive provisions cannot make the prosecution version gospel truth or dilute fair trial under Article 21, and it approved Navin Dhaniram Baraiye vs. State of Maharashtra 2018 SCC OnLine Bom 1281 that Section 29 operates only once foundational facts are established. The medical evidence and FSL report ruled out any penetrative act, and the proved quarrel over a shared water connection made the defence of enmity believable. The conviction under Section 363 IPC and Section 6 POCSO was set aside and the appellant acquitted.

Why it matters. Pair this with *Noor Aga on NDPS reverse burden: the accused rebuts on preponderance of probability, the State still proves guilt beyond reasonable doubt.*

Provisions: Protection of Children from Sexual Offences Act 2012, s.5(m); Protection of Children from Sexual Offences Act 2012, s.6; Protection of Children from Sexual Offences Act 2012, s.29; Protection of Children from Sexual Offences Act 2012, s.30; Indian Penal Code 1860, s.361; Indian Penal Code 1860, s.363; Code of Criminal Procedure 1973, s.164; Constitution of India 1950, art.21

2. S. Panchalingu v. People's Education Trust (R) Civil / CPC

2026 INSC 1010 · Manoj Misra, Manmohan · 18 September 2026

Facts. The appellants filed a plaint under Section 92 CPC against People's Education Trust along with an application seeking leave to sue. On 2nd May 2025 the Principal District and Sessions Judge, Mandya, acting under Order XL Rule 1(a), constituted an ad hoc committee of the existing trustees to manage the Trust's day-to-day affairs while the leave application was pending. By judgment dated 25th June 2025 the Karnataka High Court set that order aside, holding that a Section 92 suit is 'stillborn' without leave, and the appellants carried the matter to the Supreme Court.

Issue. Whether a Civil Court seized of a plaint under Section 92 CPC together with an application for leave to institute the suit can pass protective or preservatory interim orders while the leave application is pending.

Held. The Court held that after the 1976 Amendment, 'having obtained the leave of the Court' makes leave a condition precedent to institution, so until leave is granted there is no lis and no proceeding in which supplemental powers under Section 94 or Order XL Rule 1 can be invoked; the words 'whether before or after decree' in Order XL Rule 1(a) presuppose a validly instituted suit. Section 141 applies only to procedural and not substantive rights (agreeing with *Thresia vs. Xavier*, 1976 SCC OnLine Ker 23), and the general inherent power under Section 151 cannot override the special safeguard in Section 92 on the principle *generalalia specialibus non derogant*, following *Vareed Jacob vs. Sosamma Geevarghese*, (2004) 6 SCC 378. Appointing a receiver over a public trust is intrusive rather than merely preservatory since it dislodges the management, defeating the protection leave is meant to give; the contrary Full Bench view in *Muhammad Ali Khan vs. Ahmad Ali Khan*, ILR 1945 All 818 concerned a private waqf to which Section 92 did not apply. Relying on *R.M. Narayana Chettiar vs. N. Lakshmanan Chettiar*, (1991) 1 SCC 48, the Court clarified that where facts disclose compelling urgency, notice to proposed defendants before grant of leave is not indispensable and a suit on leave granted ex parte is not bad in law, the defendants retaining their right to seek revocation; the appeals were dismissed with that clarification.

Why it matters. Leave under Section 92 is the gateway, not a formality: read this with *R.M. Narayana Chettiar*, (1991) 1 SCC 48, which lets the Court skip notice when urgency demands, and remember the urgency route runs through ex parte leave, never through a pre-leave receiver.

Provisions: Code of Civil Procedure 1908, s.26; Code of Civil Procedure 1908, s.92; Code of Civil Procedure 1908, s.94; Code of Civil Procedure 1908, s.141; Code of Civil Procedure 1908, s.151; Code of Civil Procedure 1908, Order XL Rule 1

3. M/s Balaji Formalin Pvt. Ltd. v. Union of India Constitution

2026 INSC 1009 · J.B. Pardiwala, K. Vinod Chandran · 18 September 2026

Facts. After the 1991 Chhaya Bar spurious-liquor tragedy in Andheri killed around 93 persons, Maharashtra acted on the Parthasarthy Committee report and by notification dated 21.01.2011 inserted Rules 18A, 18B and 18C into the Maharashtra Poisons Rules, 1972, declaring methanol a poison. Rule 18A required a seller to verify the buyer's Form A licence and to mix methylene carmine and denatonium saccharide into methanol before selling to any non-drug manufacturer, while Rule 18B made unlicensed possession liable to confiscation. Methanol users such as Balaji Formalin, Aarti Industries and Thermo Fisher said the additives ruined their downstream products; the Bombay High Court upheld the rules on 03.05.2019.

Issue. Whether Rules 18A and 18B of the Maharashtra Poisons Rules, 1972, inserted by the 2011 amendment, violate Articles 14 and 19(1)(g) of the Constitution.

Held. Subordinate legislation may be attacked on the same grounds as plenary legislation, including manifest arbitrariness and want of an adequate determining principle (*State of Tamil Nadu v. P. Krishnamoorthy*, (2006) 4 SCC 517; *Mahalakshmi Sugar Mills Co. Ltd. v. Union of India*, (2009) 16 SCC 569; *Vasu Dev Singh v. Union of India*, (2006) 12 SCC 753). Rule 18A(1) fails *Mohd. Faruk v. State of M.P.*, (1969) 1 SCC 853, because verifying a Form A licence cannot disclose the buyer's use of methanol, it puts seller and purchaser on the same pedestal and renders the Form B permit nugatory, and less drastic measures such as cancellation of defaulting licences and mandatory return of unused stock were never tried. Rule 18A(2) buys mere identification at the cost of destroying downstream products, does not touch the Committee's own findings of diversion, pilferage and corruption, and can be defeated by masking the colour and flavour, so it addresses a mischief it does not remedy. Applying the four-part proportionality test in *K.S. Puttaswamy (Privacy-9 J.) v. Union of India*, (2017) 10 SCC 1, the aim is legitimate but the means are unsuitable, not necessary, and impose a continuing industrial burden against a benefit that is only a possibility.

Why it matters. Use this alongside *Mohd. Faruk* when arguing that a legitimate object cannot save a rule whose means cannot in fact achieve it.

Provisions: Poisons Act 1919, s.2; Poisons Act 1919, s.8; Constitution of India 1950, art.14; Constitution of India 1950, art.19(1)(g); Constitution of India 1950, art.19(6); Maharashtra Poisons Rules 1972, r.18A; Maharashtra Poisons Rules 1972, r.18B; Maharashtra Poisons Rules 1972, r.10

4. Hari Dutta Sharma v. State of U.P. & Ors. Contract

2026 INSC 998 · Pamidighantam Sri Narasimha, Alok Aradhe · 16 September 2026

Facts. The appellant took a commercial vehicle loan from Chola Mandalam Investment and Finance Company Limited for his Tata SFC 407 truck, secured by hypothecation, and defaulted on instalments after an earlier repossession had been forestalled by part-payment. On 09.04.2023 at about 1:00 a.m. four unidentified persons broke the vehicle's steering lock and drove it away; the appellant lodged an e-FIR believing it stolen, and learnt only through a legal notice dated 30.09.2023 that the Company had repossessed and sold it on 31.08.2023 for Rs.4,50,000. The Allahabad High Court dismissed his writ petition on 04.04.2025 as belated.

Issue. Whether a financier may repossess a hypothecated vehicle without the seven-day notice its own loan agreement stipulates, and whether a repossession clause conferring unilateral discretion to waive notice and to sell is valid against the RBI Guidelines and the Indian Contract Act, 1872. Also whether the writ petition could be dismissed on delay alone.

Held. Relying on *Orix Auto Finance (India) Ltd. v. Jagminder Singh and Anr.*, (2006) 2 SCC 598, *Sundaram Finance Limited and Anr. v. T. Thankam*, (2015) 14 SCC 444 and *ICICI Bank Ltd. v. Prakash Kaur and Ors.*, (2007) 2 SCC 711, the Court held that a contractual right of repossession exists but must be construed with circumspection because it operates outside court supervision. Guidelines and Master Circulars issued under Section 35-A of the Banking Regulation Act, 1949 carry statutory force (*Internet and Mobile Association of India v. Reserve Bank of India*, (2020) 10 SCC 274), and Article 11 of the loan agreement failed them on four counts: rights determining 'ipso facto without any notice', authority to 'enter any place or places', no prescribed procedure for possession or sale, and a discretionary power to waive notice. Since no seven-day notice under Article 11(a)(i) was issued, the right of repossession never accrued, and the finding of delay was unsustainable given the FIR of 09.04.2023, the Section 156(3) CrPC complaint and traffic challans received in 2024-2025 for a vehicle said to have been sold on 31.08.2023. The Court ordered closure of both loan accounts, refund of Rs.4,50,000 with 6% interest from the date of sale, Rs.10,00,000 compensation and Rs.50,000 costs, and directed the RBI to secure genuine compliance with its Guidelines.

Why it matters. Read this with *ICICI Bank Ltd. v. Prakash Kaur*, (2007) 2 SCC 711: the contract clause is only the starting point, and a notice the lender can waive at will is no notice at all.

Provisions: Banking Regulation Act 1949, s.35-A; Indian Contract Act 1872; Constitution of India, art.14; Constitution of India, art.21; Code of Criminal Procedure 1973, s.156(3)

In brief — also on the docket this week

5 K Rashik v. National Insurance Company Ltd. Civil / CPC

2026 INSC 996 · Ujjal Bhuyan, Atul S. Chandurkar · 16 September 2026

Issue. Whether an insurer impleaded as a defendant may object to the territorial jurisdiction of a Claims Tribunal, and whether a Tribunal gets jurisdiction under Section 166(2) of the Act of 1988 merely because the insurer carries on business within its local limits.

Held. Following the three-Judge Bench in *United India Insurance Co. Ltd. vs. Shila Datta & Others*, the Court held that an insurer impleaded as a party-respondent may contest on all permissible grounds, including territorial jurisdiction. On construction, Section 166(2) uses 'resides or carries on business' for the claimant but only 'resides' for the defendant, and unlike Section 20 of the Code of Civil Procedure, 1908 it omits the place where a defendant carries on business; since impleading the insurer is optional and Section 168(1) requires notice to it anyway, the word 'defendant' in Section 166(2) does not refer to the insurer. The Court distinguished *Mantoo Sarkar vs. Oriental Insurance Co. Ltd.*, *Malati Sardar vs. National Insurance Company Limited* and *Balveer Batra vs. The New India Assurance Company* on the ground that in those cases the objection was taken at the appellate stage, attracting the failure-of-justice threshold of Section 21(1) of the Code, whereas here it was raised before the Tribunal at the initial stage, so Section 166(2) alone governs. Beneficial-legislation reasoning cannot supply an interpretation the plain language does not bear, and the transfer to the Tribunal at Chittoor was upheld.

6 Abdul Rajik v. State of M.P. Criminal Law

2026 INSC 1001 · Sandeep Mehta, Manmohan · 16 September 2026

Issue. Whether the FSL report could be read in evidence when the prosecution proved no link evidence for the safe custody and movement of the samples, and whether total non-compliance with Section 52-A of the NDPS Act affected the finding of guilt.

Held. The Court held that neither Section 42 nor Section 50 of the NDPS Act applied, as the recovery was from bags carried by the accused in an open public place. On link evidence, it found that the sample packets bore no seals, signatures or identification marks, were never separately exhibited, and that no forwarding letter of the police station, road certificate or maalkhana exit entry accounted for their movement between 1 December and 6 December 2004; following *Narcotics Control Bureau v. Kashif* (2024) 11 SCC 372 and *Bharat Aambale v. State of Chhattisgarh* (2025) 8 SCC 452, non-compliance with Section 52-A does not cause automatic acquittal, but total non-compliance is relevant to whether safe custody was proved. Relying on *Nadeem Ahamed v. State of West Bengal* 2025 SCC OnLine SC 1779 and *State of Rajasthan v. Tara Singh* (2011)

11 SCC 559, it discarded the FSL report (Exhibit P-46) and rejected PW-7's burning test as having no scientific basis for identifying charas under Section 2(iii)(a). Left with no admissible proof of an essential ingredient, the Court set aside the trial Court judgment dated 5 September 2006 and the High Court judgment dated 26 November 2010 and acquitted both appellants.

7 National Seeds Corporation Ltd. v. National Agro Seed Corporation (India) Arbitration

2026 INSC 1017 · Pamidighantam Sri Narasimha, Alok Aradhe · 18 September 2026

Issue. Whether an award-debtor who deposits money in court under Order XXI Rule 1 of the Code of Civil Procedure, 1908 is liable to pay interest on the deposited sum, and whether the appellant's deposits were made in accordance with that Rule so that its interest liability ceased.

Held. Section 36(1) of the Arbitration and Conciliation Act, 1996 creates a legal fiction making an award executable as a decree, and Section 36(3) requires the court to have due regard to the Code when staying a money award, so Order XXI Rule 1 applies to such deposits. Following the Constitution Bench in Gurpreet Singh v. Union of India, (2006) 8 SCC 457 and the three-Judge Bench in P.S.L. Ramanathan Chettiar v. O.R.M.P.R.M. Ramanathan Chettiar, 1968 SCC OnLine SC 28, the Court distilled nine principles, including that a deposit must be unconditional and available for withdrawal, that release only against security is not payment in satisfaction of the decree, that a decree-holder who takes no step to withdraw is treated as having deemed-refused the tender, and that on a part deposit interest ceases only pro tanto; DLF Limited v. Koncar Generators and Motors Limited, (2025) 1 SCC 343 was applied for the test of free withdrawal. On facts, the 2019 deposit was made only to secure a stay, carried no Order XXI Rule 1(2) notice and was resisted throughout, so interest did not cease and the impugned order was affirmed. Noting the asymmetry across High Court rules and the CRIS pooling system in the United States and Section 65(1) of the Canadian Supreme Court Act, 1985, the Court requested the Law Commission of India to examine a uniform legislative framework in consultation with the Reserve Bank of India and the Ministries of Finance and Law and Justice.

8 Kartika @ Kirtan @ Kirtan Charan Jena v. State of Odisha Evidence

2026 INSC 1015 · M.M. Sundresh, Prasanna B. Varale · 18 September 2026

Issue. Whether a conviction can stand on circumstantial evidence when the very circumstances relied on are drawn from eyewitness testimony the appellate court has already rejected as unreliable, and whether the chain of circumstances was proved beyond reasonable doubt.

Held. Applying the panchsutra of Sharad Birdhichand Sarda v. State of Maharashtra (1984) 4 SCC 116 and Kamal v. State (NCT of Delhi) 2023 SCC OnLine SC 933, the Court held that circumstances must be shown to "must or should" be established, not merely "may be", and however strong a suspicion, it cannot replace proof beyond reasonable doubt. Circumstances (i), (ii) and (iv) relied on by the High Court rested on the depositions of PW-3, PW-4, PW-10, PW-11, PW-17 and PW-26, which were materially inconsistent on who was even present, PW-3's FIR naming only PW-17 and PW-26 as witnesses while PW-4 placed all six at the spot. Following State of U.P. v. Ashok Kumar (1979) 3 SCC 1 and Tamilselvan v. State (2008) 7 SCC 755, identification failed because the only light was the accused's own torch, which would partially blind the witnesses rather than aid them. The 53 kg laterite stone theory collapsed as the stone was never recovered and PW-18, the medical officer, deposed that no weapon of offence was ever sent to him for opinion; each link having to be proved individually under Abdul Nassar v. State of Kerala 2025 SCC OnLine SC 111, the appellants got the benefit of doubt.

9 Bharat Raj Meena v. Central Bureau of Investigation Criminal Law

2026 INSC 999 · Dipankar Datta, Nongmeikapam Kotiswar Singh · 16 September 2026

Issue. Whether money collected by an intermediary who invoked the public servant's name establishes acceptance or obtainment by the public servant himself under Sections 7 and 13, and whether the Section 20 presumption can be invoked without proof of that acceptance. Also, what corroboration approver testimony requires when the approver was the conduit in the very transaction deposed to.

Held. The Court held that proof of demand and acceptance is the gravamen of the offence, relying on C.M. Girish Babu v. CBI, B. Jayaraj v. State of Andhra Pradesh, P. Satyanarayana Murthy v. District Inspector of Police and the Constitution Bench in Neeraj Dutta v. State (Government of NCT of Delhi), and that while acceptance through an intermediary suffices under Section 7 read with Explanation 2 as explained in State by Lokayuktha Police v. K. Rangayya, the prosecution must prove by reliable evidence that the intermediary acted under the accused's authority or direction. In the trap case the demand and the payment to PW-2 were taken as proved, but the assertion that the money would have been delivered at the appellant's residence rested only on the approver's word, leaving open the equally available hypothesis that PW-2 pocketed it, so the inference of obtainment was speculative, R.P.S. Yadav v. CBI requiring the chain of demand, acceptance and recovery to be chronologically proved against the accused. On the Gopi Kumar transaction the Court found no witness independent of PW-7 and PW-11, both participants, the summoning Inspector unexamined, no recovery, and the appellant's monthly diary (Ext.D2) placing him away from Palakkad on 30.07.2005, the only date on record. Both appeals were allowed and the appellant acquitted, the Court declining to decide the challenge to sanction under Section 19.

10 The Bharat Sanchar Nigam Limited v. G.N. Mani Ravinder Service / Admin

2026 INSC 1007 · Prashant Kumar Mishra, Ujjal Bhuyan · 17 September 2026

Issue. Whether employees officiating against the higher post are governed by Medini C. (where the claimants had been provisionally promoted) or by Mishri Lal, and whether vacancies arising before the 2005 Rules must be filled under the rules in force when they arose.

Held. The Court read paragraph 10 of *CMD/Chairman, Bharat Sanchar Nigam Limited v. Mishri Lal*, (2011) 14 SCC 739 and paragraphs 36-37 of *Medini C. v. Bharat Sanchar Nigam Limited*, (2022) 4 SCC 562, and identified the discerning factor: in *Mishri Lal* the claimants worked on officiating basis, while in *Medini C.* they had been provisionally promoted, which is why *Medini C.* distinguished *Mishri Lal*. Since the private respondents were only officiating, their case falls under *Mishri Lal*, where relief was refused precisely because officiating service carries no vested right to be considered under the old rules. Applying *State of Himachal Pradesh v. Raj Kumar*, (2023) 3 SCC 773, which overturned *Y.V. Rangaiah v. J. Sreenivasa Rao*, (1983) 3 SCC 284, the Court held there is no universal rule that vacancies must be filled under the law existing when they arose; a candidate's right is to be considered under the rules existing on the date of consideration, and the Government may consciously decide not to fill pre-amendment vacancies so long as the policy is fair, reasonable and satisfies Article 14. The High Court judgments were set aside and the appeals allowed.

11 Vinit Kumar v. State of U.P. Through Secretary Service / Admin

2026 INSC 997 · Pamidighantam Sri Narasimha, Alok Aradhe · 16 September 2026

Issue. Whether petitioners who failed to meet the General Category cut-off could have the revised select list and consequential appointments quashed, and whether a CBI investigation into the selection could be directed under Article 32.

Held. The Court held that the interim order dated 30.01.2019 confined the scope of scrutiny to the petitioners' claim of higher merit, an order being effective inter partes until avoided in a higher forum (*State of Kerala v. M.K. Kunhikannan Nambiar Manjeri Manikoth, Naduvil (D) Ors.*, (1996) 1 SCC 435). Since the respondents' counter affidavit stated that the petitioners fell below the 98.25-mark General Category cut-off and this was never controverted, it followed that no less meritorious candidate had been selected. Non-disclosure that petitioner nos. 8 to 18 had filed an earlier writ petition before the Lucknow Bench, disposed of on 09.11.2012 in terms of the Division Bench judgment of 26.09.2012, amounted to suppression of material facts disentitling relief, and appointees working for years could not be displaced in their absence. On the CBI prayer the Court applied *State of West Bengal Ors. v. Committee for Protection of Democratic Rights, West Bengal Ors.*, (2010) 3 SCC 571, *Himanshu Kumar and Ors. v. State of Chhattisgarh and Ors.*, (2023) 12 SCC 592 and *Legislative Council U.P. Lucknow and Ors. v. Sushil Kumar and Ors.*, 2025 INSC 1241, and found no FIR, no allegation against the local police and no pleaded basis.

12 Union of India v. Col. NC Isaac (Retd.) Service / Admin

2026 INSC 993 · Pamidighantam Sri Narasimha, Alok Aradhe · 15 September 2026

Issue. Whether the Entitlement Rules 2008 can be treated as having binding legal force absent material showing valid promulgation, and whether they make a significant departure from the Entitlement Rules 1982 on presumption at entry, causal connection, onus of proof, attributability and aggravation. Whether Dharamvir Singh therefore continues to govern claims to the disability element.

Held. Comparing the two regimes subject by subject, the Court held that Rule 5 of the Entitlement Rules 2008 withdraws the sound-health presumption of Rule 5 of the Entitlement Rules 1982 by adding a causal connection requirement, but that Rule 6 is in substance identical to Rule 8 of 1982, Rule 7 broadly carries forward Rule 9 and continues to place the onus on the employer, Rule 11 reproduces Rule 20 on aggravation, and Rule 10(b)(iii) parallels Rule 20(a) where the cause of disease is unknown; Rule 7 read with Regulation 423 of the RMSAF, 2010 continues to give the benefit of reasonable doubt to the member. On legality, the Union could not demonstrate the source, time and method by which the Entitlement Rules 2008 superseded the 1982 Rules, the Raksha Mantri Report, 2015 having recorded at Para 2.4.8 that the Pension Regulations 2008 and Entitlement Rules had no sanctity of law for want of Cabinet and DoPPW approval under the Allocation of Business Rules, 1961; the Court directed that the applicable rules be formulated and notified authoritatively as early as possible. The batch was dismissed on delay and on merits, with three clarifications: the Medical Board's opinion deserves due weight and is not to be substituted merely because another view is possible, Tribunals must scrutinise the Board's opinion and reasons in detail, and beyond fifteen years the Rule 7 burden rests on the applicant.

Statutes, appointments & policy

NEW LAWS, AMENDMENTS & KEY BILLS

- **Centre bars charges on RuPay debit card and small UPI payments.** The Ministry of Finance issued a gazette notification on 14 September 2026 under Section 10A of the Payment and Settlement Systems Act, 2007, specifying RuPay debit card transactions and UPI transactions up to Rs 2,000 as prescribed electronic modes. The effect is that banks and payment system providers cannot levy any charge, directly or indirectly, on the payer or the beneficiary for these modes. Section 10A is the provision that empowers the Central Government to prescribe such modes, and it is a recurring illustration of delegated legislation under a fiscal statute. — [14 September 2026 · seconline.com](#)
- **CBDT notifies Income-tax (Fourth Amendment) Rules, 2026.** The Central Board of Direct Taxes notified the Income-tax (Fourth Amendment) Rules, 2026 on 17 September 2026, amending the Income-tax Rules, 2026 framed under the Income-tax Act, 2025. Rule 225 was amended to omit sub-rules (75) to (83) and (91), which had provided for arrest, detention and civil imprisonment of defaulters in recovery of tax arrears. Rule 176 now permits assessment and verification units in faceless proceedings to authenticate electronic records through electronic communication, and the registration deadline for valuers under Section 514 and for authorised income-tax practitioners was extended to 31 March 2027. The deletion of the arrest and detention machinery is significant for questions on coercive recovery and personal liberty. — [17 September 2026 · seconline.com](#)

APPOINTMENTS & INSTITUTIONS

- **High Court Judges and Additional Judges (Articles 217 and 224):** 14 judicial officers appointed to Delhi, J&K and Ladakh, Jharkhand and Karnataka High Courts — The Central Government notified on 19 September 2026 the appointment of 14 judicial officers as judges and additional judges of four High Courts. Seven went to the Delhi High Court, of whom Nivedita Anil Sharma and Nisha Sahay Saxena were appointed judges and five, including Sanjay Sharma and Bharat Parashar, were appointed additional judges. Three were appointed judges of the Jharkhand High Court, three additional judges of the Karnataka High Court, and one judge of the Jammu and Kashmir and Ladakh High Court. The appointments give effect to part of the Supreme Court Collegium's 10 September 2026 recommendation of 15 judicial officers, the Centre having cleared 14 of those names. — [19 September 2026 · livelaw.in](#)

POLICY & JUSTICE ADMINISTRATION

- **Cabinet raises EPFO mandatory coverage wage ceiling to Rs 25,000.** The Union Cabinet on 16 September 2026 approved the Ministry of Labour and Employment's proposal to raise the wage ceiling for mandatory coverage under the Employees' Provident Fund Organisation from Rs 15,000 to Rs 25,000 per month, with effect from 17 September 2026. This is the first revision of the ceiling since September 2014 and is expected to bring over 51 lakh additional employees within compulsory coverage under the EPF, EPS and EDLI schemes. The Central Government committed a budgetary outlay of Rs 56,696 crore over five years. The ceiling governs who is an employee for compulsory contribution under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, a frequently tested social security statute. — [16 September 2026 · pmindia.gov.in](#)

Clear Concepts — textbook revision of two core concepts

Reverse-Burden Presumptions: POCSO s.29, NDPS s.35, PC Act s.20 and s.113B Evidence Act

Criminal Law / Evidence

Act

POCSO 2012, ss.29-30; NDPS 1985, ss.35, 54; PC Act 1988, s.20; IEA 1872, s.113B / BSA 2023, s.118

Proof beyond reasonable doubt is the golden thread of Woolmington and Kali Ram, so Parliament reverses it only by express words. Every such clause is conditional: the presumption fires only after the prosecution proves the foundational facts. Deepak in *JC v. State Govt. of NCT Delhi*, 2026 INSC 1008, applies that rule to POCSO ss.29-30.

When the presumption starts: foundational facts.

- A reverse burden is a statutory exception to the presumption of innocence, so courts construe it strictly.
- Noor Aga fixes the sequence: foundational facts first, which under NDPS ss.35 and 54 means proved conscious possession.
- Deepak confirms POCSO s.29 works only once foundational facts stand proved; a self-contradictory prosecution version supplies none.
- Dowry death under IEA s.113B (now BSA s.118) needs cruelty proved soon before death, says Nagendra Sah.

The four statutory presumptions compared.

- POCSO s.29 presumes guilt once prosecution under ss.3, 5, 7 or 9 begins, unless the contrary is proved.
- POCSO s.30 presumes culpable mental state, its Explanation making the accused disprove it beyond reasonable doubt.
- NDPS s.35 mirrors that clause; s.54 presumes commission where recovered contraband is not satisfactorily accounted for.
- PC Act s.20 presumes, once acceptance of undue advantage is proved, motive or reward under s.7.

Rebuttal, standard of proof and limits.

- Deepak holds ss.29 and 30 shift only the evidential burden, displaced on preponderance of probability.
- Read the text: POCSO s.30 and NDPS s.35 demand rebuttal beyond reasonable doubt, a harsher standard.
- Bharat Raj Meena rules s.20 presupposes proved acceptance, so cash intercepted with a middleman cannot prove obtainment.
- Neeraj Dutta still requires demand and acceptance proved; Article 21 bars presuming the prosecution version gospel truth.

Leading cases.

- Deepak in *JC v. State (NCT Delhi)* (2026) — POCSO ss.29-30 follow foundational facts, rebutted on preponderance.
- Bharat Raj Meena v. CBI (2026) — s.20 never arises where obtainment by the public servant is unproved.
- Noor Aga v. State of Punjab (2008) — reverse burden valid; foundational facts first, rebuttal on preponderance.
- Kali Ram v. State of H.P. (1973) — the prosecution's burden of proving guilt never shifts.
- Nagendra Sah v. State of Bihar (2021) — s.113B needs dowry-linked cruelty proved soon before death.

Exam tip. The bait is that the presumption bites on framing of charge — it bites only after foundational facts are proved.

Section 92 CPC: Suits for Public Charitable and Religious Trusts

Civil Procedure

Code of Civil Procedure 1908, ss.92, 93; Order I Rule 8

Section 92 creates a special jurisdiction over public trusts of a charitable or religious nature. Two conditions gate it: the trust must be public and charitable or religious, and the relief sought must be statutory and claimed representatively. In *S. Panchalingu v. People's Education Trust (2026)* the Court held leave is the gateway, not a formality.

Who may sue and the leave requirement.

- Only the Advocate-General, or two or more persons having an interest in the trust, may sue, and only with leave.
- The forum is the Principal Civil Court of original jurisdiction or another court the State Government empowers.
- Section 93 lets the Collector exercise the Advocate-General's s.92 powers where the State Government so empowers.
- *Panchalingu* holds leave a condition precedent, so no receiver or preservative interim order issues while leave is pending.

The statutory reliefs and the s.92(2) bar.

- Clauses (a) to (cc) cover removing a trustee, appointing a new one, vesting property, and recovering possession from a removed trustee.
- Clauses (d) and (e) allow accounts and inquiries, and a declaration of what proportion of trust property serves any object.
- Clause (f) permits letting, sale, mortgage or exchange; clause (g) settling a scheme; clause (h) further relief.
- Section 92(2) bars these reliefs except in conformity with s.92, and s.92(3) gives cy pres power to vary purposes.

What falls outside s.92.

- A personal claim, though it touches trust property, lies outside s.92, which reaches only representative suits vindicating public rights.
- Private trusts and endowments stay outside the section however charitable their object, because the trust must itself be public.
- Order I Rule 8 is procedural, open in any suit where numerous persons share an interest; s.92 is special jurisdiction.
- Rule 8 permission may come at any stage and binds absentees, while s.92 leave conditions institution itself.

Leading cases.

- *Swami Paramatmanand Saraswati v. Ramji Tripathi (1974)* — s.92 reaches only a representative suit vindicating a public right, not a personal claim.
- *Sugra Bibi v. Hazi Kammu Mia (1969)* — s.92 applies only to a public trust of a charitable or religious character.
- *Vidyodaya Trust v. Mohan Prasad R. (2008)* — leave is no mechanical step; plaintiffs must show a real, existing interest.
- *R.M. Narayana Chettiar v. N. Lakshmanan Chettiar (1991)* — notice before leave is ordinarily necessary but may be skipped on urgency.
- *S. Panchalingu v. People's Education Trust (2026)* — no receiver before leave; urgency is met by ex parte leave.

Exam tip. Examiners dress a personal claim as a trust dispute; the test is the relief sought in a representative capacity, not the property.

Revision capsule — one-line recap of every ruling

- **Deepak in JC:** The Sections 29 and 30 POCSSO presumptions are rebuttable rules shifting only the evidential burden; they arise after the prosecution proves the foundational facts, and the accused may displace them on preponderance of probability while the prosecution's own burden of proof beyond reasonable doubt never shifts.
- **S. Panchalingu:** A Civil Court has no power to pass protective or preservative interim orders, including appointment of a receiver under Order XL Rule 1(a), before leave is granted under Section 92 CPC; leave is a mandatory, non-derogable threshold, though notice preceding leave may be dispensed with for compelling reasons recorded in writing.
- **M/s Balaji Formalin Pvt. Ltd.:** Rules 18A and 18B are manifestly arbitrary and lack a proximate nexus with the object of preventing hooch deaths; they are struck down as violative of Articles 14 and 19(1)(g), the restriction not being saved by Article 19(6).
- **K Rashik:** Section 166(2) confers jurisdiction only where the accident occurred, where the claimant resides or carries on business, or where the defendant resides; the place where a defendant carries on business is deliberately omitted, and 'defendant' there does not include the insurer.
- **Abdul Rajik:** An unexplained five-day gap in the custody of NDPS samples, coupled with unsealed and unmarked sample packets and total non-compliance with Section 52-A, destroys the sanctity of the samples; the FSL report must be discarded and, with no other proof that the substance was charas, the conviction cannot stand.
- **Hari Dutta Sharma:** A financier's self-help repossession is conditional on the contractual notice and on RBI's fair-practice Guidelines; seizure in the dead of night by breaking a steering lock, without notice or a signed possession memorandum, is arbitrary, violates Articles 14 and 21, and sounds in compensation.

- **National Seeds Corporation Ltd.:** A deposit stops interest only when it is unconditional, notice under Order XXI Rule 1(2) is given and the award-holder is free to withdraw whenever he pleases; a deposit made merely to buy a stay and resisted at every stage of release leaves interest running.
- **Kartika @ Kirtan @ Kirtan Charan Jena:** Conviction set aside; once ocular testimony is discarded as impossible on a pitch-dark night, the same testimony cannot be recycled as proved circumstances, and each circumstance must itself be established beyond doubt.
- **Bharat Raj Meena:** Where the tainted money is intercepted in the intermediary's hands and nothing shows it reached or was bound to reach the public servant, obtainment under Section 7 is not proved; the Section 20 presumption never arises, since it presupposes proved acceptance.
- **The Bharat Sanchar Nigam Limited:** Mere officiating service creates no vested right to promotion under the superseded rules; the claim is governed by Mishri Lal, not Medini C., and Raj Kumar forecloses any rule that pre-amendment vacancies must be filled under the old rules.
- **Vinit Kumar:** Petitioners who never crossed the prescribed General Category cut-off show no injury from the select list; their suppression of an earlier writ petition independently disentitles relief, and a CBI probe cannot be ordered on bare allegations.
- **Union of India:** The Entitlement Rules 2008 substantially reproduce the 1982 scheme of causal connection, onus and attributability/aggravation, subject only to the proviso to Rule 7 shifting the onus to a claimant who prefers the claim more than fifteen years after discharge, invalidment or release.

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

Q1. In a prosecution for penetrative sexual assault, the ocular account is contradicted by medical evidence showing no injury and by a forensic report showing no biological traces. The prosecutor argues that Section 29 of the POCSO Act, 2012 obliges the Special Court to presume commission of the offence. Which statement is correct?

- A. The presumption operates from the framing of charge, whatever the quality of the prosecution evidence
- B. The presumption applies only where the victim child is shown to be below twelve years of age
- C. The presumption arises only after the prosecution proves the foundational facts of the offence charged
- D. The presumption becomes irrebuttable once the victim is proved to be a child under the Act

Ans: C. Section 29 applies to a person prosecuted for offences under Sections 3, 5, 7 or 9, and the Special Court presumes commission 'unless the contrary is proved'; it is a rebuttable rule that operates only once the foundational facts are established, and it cannot convert a contradictory prosecution version into proof. Where the charge is coupled with kidnapping, note the mapping of Indian Penal Code, 1860 Section 363 to Section 137(2) of the Bharatiya Nyaya Sanhita, 2023. This week the Supreme Court acquitted the appellant because the medical and forensic material ruled out any penetrative act, so no foundational fact survived for Section 29 to act upon. [\[This week's ruling: Deepak in JC v. State Govt. of NCT Delhi \(2026 INSC 1008\)\]](#)

Q2. An accused facing the presumptions under Sections 29 and 30 of the POCSO Act, 2012 relies on proved prior enmity with the complainant family and on medical evidence excluding the alleged act. On the burden of proof, which of the following is correct?

- A. He need displace the presumption only on a preponderance of probability, the prosecution still proving guilt beyond reasonable doubt
- B. He must establish his innocence beyond reasonable doubt before any weakness in the prosecution case can help him
- C. Once the presumption is drawn the burden of proving guilt beyond reasonable doubt shifts to him for the whole trial
- D. He can discharge the burden only by entering the witness box, defence evidence from other sources being irrelevant

Ans: A. Reverse-burden clauses shift only the evidential burden: the accused may rebut on preponderance of probability, while the legal burden of proving guilt beyond reasonable doubt never leaves the prosecution, a reading traceable to Noor Aga v. State of Punjab (2008) 16 SCC 417 and to the fair-trial guarantee of Article 21. Material improvements over a statement recorded under Section 164 of the Code of Criminal Procedure, 1973, now Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023, remain a legitimate ground to reject a witness as falling short of the sterling witness standard. This week the Court applied exactly this approach, holding that Sections 29 and 30 cannot make the prosecution version gospel truth. [\[This week's ruling: Deepak in JC v. State Govt. of NCT Delhi \(2026 INSC 1008\)\]](#)

Q3. A plaint under Section 92 of the Code of Civil Procedure, 1908 is presented along with an application seeking leave to institute the suit. Before deciding that application, the District Judge appoints a receiver under Order XL Rule 1(a) to manage the trust. The order is:

- A. valid, since Section 141 applies the procedure of the Code to such proceedings and sustains interim relief
- B. invalid, since leave is a condition precedent and until it is granted there is no suit in which such power exists
- C. valid, since Section 151 preserves inherent power to make orders needed to prevent abuse of the process
- D. invalid, since a receiver over a public trust may be appointed only after a decree has been passed in the suit

Ans: B. After the 1976 Amendment the words 'having obtained the leave of the Court' make leave a mandatory threshold, so no lis exists before leave and supplemental powers under Section 94 with Order XL Rule 1 cannot be invoked; the phrase 'whether before or after decree' in Rule 1(a) itself presupposes a validly instituted suit. Section 141 extends only to procedure and not to substantive rights, and the inherent power under Section 151 cannot override a special safeguard, on the principle generalia specialibus non derogant. This week the Supreme Court upheld the setting aside of exactly such a pre-leave ad hoc management order, holding a receiver over a public trust to be intrusive rather than preservatory. [\[This week's ruling: S. Panchalingu v. People's Education Trust \(R\) \(2026 INSC 1010\)\]](#)

Q4. Which of the following correctly states the position on notice to the proposed defendants before leave is granted under Section 92 of the Code of Civil Procedure, 1908?

- A. Notice is mandatory in every case, and leave granted without prior notice is a nullity
- B. Notice is never necessary, as the defendants may always apply later to revoke the leave
- C. Notice is necessary only for religious trusts, charitable trusts being outside that requirement
- D. Notice is ordinarily desirable but may be dispensed with for compelling urgency recorded in writing

Ans: D. R.M. Narayana Chettiar v. N. Lakshmanan Chettiar (1991) 1 SCC 48 holds that although notice before grant of leave is ordinarily proper, facts disclosing real urgency permit the court to grant leave ex parte, and such a suit is not bad in law because the defendants retain the right to apply for revocation of leave. The safeguard of leave protects trusts from vexatious litigation, but it is not a device to defeat genuine urgency. This week the Court dismissed the appeals with that clarification, pointing litigants to ex parte leave rather than to a pre-leave receiver as the route for urgent cases. **[This week's ruling: S. Panchalingu v. People's Education Trust (R) (2026 INSC 1010)]**

Q5. Rules framed by a State Government in exercise of power conferred by a parent statute are challenged before the High Court. On what ground may such subordinate legislation be struck down?

- A. That it is manifestly arbitrary and lacks an adequate determining principle, besides being ultra vires the parent Act
- B. Only that it travels beyond the rule-making power conferred, arbitrariness being irrelevant to delegated legislation
- C. Only that the requirement of prior publication or of laying before the legislature was not complied with
- D. Only that the rule imposes a financial burden which the parent statute does not expressly authorise it to impose

Ans: A. State of Tamil Nadu v. P. Krishnamoorthy (2006) 4 SCC 517 settles that subordinate legislation is open to attack on substantially the same grounds as plenary legislation, including violation of fundamental rights and manifest arbitrariness, apart from being ultra vires or contrary to statute. Failure of prior publication and excessive delegation are additional grounds, not the only ones. This week the Supreme Court used precisely this power to strike down Rules 18A and 18B of the Maharashtra Poisons Rules, 1972 as violative of Articles 14 and 19(1)(g), the restriction not being saved by Article 19(6). **[This week's ruling: M/s Balaji Formalin Pvt. Ltd. v. Union of India (2026 INSC 1009)]**

Q6. A rule compels every seller of an industrial chemical to mix a dye and a bittering agent into it before sale, the stated object being to stop its diversion into spurious liquor, although the additives can be masked and they destroy legitimate downstream products. Applying the proportionality standard, the rule fails because:

- A. the object of preventing deaths caused by spurious liquor is not by itself a legitimate State aim
- B. a restriction upon trade in a poisonous substance can never be justified under Article 19(6)
- C. the measure is neither suitable to achieve the stated aim nor the least restrictive, and its burden outweighs the benefit
- D. the executive may not regulate trade in any substance unless the parent statute itself names that substance

Ans: C. The four-part test in K.S. Puttaswamy (Privacy-9J) v. Union of India (2017) 10 SCC 1 requires a legitimate goal, a rational connection between the means and that goal, necessity in the sense of no less restrictive alternative, and a fair balance between the right curtailed and the benefit achieved. Mohd. Faruk v. State of M.P. (1969) 1 SCC 853 adds that the availability of less drastic measures, such as cancellation of defaulting licences, tells against the restriction. This week the Court found the aim legitimate but the means unsuitable and unnecessary, since the additive could be masked and did nothing about the diversion and pilferage the committee had identified. **[This week's ruling: M/s Balaji Formalin Pvt. Ltd. v. Union of India (2026 INSC 1009)]**

Q7. Guidelines and Master Circulars issued by the Reserve Bank of India under Section 35-A of the Banking Regulation Act, 1949 prescribing fair practices in recovery and repossession:

- A. bind banks alone and have no application to a non-banking financial company lending against hypothecation
- B. are advisory only and yield to an express stipulation to the contrary in the loan agreement
- C. operate prospectively from the date the borrower makes a written complaint to the Reserve Bank
- D. carry statutory force and condition the exercise of any contractual right of repossession

Ans: D. Internet and Mobile Association of India v. Reserve Bank of India (2020) 10 SCC 274 holds that directions issued under Section 35-A have statutory force and bind the entities regulated, so a recovery clause in a loan agreement must be read subject to them. A right of self-help repossession exists in contract but is construed with circumspection because it is exercised outside court supervision, as Orix Auto Finance (India) Ltd. v. Jagminder Singh (2006) 2 SCC 598 and ICICI Bank Ltd. v. Prakash Kaur (2007) 2 SCC 711 explain. This week the Court tested the lender's repossession clause against these Guidelines, found it wanting and directed the Reserve Bank to secure genuine compliance. **[This week's ruling: Hari Dutta Sharma v. State of U.P. & Ors. (2026 INSC 998)]**

Q8. A hypothecation loan agreement permits the financier to repossess the vehicle after seven days' notice, while also allowing it to waive that notice at its sole discretion. Without any notice its agents break the steering lock at 1 a.m., drive the truck away and later sell it. Which statement is correct?

- A. The seizure is lawful, because hypothecation vests ownership in the financier until the loan is repaid
- B. The right of repossession never accrued, since no notice was given and a notice waivable at will is no safeguard
- C. The seizure is lawful, because default by the borrower by itself extinguishes his right to retain possession
- D. The borrower's only remedy lies in damages for conversion, the sale to a third party being unimpeachable

Ans: B. Hypothecation leaves ownership and possession with the borrower, and the financier's contractual right to seize accrues only when the stipulated condition precedent, here the seven days' notice, is fulfilled; a clause reserving unilateral power to waive that notice and to sell without any prescribed procedure is one-sided and cannot be enforced. A borrower who treats such a seizure as theft may pursue a complaint under Section 156(3) of the Code of Criminal Procedure, 1973, now Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023. This week the Supreme Court held a night-time seizure by breaking the steering lock, with no notice and no possession memorandum, to be arbitrary and violative of Articles 14 and 21, and awarded compensation. **[This week's ruling: Hari Dutta Sharma v. State of U.P. & Ors. (2026 INSC 998)]**

Q9. In an NDPS prosecution the sample packets bear no seals, signatures or identification marks, the malkhana records no entry of their despatch, and five unexplained days separate the forwarding letter from the laboratory's receipt of the samples. The legal effect is that:

- A. safe custody of the samples stands unproved, so the chemical examiner's report cannot establish the contraband
- B. the defect is cured because the report of a Government scientific expert is admissible without formal proof
- C. non-compliance with Section 52-A of the Act by itself entitles the accused to an automatic acquittal
- D. the prosecution may still succeed upon the seizing officer's field test of burning a portion of the substance

Ans: A. Section 52-A lays down the procedure for inventory, photographs and drawing of samples before a Magistrate, and while Narcotics Control Bureau v. Kashif (2024) 11 SCC 372 holds that its breach is not automatically fatal, total non-compliance together with a broken chain of custody destroys the sanctity of the samples. Admissibility of the analyst's report under Section 293 of the Code of Criminal Procedure, 1973, now Section 329 of the Bharatiya Nagarik Suraksha Sanhita, 2023, dispenses with formal proof of the document but never supplies proof that the sample analysed was the substance seized. This week the Court discarded the forensic report on an unexplained five-day gap, rejected the burning test as unscientific and acquitted both appellants. **[This week's ruling: Abdul Rajik v. State of M.P. (2026 INSC 1001)]**

Q10. Tainted currency is intercepted in the hands of an intermediary who had invoked a public servant's name, and nothing on record shows that the money reached the public servant or was bound to reach him. As regards Section 20 of the Prevention of Corruption Act, 1988:

- A. the presumption applies, because the intermediary used the public servant's name while collecting the money
- B. the presumption extends to demand as well, once the complainant deposes on oath that a demand was made
- C. the presumption does not arise, since it presupposes proved acceptance or obtainment by the public servant
- D. the presumption applies but is rebuttable by the public servant only by proof beyond reasonable doubt

Ans: C. Proof of demand and of acceptance or obtainment is the gravamen of the offence under Sections 7 and 13(1)(d), as the Constitution Bench held in Neeraj Dutta v. State (NCT of Delhi), and the Section 20 presumption is attracted only after acceptance of an undue advantage is proved, acceptance through an agent counting only if the agent is shown to have acted under the accused's authority. Approver evidence here engages Section 133 with Illustration (b) to Section 114 of the Indian Evidence Act, 1872, now Sections 138 and 119 of the Bharatiya Sakshya Adhiniyam, 2023, the pardon itself coming under Section 306 of the Code of Criminal Procedure, 1973, now Section 343 of the Bharatiya Nagarik Suraksha Sanhita, 2023. This week the Court acquitted the officer because the money stopped with the approver and the hypothesis that he pocketed it remained equally open. **[This week's ruling: Bharat Raj Meena v. Central Bureau of Investigation (2026 INSC 999)]**

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

Mains Q1. — Himachal Pradesh Civil Judge (Junior Division) Mains, 2019 · Evidence — Illegally obtained evidence and mandatory statutory safeguards (NDPS s.50; ss.25, 27 IEA / s.23 BSA)

Where evidence offered comes within the meaning of its definition, the court can act on it and need not concern itself with method by which the evidence in question was obtained. [Pushpadevi M. Jatia v. M.L. Wadhwan, SC 1987]. A confession made to a police officer was used in evidence in departmental proceedings. [Kuldip Singh v. State of Punjab, SC 1996]. But, where search and seizure was conducted by not observing the protective provisions of Section 50 of the NDPS Act, 1985, the seizure was held to be not proper and, therefore, not capable of creating presumption of wrongful possession. It was not admissible evidence by itself for proof of unlawful possession. [State of Punjab v. Baldev Singh, SC 1999]. Analyse critically the positions taken by court in these cases and in the light of these judicial renderings give a synthetic position that can be deemed to have evolved out of them.

The three decisions do not pull in opposite directions once admissibility is separated from probative worth. Pushpadevi M. Jatia states the Indian starting point: the statute tells the court what is relevant and in what form it may be proved, and once material answers that description the court receives it, leaving the propriety of the means by which it was obtained to be corrected elsewhere. Indian law has no general rule excluding illegally obtained evidence.

That was settled well before 1987. In R.M. Malkani v. State of Maharashtra (1973) 1 SCC 471 a tape recording obtained by tapping a telephone line was admitted, and in Pooran Mal v. Director of Inspection (1974) 1 SCC 345 the Court held that material seized in a search later found illegal is still admissible, the American exclusionary rule and its fruit of the poisonous tree corollary being no part of our law. The reason is structural: there is no Indian counterpart to the Fourth Amendment, and the Act's exclusions are specific, not general — ss.24 to 27, now ss.22 and 23 of the Bharatiya Sakshya Adhiniyam 2023, bar the involuntary confession and the confession to a police officer, and go no further. What remains is a discretion to refuse evidence whose reception would render the trial unfair.

Kuldip Singh works within that scheme rather than against it. Section 25 of the Evidence Act, now s.23(1) BSA, forbids proof of a confession made to a police officer against a person accused of an offence; the prohibition is aimed at the criminal trial, which is why a departmental enquiry is not caught by its terms and the delinquent's statement to the police may be looked at by the disciplinary authority, subject always to the enquiry being fair and the statement voluntary. Section 27, now s.23(2), makes the same point from the other side: the bar lifts only so far as the information leads to a discovery.

Baldev Singh marks the qualification. A Constitution Bench held that s.50 of the NDPS Act applies to the search of a person, that the person must be told of his right to be searched before a Gazetted Officer or a Magistrate, and that a recovery made in breach of that requirement is suspect and cannot by itself sustain a conviction, although the breach does not vitiate the trial or taint material recovered independently. Vijaysinh Chandubha Jadeja v. State of Gujarat (2011) 1 SCC 609 tightened this to strict compliance, the knowledge having to be actual, not notional, while State of H.P. v. Pawan Kumar (2005) 4 SCC 350 confines s.50 to the person and not to a bag, vehicle or premises.

The synthesis is this. Illegality in obtaining evidence does not by itself exclude it; the court asks whether the material is relevant and whether it can be safely acted upon. But where the illegality is the breach of a mandatory safeguard enacted to guard against false implication, it goes to the credibility of the very fact the prosecution must prove, and the evidence loses the weight needed to found a conviction. Chain of custody under s.52-A NDPS works the same way: without sampling and certification before a Magistrate there is no proof that what was tested was what was seized. *Abdul Rajik v. State of M.P.*, 2026 INSC 1001 illustrates it — an unexplained five-day gap between the forwarding letter and the laboratory's receipt, unsealed and unmarked sample packets and total non-compliance with s.52-A led the Court to discard the FSL report and acquit, total non-compliance being decisive on safe custody even though it works no automatic acquittal.

Mains Q2. — Rajasthan Judicial Service Mains, 2015 · Constitution — Article 14: reasonable classification, arbitrariness and judicial review

"Arbitrariness is anti-thesis to Article 14 of the Constitution of India". Elaborate.

The proposition tracks the movement of Article 14 from a test of classification to a test of arbitrariness. The Article forbids class legislation but permits reasonable classification, and *State of W.B. v. Anwar Ali Sarkar* settled the twin requirements: the classification must rest on an intelligible differentia distinguishing those grouped together from those left out, and that differentia must bear a rational nexus with the object sought to be achieved. A measure can satisfy both limbs formally and remain capricious, because the test interrogates the grouping rather than the quality of the State's reasoning.

E.P. Royappa (1974) supplied the correction, holding that equality is a dynamic concept antithetic to arbitrariness, so that State action which is arbitrary is by that fact unequal and offends Article 14. *Maneka Gandhi v. Union of India* (1978) carried the idea into the procedural field, requiring any procedure that deprives a person of life or personal liberty to be right, just and fair and not arbitrary, fanciful or oppressive. *Shayara Bano v. Union of India* (2017) 9 SCC 1 completed the line by recognising manifest arbitrariness as an independent ground for striking down legislation: something done capriciously, irrationally or without an adequate determining principle, or which is excessive and disproportionate.

The doctrine does its heaviest work on delegated legislation. Article 13(3)(a) defines "law" to include rules, regulations, notifications and bye-laws, so every piece of subordinate legislation must answer to Part III. Such a rule may fall on five grounds: travelling beyond the parent Act, offending the Constitution, violating a mandatory procedural requirement such as prior consultation or laying, manifest arbitrariness, and unreasonableness. *Indian Express Newspapers v. Union of India* (1985) 1 SCC 641 is explicit that subordinate legislation may be questioned on grounds on which a plenary statute cannot, manifest arbitrariness and unreasonableness among them. *Khoday Distilleries v. State of Karnataka* (1996) cautions that the court does not sit in appeal over the wisdom of the rule-maker, while *Cellular Operators Association v. TRAI* (2016) 7 SCC 703 shows the power in use, the call-drop compensation regulation there falling as manifestly arbitrary and violative of Articles 14 and 19(1)(g).

Where the impugned rule restricts the right to carry on trade or business, Article 19(6) demands that the restriction be reasonable and in the public interest, and reasonableness is assessed through the four-part proportionality standard adopted in *Modern Dental College v. State of M.P.* (2016) 7 SCC 353 and restated in *K.S. Puttaswamy v. Union of India*. The measure must pursue a legitimate goal, the means must bear a rational connection with that goal, there must be no less restrictive alternative capable of achieving it with comparable effectiveness, and the burden imposed must be balanced against the benefit secured. Failure at the necessity stage is fatal even where the object is unimpeachable, as *Mohd. Faruk v. State of M.P.* (1969) 1 SCC 853 indicated in insisting on the least drastic means.

M/s Balaji Formalin Pvt. Ltd. v. Union of India, 2026 INSC 1009 applies precisely this reasoning: Rules 18A and 18B of the Maharashtra Poisons Rules, 1972, which obliged a seller to verify the buyer's Form A licence and to mix a dye and a bittering agent into methanol, were held manifestly arbitrary and wanting in any proximate nexus with the object of preventing hooch deaths, and were struck down under Articles 14 and 19(1)(g) as unsaved by Article 19(6). The conclusion to record is that arbitrariness is not a separate vice bolted on to Article 14 but the substance of what equality forbids, and that proportionality is the disciplined method by which courts detect it.

Mains Q3. — Jharkhand Civil Judge (Junior Division) Mains, 2019 · Contract — Void and illegal agreements (ss.2(g), 23-30)

"All illegal agreements are void but all void agreements are not necessarily illegal." Discuss statutory provisions along with illustrations and decided cases in the light of this statement. [10 Marks]

Section 10 of the Contract Act makes free consent and a lawful object independent conditions of enforceability, and the proposition depends on keeping them apart. An agreement is void under Section 2(g) whenever it is not enforceable by law, which can happen without any taint of illegality: a bilateral mistake of fact under Section 20, uncertainty under Section 29, a wager under Section 30, a covenant in restraint of trade under Section 27, or a clause ousting the ordinary tribunals under Section 28. Illegality is the narrower class marked out by Section 23, where the consideration or object is forbidden by law, defeats the provisions of any law, is fraudulent, involves injury to another's person or property, or is regarded by the court as immoral or opposed to public policy. Collateral transactions mark the line: a security collateral to an illegal agreement is itself infected, while one collateral to a merely void agreement may stand.

Consent supplies the other route to unenforceability. Section 14 defines free consent negatively; Section 16 treats a contract as induced by undue influence where one party is in a position to dominate the will of the other and uses that position to obtain an unfair advantage, whether through real or apparent authority, a fiduciary relation, or dealings with a person whose capacity is affected by age, illness or distress. Section 16(3) is the pleading advantage: once dominance is shown and the transaction appears unconscionable, the burden of disproving undue

influence shifts to the dominant party. *Ladli Prasad Jaiswal v. Karnal Distillery Co. Ltd.* (1963) insists that both limbs be pleaded with particulars and proved; an unfair bargain by itself establishes nothing. Section 19A makes such a contract voidable and lets the court set it aside absolutely or on just terms as to restoration of benefits.

Where the unfairness sits in a printed form rather than in dealings between individuals, Section 23 takes over. In *Central Inland Water Transport Corporation v. Brojo Nath Ganguly* (1986) 3 SCC 156 the Court struck down a service rule permitting termination on three months' notice without reason, holding that an unconscionable term in a standard-form contract between parties of manifestly unequal bargaining power is void under Section 23 as opposed to public policy. *LIC of India v. Consumer Education and Research Centre* (1995) 5 SCC 482 carried that reasoning into insurance, testing a State instrumentality's policy terms against Article 14 and fairness. *Brojo Nath* itself confined the doctrine: where bargaining strength is roughly equal, as in ordinary commercial dealings between businessmen, courts are far slower to rewrite the bargain.

Lloyd's Bank Ltd. v. Bundy (1975) is cited for Lord Denning's principle of inequality of bargaining power, but it is English authority of persuasive value only and was never accepted as a general doctrine even in England. The Indian answer stays statutory: Section 16 polices how the bargain was formed, Section 23 its object and content, and Sections 27 and 28 supply instances where the legislature has itself declared a restraint void without branding it criminal.

Hari Dutta Sharma v. State of U.P., 2026 INSC 998, applies that discipline to a hypothecation agreement, where a repossession clause allowing the financier to act "ipso facto without any notice" and to waive notice at its own discretion was held bad, with RBI's fair-practice guidelines, statutory by virtue of Section 35-A of the Banking Regulation Act, 1949, read into the contract. A one-sided clause in a printed loan form is therefore void as opposed to public policy, while an illegal object under Section 23 goes further and poisons whatever is built on it.

Mains Q4. — Odisha Civil Judge (Junior Division) Main Examination, 2021 · Civil Procedure — Place of suing (ss.15-20) and objections to jurisdiction (s.21)

Discuss the territorial jurisdiction of the courts. [10 Marks]

The Code keeps three strands apart: the grade or pecuniary competence of the court, its territorial reach, and its competence over the subject matter. Section 15 directs that every suit be instituted in the court of the lowest grade competent to try it, a rule of procedure rather than a limitation on jurisdiction. Sections 16 to 20 fix the territorial forum; section 21 controls when a defect may be raised.

Section 16 requires suits for the recovery of, partition of, foreclosure, sale or redemption of a mortgage on, or determination of any right to or interest in immovable property, compensation for a wrong to it, and recovery of movable property under distraint, to be instituted where the property is situate. Its proviso allows such a suit where the defendant actually and voluntarily resides, carries on business or personally works for gain, if the relief claimed against property held by or on his behalf can be obtained entirely through his personal obedience. Where the property lies within the limits of different courts, section 17 permits institution in any of them if it is competent as to the value of the whole claim; section 18 lets a court record that the local limits are uncertain and proceed, its decree then unassailable absent a consequent failure of justice.

Section 19 gives an election in suits for compensation for a wrong to the person or to movable property: where the wrong was done in the limits of one court and the defendant resides, carries on business or personally works for gain in the limits of another, either may be chosen. Section 20 is residuary, allowing institution where the defendant, or each of several defendants, actually and voluntarily resides, carries on business or personally works for gain, or where the cause of action wholly or in part arises. Its Explanation deems a corporation to carry on business at its sole or principal office in India, or at a subordinate office where the cause of action arose there. *ONGC v. Utpal Kumar Basu* (1994) 4 SCC 711 confines the cause of action to the facts the plaintiff must prove to obtain a decree.

Section 21 treats territorial and pecuniary defects as technical: no objection to the place of suing is allowed by an appellate or revisional court unless it was taken in the court of first instance at the earliest possible opportunity and, where issues are settled, at or before their settlement, and unless there has also been a consequent failure of justice. Section 21A bars a separate suit to set aside a decree on such an objection. *Kiran Singh v. Chaman Paswan* (AIR 1954 SC 340) draws the line: a decree of a court lacking inherent jurisdiction over the subject matter is a nullity, while a territorial or pecuniary defect is curable and stands cured unless prejudice is shown. *Hiralal Patni v. Kali Nath* (AIR 1962 SC 199) held such an objection waived by a defendant who submitted to the forum; *Harshad Chiman Lal Modi v. DLF Universal* (2005) 7 SCC 791 confirms consent can never confer subject-matter jurisdiction.

K Rashik v. National Insurance Co. Ltd. (2026 INSC 996) shows a special statute narrowing this scheme: section 166(2) of the Motor Vehicles Act, 1988 omits the place where a defendant carries on business, which section 20 includes, and "defendant" there does not include the insurer, so an insurer's branch office gives a Claims Tribunal no territorial jurisdiction. The Court distinguished earlier rulings because the objection there came at the appellate stage, having to cross the failure of justice threshold of section 21(1).

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

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