

## CONTENTS 2023

<b>1. Administrative Law</b>	— <i>SS Jaswal</i>	<b>1</b>
<b>2. Arbitration Law</b>	— <i>Nachiketa Mittal</i>	<b>27</b>
<b>3. Banking Law</b>	— <i>Vijay Kumar Singh</i>	<b>51</b>
<b>4. Civil Procedure Code</b>	— <i>Kanwal D.P Singh</i>	<b>77</b>
<b>5. Company Law</b>	— <i>Sushmita P. Mallaya</i>	<b>101</b>
<b>6. Competition Law</b>	— <i>Vinod Dixit</i>	<b>125</b>
<b>7. Constitutional Law –I</b>	— <i>P. Puneeth</i>	<b>149</b>
<b>8. Constitutional Law-II</b>	— <i>M. R. K. Prasad</i>	<b>187</b>
<b>9. Consumer Protection Law</b>	— <i>Ashok R. Patil</i>	<b>225</b>
<b>10. Criminal Law</b>	— <i>Jyoti Dogra Sood</i>	<b>243</b>
<b>11. Criminal Procedure Law</b>	— <i>K. N. Chandrasekharan Pillai</i>	<b>263</b>
<b>12. Cyber Law</b>	— <i>Deepa Kharb</i>	<b>277</b>
<b>13. Education Law</b>	— <i>Yogesh Pratap Singh</i>	<b>311</b>
<b>14. Election Law</b>	— <i>Virendra Kumar</i>	<b>345</b>
<b>15. Environmental Law</b>	— <i>G.B.Reddy</i>	<b>393</b>
<b>16. Evidence Law</b>	— <i>Kumar Askand Pandey</i>	<b>413</b>
<b>17. Forensic Law</b>	— <i>Gajendra Kumar Goswami</i>	<b>443</b>
<b>18. Forest and Tribal Law</b>	— <i>Prakash Sharma</i>	<b>477</b>
<b>19. Hindu Law</b>	— <i>Poonam Pradhan Saxena</i>	<b>505</b>
<b>20. International Law</b>	— <i>Manoj Kumar Sinha</i>	<b>539</b>
<b>21. Intellectual Property Law</b>	— <i>Lisa P. Lukose</i>	<b>565</b>
<b>22. Labour Management Relations</b>	— <i>Bushan Tilak Kaul</i>	<b>591</b>
<b>23. Law and Social Change</b>	— <i>Jupi Gogoi</i>	<b>615</b>
<b>24. Mercantile Law</b>	— <i>Farooq Ahmad Mir</i>	<b>635</b>
<b>25. Muslim Law</b>	— <i>M. Afzal Wani</i>	<b>663</b>
<b>26. Property Law</b>	— <i>Annam Subrahmanyam</i>	<b>681</b>
<b>27. Public Interest Litigation Law</b>	— <i>A. P. Singh</i>	<b>715</b>
<b>28. Social Security Law</b>	— <i>S C Srivastava</i>	<b>735</b>
<b>29. Socio Economic Crimes</b>	— <i>Anurag Deep</i>	<b>755</b>
<b>30. Tort Law</b>	— <i>B C Nirmal</i>	<b>793</b>
<b>31. Women and Law</b>	— <i>Arya. A. Kumar</i>	<b>805</b>
<b>32. Central Legislation</b>	— <i>S. Sivakumar</i>	<b>835</b>

**VOLUMES OF  
ANNUAL SURVEY OF INDIAN LAW**

Vol. I	:	1965
Vol. II	:	1966
Vol. III-IV	:	1967-68
Vol. V	:	1969
Vol. VI	:	1970
Vol. VII	:	1971
Vol. VIII	:	1972
Vol. IX	:	1973
Vol. X	:	1974
Vol. XI	:	1975
Vol. XII	:	1976
Vol. XIII	:	1977
Vol. XIV	:	1978
Vol. XV	:	1979
Vol. XVI	:	1980
Vol. XVII	:	1981
Vol. XVIII	:	1982
Vol. XIX	:	1983
Vol. XX	:	1984
Vol. XXI	:	1985
Vol. XXII	:	1986
Vol. XXIII	:	1987
Vol. XXIV	:	1988
Vol. XXV	:	1989
Vol. XXVI	:	1990
Vol. XXVII	:	1991
Vol. XXVIII	:	1992
Vol. XXIX	:	1993
Vol. XXX	:	1994
Vol. XXXI	:	1995
Vol. XXXII	:	1996
Vol. XXXIII-IV	:	1997-98
Vol. XXXV	:	1999
Vol. XXXVI	:	2000
Vol. XXXVII	:	2001
Vol. XXXVIII	:	2002
Vol. XXXIX	:	2003
Vol. XL	:	2004
Vol. XLI	:	2005
Vol. XLII	:	2006
Vol. XLIII	:	2007
Vol. XLIV	:	2008
Vol. XLV	:	2009
Vol. XLVI	:	2010
Vol. XLVII	:	2011
Vol. XLVIII	:	2012
Vol. XLIX	:	2013
Vol. L	:	2014
Vol. LI	:	2015
Vol. LII	:	2016
Vol. LIII	:	2017
Vol. LIV	:	2018
Vol. LV	:	2019
Vol. LVI	:	2020
Vol. LVII	:	2021
Vol. LVIII	:	2022

## CONTENTS

### 1 ADMINISTRATIVE LAW

- I INTRODUCTION
- II ADMINISTRATIVE ACTION
  - Retrospectivity
  - Mala fide
- III NATURAL JUSTICE
- IV JUDICIAL REVIEW
- V TRIBUNAL
- VI ULTRA VIRES
- VII CONCLUSION

### 2 ARBITRATION LAW

- I INTRODUCTION
- II TIME LIMIT TO ARBITRATE AND RESOLVE WITHIN THE LIMITED AUTHORITY
- III AWARD MODIFICATION AND LIMITATION OF AUTHORITY
- IV CHALLENGING AWARDS/HEARINGS IN ARBITRATION
- V PUBLIC POLICY AND SETTING-ASIDE DEBATES IN ARBITRATION
- VI INVOKING ARBITRATION AND MANDATE OF AN ARBITRATOR
- VII NON-STAMPING AND NON-SIGNATORY DEBATE
- VIII CONCLUSION

### 3 BANKING LAW

- I INTRODUCTION
- II CENTRAL BANK AND ITS POWERS
- III NPAS AND ITS RECOVERY
- IV SUPREMACY OF RECOVERY LAWS OVER OTHER LAWS
- V BANKING FRAUDS
- VI CONSUMER PROTECTION
- VII CHEQUE BOUNCE CASES
- VIII NBFCs AND COOPERATIVES
- IX INTERNATIONAL BANKING
- X CONCLUSION

### 4 CIVIL PROCEDURE CODE

- I INTRODUCTION
- II JURISDICTION
- III *RES JUDICATA*
- IV PLEADINGS
- V PARTIES
- VI APPEALS
  - First appeal

- Second appeal
- Cross objections
- Contents of appellate court judgment
- VII TITLE AGAINST THIRD PARTY
- VIII SUIT FOR DECLARATION
- IX DELAY IN FILING APPEAL
  - Condonation of delay
- X REVISION
- XI EXECUTION
- XII LIMITATION
- XIII HEARING
- XIV MISCELLANEOUS
- XV CONCLUSION

## **5 COMPANY LAW**

- I INTRODUCTION
- II INSOLVENCY PROCEEDINGS
  - Priority of government dues
  - Liability of director under proceedings of Section 138 of Negotiable Instrument Act, 1881 and pendency of proceedings under IBC
  - Rectificatory jurisdiction of national company law tribunal
- III INSOLVENCY PROCEEDINGS AND LIMITATION ACT
  - Balance sheet acknowledging debt is also a document relevant for calculating limitation
- IV CORPORATE DEBTOR
- V INSOLVENCY RESOLUTION PLAN AND IPR
- VI CORPORATE INSOLVENCY RESOLUTION PROCESS
  - Jurisdiction of high court in insolvency matters
- VII RESOLUTION PROFESSIONALS UNDER IBC
- VIII ACCOUNTABILITY OF AUDITOR
- IX BANKING GOVERNANCE AND COMPANY LAW
- X UNSECURED CREDITORS
- XI SECURED CREDITORS RIGHT
  - Balancing liquidation transparency and creditor rights
- XII GROUP OF COMPANIES DOCTRINE
- XIII CONCLUSION

## **6 COMPETITION LAW**

- I INTRODUCTION
- II TREND
- III EXEMPTION FROM APPLICATION OF COMPETITION ACT
- IV CONFLICT OF REGULATORY JURISDICTION
- V COMBINATION APPEAL ON VALIDITY OF PENALTY
  - 2017 Notification

- VI ABUSE OF DOMINANT POSITION
- VII COMBINATION BETWEEN AIR INDIA AND VISTARA
- VIII CONCLUSION

## **7 CONSTITUTIONAL LAW – I**

- I INTRODUCTION
- II RIGHT TO EQUALITY
  - Reasonable classification
  - Independent election commission to uphold equality in a democracy
  - Arbitrary and unreasonable state actions
- III LIFE, LIBERTY AND DIGNITY
  - Interpretation and interrelationship between articles 19 and 21
  - Sexual minorities: Right to marry and establish family
  - Prohibition of manual scavenging
  - Right to carry food to multiplexes/cinema halls
  - Right to health
  - Demonetization and imposition of limits on withdrawal of money
- IV CRIMINAL LAW AND FUNDAMENTAL RIGHTS
  - Guilt by association
  - Article 20: Protection in respect of conviction
  - Right to default bail
  - Remission and premature release
- V PREVENTIVE DETENTION
- VI RIGHT TO RELIGION AND CONSTITUTIONAL MORALITY
- VII RIGHTS FOR NON-HUMAN SENTIENT BEINGS
- VIII SPECIOUS WRIT PETITIONS
- IX CONCLUSION

## **8 CONSTITUTIONAL LAW – II**

- I INTRODUCTION
- II COLLECTIVE RESPONSIBILITY
- III ARTICLE 136
- IV POWER OF GOVERNOR
- V PUBLICATION OF COLLEGIUM RESOLUTION IN THE PUBLIC DOMAIN
- VI ARTICLE 217
  - Article 226
- VII LEGISLATIVE COMPETENCY
  - Reference to larger bench
  - Legislative competence
  - Caste as the sole criterion for identification of backwardness
  - Customary practice
- VIII DOCTRINE OF PLEASURE
- IX ARTICLE 324 FREE AND FAIR ELECTION

- X ASYMMETRIC FEDERALISM
- XI CONCLUSION

## **9 CONSUMER PROTECTION LAW**

- I INTRODUCTION
- II APPOINTMENT OF PRESIDENT/MEMBERS OF THE STATE AND DISTRICT CONSUMER DISPUTE REDRESSAL COMMISSIONS
- III POWERS/JURISDICTION OF NCDRC

The CPA 2019 provides additional and alternative remedies to a complainant. If two remedies are available the complainant may choose any of the two available remedies

Nothing in the CPA 2019 prohibits the few complainants from joining together and filing joint complaints. The definition of complainant includes multiple consumers.

The consumer commission takes into consideration the value of goods and services paid as consideration to determine the pecuniary jurisdiction and not the the value of the goods or services purchased.

It is the duty of the Commissions to examine if the delay is reasonable and the special periods of limitation under the CPA 2019 for appeals and revisions has to be kept in mind. It is the duty of the court to examine if the mistake was bona fide or not.

When an applicant has presented case beyond limitation in the court, it is necessary to explain “sufficient cause” that prohibited the applicant to approach the court.
- IV MEDICAL SECTOR

If the patient dies due to negligent operator who was not certified to treat with allopathic system then it is an unfair trade practice.

If fundamental amenities are not provided by the hospital knowingly then it is an unfair trade practice.

To bring a successful claim against medical professionals, the 4 D’s i.e., duty, deviation, direct proximate cause and damages must be proved.
- V INSURANCE SECTOR

An insurance policy indemnify risk of loss/damages and it does not generate profit as it is a contract to indemnify loss.
- VI BANKING SECTOR

A master-servant relationship/ employer-employee relationship and not provided ‘service’ as per the CPA 1986.

The consumer commissions have jurisdiction to take care of matters involving deficiency of services and not the criminal aspects of any transaction. Summary trial does not mean justice cannot be done to the consumer.
- VII AIRLINES

Negligence of the Airline such as loss of baggage, is deficiency of service.

VIII REALESTATE

Pendency of insolvency proceedings and moratorium does not bar rights of a consumer

Home buyer cannot be made to wait for possession for an unlimited period

IX E-COMMERCE

The CCPA can exercise *suo moto* powers to protect the interest of the consumers.

X MISLEADING ADVERTISEMENTS

XI AGRICULTURE

There should be a balance between procedural adherence and the principles of substantial justice especially in cases of consumer disputes

XII ELECTRICITY

XIII AUTOMOBILE

XIV SERVICE SECTOR

Compensation was awarded for the medical negligence by services provided by the hotel staff.

XV CONCLUSION

**10 CRIMINAL LAW**

I INTRODUCTION

II OFFENCES AGAINST HUMAN BODY

Murder

Culpable homicide not amounting to murder

Sudden fight

Cumulative provocation

Right of private defence

Transferred malice

III SPECIFIC OFFENCES

Kidnapping

IV GENERAL DEFENCES

Unsoundness of mind

V OFFENCES AGAINST WOMEN

Murder

Culpable homicide not amounting to murder

Sudden fight

Cumulative provocation

Right of private defence

Transferred malice

III SPECIFIC OFFENCES

	Kidnapping
IV	GENERAL DEFENCES
	Unsoundness of mind
V	OFFENCES AGAINST WOMEN
	Murder of wife
	Two finger test
	Infanticide
	Witchcraft
	Right of adolescents
VI	JOINT CRIMINAL ENTERPRISE
	Unlawful assembly
	Common intention
VII	INCHOATE OFFENCES
	Abetment
	Attempt
	Conspiracy
VIII	MISCELLANEOUS
	Delay
	Mandatory imprisonment
	Fine valuation
	Plea of juvenility
	Language
IX	SENTENCING
X	CONCLUSION

## **11 CRIMINAL PROCEDURE LAW**

I	INTRODUCTION
II	FIRST INFORMATION REPORT
III	INVESTIGATION
IV	BAIL
V	INITIATION OF PROCEEDINGS
VI	COMPOUNDING OF OFFENCES
VII	FRAMING OF CHARGES
VIII	TRIAL
IX	TRANSFER OF CRIMINAL CASES
X	SENTENCING
XI	APPEAL
XII	REMISSION
XIII	INHERENT POWER OF HIGH COURTS
XIV	CONCLUSION

## **12 CYBER LAW**

I	INTRODUCTION
II	PRIVACY AND RIGHT TO BE FORGOTTEN



- III BLOCKING OF WEBSITES BY GOVERNMENT UNDER SECTION 69A OF IT ACT  
Obscenity: Section 66E, 67, 67A, 67B
- IV ELECTRONIC EVIDENCE U/S 65B IE
- V HACKING, TEMPERING OF SOURCE CODE-SECTION 65A ITA
- VI INTERMEDIARY LIABILITY UNDER SECTION 79 ITA
- VIII COMPUTER RELATED OFFENCES: TEMPERING WITH COMPUTER SOURCE DOCUMENTS/CODE AND HACKING
- VIII CONCLUSION

### **13 EDUCATION LAW**

- I INTRODUCTION
- II INCLUSIVE EDUCATION AND AFFIRMATIVE ACTION  
State within its right to reserve seats for its own residents, but no wholesale reservation and while doing so, it must keep the ground realities  
CLAT Consortium to publish CLAT scribe guidelines in advance and make reasonable accommodation for PwD candidates  
There is a mismatch in the understanding of different departments regarding the mandate under Rights of Persons with Disabilities (RPwD) Act 2016  
In a Republic governed by the Rule of Law, the measure that how civilized we are is not the benefits we confer on those who are already privileged, but how we care for those most in need of protection
- III RIGHT TO EDUCATION  
Right to education means quality education which requires qualified and trained teachers  
The qualification of the para teachers for the upper primary level may not be a suitable qualification for primary level of classes and will not satisfy the test of intelligible differentia  
State cannot regulate fees for private unaided schools, emphasising the importance of considering quality education and personal development  
Balancing equities of right to children's education *vis-à-vis* private school authority in fee dispute  
Right to admit students of their choice by the Private Educational Institutions is subject to an objective and rational procedure of selection  
State responsible for all the costs of education, including uniforms, books, and study materials, for children admitted under the 25% quota of the Right to Education Act  
Strict adherence to the provisions of the Right of Children to Free and Compulsory Education Act, 2009

Balancing parental choice *vis-a-vis* autonomy of private  
unaided schools

‘Neighbourhood Criteria’ for Admissions under EWS or DG  
category should be flexibly applied

Student’s right to life and right to easy and hassle-free education  
is supreme

EWS reservation not merely an enticing promise but a sincere  
attempt to maintain equitable standards of education for all

#### IV MINORITY RIGHTS

Forcing unaided professional institutions to adhere to  
State-imposed quotas or reservation policies constitutes a  
serious infringement on their autonomy and rights

The Right to Education (RTE) Act will not be applicable to aided  
or unaided minority schools

#### V ADMINISTRATION OF EDUCATIONAL INSTITUTIONS

The anxiety of the Internal Complaints Committee (ICC) of being  
fair and swift to the victims of sexual harassment should not  
end up causing them greater harm

Teaching in an open university may differ significantly from  
traditional university teaching but teachers/other academic staff  
in open university are entitled to the same retirement age and  
career advancement scheme as “teachers”

A writ court cannot assess the validity of the show cause notice or  
allegations in the chargesheet

Regulating the conditions of service including procedure for  
disciplinary action would not offend the Article 30 of the  
Constitution of India even though it does indirectly impact the  
management of the institution

#### VI CONCLUSION

### 14 ELECTION LAW

#### I INTRODUCTION

#### II NOMINATION OF THE RETURNED CANDIDATE: WHETHER IT WAS IMPROPERLY ACCEPTED BY THE RETURNING OFFICER, RESULTING INTO MATERIALLY AFFECTING THE RESULT OF THE ELECTION?

#### III CONTESTING ELECTION FOR THE “SAME OFFICE” FROM MORE THAN ONE CONSTITUENCY SIMULTANEOUSLY UNDER SECTION 33(7) OF RPA 1951: WHETHER IT IS CONSTITUTIONALLY CONSISTENT AND SUSTAINABLE ?

### 15 ENVIRONMENTAL LAW

#### I INTRODUCTION

#### II BANNING OF PLASTIC

Obtaining consent to establish and the consent to operate for  
industrial units

- Preservation of lakes
- III ENVIRONMENTAL REGULATION AND DEVELOPMENT
  - Jurisdiction and exercise of powers by NGT
  - Slaughter houses and compliance with environmental norms
  - Stray cattle on the public roads and related developments
  - Freedom of religion and environmental protection
- IV WILD LIFE PROTECTION AND ENVIRONMENT
  - Forest conservation, felling and pruning of trees
  - Water conservation
  - Liquid and solid waste management
  - Miscellaneous developments
- V CONCLUSION

## **16 EVIDENCE LAW**

- I INTRODUCTION
- II THE BSA: A NEW DAWN
- III EVIDENCE, FACT, FACT IN ISSUE AND RELEVANT FACT
- IV PRESUMPTIONS AND CONCLUSIVE PROOF
- V CIRCUMSTANTIAL EVIDENCE
- VI THEORY OF “LAST SEEN TOGETHER”
- VII DYING DECLARATION
- VIII EXTRA-JUDICIAL CONFESSION
- IX ADMISSIBILITY OF ELECTRONIC EVIDENCE
- X PLEA OF ALIBI
- XI TEST IDENTIFICATION PARADE
- XII CUSTODIAL CONFESSION LEADING TO DISCOVERY OF NEW FACT
- XIII APPRECIATION OF OCULAR EVIDENCE
- XIV EFFECT OF NON-EXAMINATION OF MATERIAL WITNESSES
- XV *RES GESTAE*
- XVI ADMISSION BY A LAWYER: WHETHER IT BINDS THE CLIENT?
- XVII EVIDENTIARY VALUE OF REPUTATION
- XVIII TRIAL JUDGE IS NOT A MUTE SPECTATOR OF PROCEEDINGS
- XIX TESTIMONY OF CHILD WITNESS
- XX EFFECT OF FAILURE TO EXAMINE FORENSIC EXPERT
- XXI OPINION OF HANDWRITING EXPERT
- XXII RELIANCE ON TESTIMONY OF A HOSTILE WITNESS
- XXIII MANNER OF PROOF OF A WILL
- XXIV DOCTRINE OF ESTOPPLE AND ACQUIESCENCE
- XXV CONCLUSION

## **17 FORENSIC LAW**

- I INTRODUCTION

- II PROCEDURAL RECTITUDE IN FORENSICS
    - Human identification: A dire need for adjudication
    - Crime scene management (CSM) and chain of custody (CoC)
    - Procedural violations in collection of forensic samples
    - Defining an ‘Expert’
    - Issue of cross examination of an expert
    - Infallibility of DNA evidence
    - Impact of non-matching DNA report
    - The principle of “Judicial Calm”
  - IV FORENSICS IN CRIMINAL ADJUDICATION
    - Role and Responsibility of an Investigator
    - Integrity of samples
    - Shoddy investigative procedure for processing forensic evidence
    - Medico-legal examination and necessity of consent
    - Serology and DNA in administration of justice
    - Probative value of DNA and conviction based on standalone DNA
    - Consequences, if DNA not conducted
    - Judicial response to non-sharing of exculpatory evidence with the accused
    - Rape related pregnancy (RRP) and DNA based parentage determination
    - Delayed forensic reporting and other challenges
    - Ballistic report
    - Deception detection techniques (DDTs)
    - Signature and handwriting
    - CCTV footage and the last seen theory
  - III CIVIL DISPUTE RESOLUTION
    - Paternity determination
    - Maintenance and child custody disputes
  - V LEGISLATIVE DEVELOPMENTS
    - New Major Criminal Laws, 2023
    - Digital Personal Data Protection Act, 2023
  - VI CONCLUSION
- 18 FOREST AND TRIBAL LAWS**
- I INTRODUCTION
  - II FOREST CONSERVATION ACT, 1980
    - Rehabilitation of closed saw mills must not destroy the forest resources
    - Development of roads and bridges permissible activity
    - Morphological features of ridge as notified areas
    - Permission to minimal developmental activities
    - Delay in execution, escalates project costs

- III FOREST PRODUCE
- IV BIODIVERSITY AND PROTECTION OF WILDLIFE
- V NATIONAL PARK AND WILDLIFE SANCTUARIES
- VI INVOLUNTARY DISPLACEMENT
- VII PANCHAYATS (EXTENSION TO THE SCHEDULED AREAS) ACT, 1996
- VII CONCLUSION

## 19 HINDU LAW

- I INTRODUCTION
- II HINDU ADOPTIONS AND MAINTENANCE ACT, 1956
- III HINDU MARRIAGE ACT, 1955
  - Right to marry
  - Sameness of religion
  - Restitution of conjugal rights
  - Nullity: impotency
  - Consent obtained by force
  - Divorce
  - Unsoundness of mind
  - Divorce by mutual consent
  - Irretrievable breakdown of marriage
  - Remarriage during pendency of appeal against divorce decree
  - Ex-parte* divorce
  - Presentation of divorce petition within one year of marriage
- IV MAINTENANCE
  - Applicability of HAMA to tribals and amendment of petition to under section 125 Cr PC
  - Claim of maintenance when the marriage is doubtful
  - Maintenance claim by the step mother as against the step son
- V CUSTODY AND GUARDIANSHIP
  - Parents versus grandparents
- VI HINDU JOINT FAMILY
  - Legal necessity
  - Doctrine of blending
- VII HINDU SUCCESSION ACT, 1955
  - Right of children born of void and voidable marriages
  - Releasing the succession rights and the rule of estoppel
  - Notional partition
  - Right of daughter
  - Absolute ownership to Hindu females
- VIII CONCLUSION

## 20 INTERNATIONAL LAW

- I INTRODUCTION

## II SUPREME COURT CASES

Worker's rights  
Right to privacy  
Paternity test  
Land acquisition

## III HIGH COURTS CASES

Refugee status  
Matrimonial disputes  
Paternity leave  
Patent  
Employment  
Equal wages  
Rights of persons with disabilities  
Women's rights  
Maternity leave  
Human dignity  
*Mandamus*  
Environmental law  
Rights of the child  
*Protection of children from sexual offences*  
*Custody of child*  
*Rights of the child*  
Right to a fair trial  
Deportation  
Right to live with family

## IV CONCLUSION

### **21 INTELLECTUAL PROPERTY LAW**

## I INTRODUCTION

## II COPYRIGHT

Dynamic+ injunctions  
Section 31 D and internet broadcasting  
Stream ripping blocking  
Copyrightability of GUIs and Infringement in fantasy game  
Street art is not public domain work  
Copyright in screenplay  
License for copyrighted music and recordings  
Synchronization right and royalties  
First license under section 32  
Other notable copyright decisions

## III PATENTS

Requirement of a plurality of invention and filing of  
divisional application

- Patentability of computer related inventions (CRIs)
- FRAND terms are not a 'one way' street
- Patentability of diagnostic methods
- Interpretation of sections 3(d) and 3(e)
- Tests for novelty and obviousness are different
- Pro-tem security order
- Appraisal of alternative methods for making unaffordable life saving medicines
- Other notable patent decisions
- IV PATENTS ACT AND COMPETITION ACT
  - The Patents Act supersedes the Competition Act
- V TRADEMARKS AND TRADE DRESS
  - Use of trademark as keywords
  - Transborder reputation
  - Rights under sections 57 and 124 are independent rights
  - Scope of first sale doctrine
  - Other notable trade mark decisions
- VI INDUSTRIAL DESIGNS
  - Design registrability of GUI
  - Visual appeal is the ultimate test
  - Lack of novelty or originality has to be seen on the date of registration
  - Piracy
  - 'Non- descendability' of publicity rights
- VIII GEOGRAPHICAL INDICATIONS
- IX CONFIDENTIAL INFORMATION AND TRADE SECRETS
- X MISCELLANEOUS
  - Reasoned and speaking orders
  - Need to supervise and govern patent and trademark agents
- XI CONCLUSION

## **22 LABOUR MANAGEMENT RELATIONS**

- I INTRODUCTION
- II INDUSTRIAL DISPUTES ACT, 1947
  - Reference
    - Jurisdictional hurdles: Barrier to access to justice for worker*
  - Powers of industrial adjudicators under section 11-A
  - Position prior to enactment of section 11-A*
  - Reasons leading to incorporation of section 11A in the Act*
  - Position after the enactment of section 11A*
  - Last drawn wages under section 17-B
  - Issues of violation of retrenchment law and regularization
  - Pendency of proceedings

Scope of section 33C (2)  
Prohibition under section 36(3) of engaging services of a legal practitioner: Neither arbitrary nor discriminatory

III CONCLUSION

**23 LAW AND SOCIAL CHANGE**

I INTRODUCTION

II WOMEN RIGHTS

**Women and right to health**

**Sexual harassment of women in workplace**

**Women and maternity benefits**

**Social prejudice against women**

III RIGHTS OF CHILDREN

**Right to 'quality' primary education**

**Coparcenary rights of children born out of null or void marriages**

IV RIGHT TO DIE: PASSIVE EUTHANASIA GUIDELINES

V LGBT RIGHTS

VI HUMAN RIGHTS: MANUAL SCAVENGING

VII ANIMAL RIGHTS

VIII HIV PATIENTS

IX INHERITANCE AND SUCCESSION: FIDUCIARY ROLE OF NOMINEES

X ENVIRONMENT CONCERNS

XI CONCLUSION

**24 MERCANTILE LAW**

I INTRODUCTION

II LAW OF CONTRACT

Termination of contract

Doctrine of mistake

Time as an essence of the contract

Unjust enrichment

Mis-application of doctrine of frustration

Agency

III PARTNERSHIP

Effects of non-registration of firm

IV SALE OF GOODS

Mis - application of doctrine of "transfer of risk"

V NEGOTIABLE INSTRUMENTS ACT, 1888

Liability of the drawee

Presumption of debt or liability

Limitation period

What constitutes notice of dishonour of the Negotiable Instruments?



- Vicarious liability
- VI CONCLUSION

## 25 MUSLIM LAW

- I INTRODUCTION
- II WAQF LAWS
  - Appointment of a joint *mutawalli*
  - Jurisdiction of waqf tribunals in eviction from waqf property
  - ‘Identification’ of Waqf property under encroachers
  - Application of limitation act to claims on waqf property
  - Judgment of unduly constituted tribunal
  - Power to remove kalifa of a dargah
  - Residual power of superintendence
  - Gyanvapi mosque
- III WOMEN RIGHTS
  - Women’s absolute right to khula
- IV PROPERTY LAW
  - Hiba

## 26 PROPERTY LAW

- I INTRODUCTION
- II GENERAL PRINCIPLES
  - Immovable property
  - Actionable claim
  - Spessuccessionis*
  - Wakf property
  - Promise to register the execution does not make the case criminal
  - Ostensible owner
  - Part-performance
- III SPECIFIC TRANSFERS
  - Memorandum of understanding/agreement of sale
  - Agreement of sale
  - Charge on the property sold
  - Compulsory registration and effect on non-registration of sale
  - Sale and mortgage by conditional sale
  - Conditional transfer-allotment of plot for specific purpose
  - Right of redemption
  - Transfer interests in lease deed
  - Lease and e-auction sale
  - Eviction of lease
  - Notice to quit
  - Sub lease
  - Gift deed
- VI CONCLUSION

## **27 PUBLIC INTEREST LITIGATION**

- I INTRODUCTION
- II EVOLUTION
- III GENDER JUSTICE
- IV SEXUAL HARASSMENT AT WORKPLACE
- V POCSO: PROTECTING CHILDREN FROM SEXUAL OFFENCES
- VI FUNDAMENTAL RIGHTS
- VII SUO-MOTU PUBLIC INTEREST LITIGATION
- VIII SHAPING PUBLIC POLICY
- IX SCRUTINY OF STATE ACTION
- X ABROGATION OF ARTICLE 370
- XI SOCIAL JUSTICE
- XII MISCELLANEOUS MATTERS

## **28 SOCIAL SECURITY AND LABOUR LAW**

- I INTRODUCTION
- II MATERNITY BENEFITS
  - Maternity leave for daily wagers
  - Maternity benefits-If available beyond the duration of employment
- III EMPLOYEES' COMPENSATION
- IV PAYMENT OF GRATUITY
  - Response of the Supreme Court on denial of employer's contribution of provident fund
  - Response of the Supreme Court on denial of payment of gratuity
  - Lacunae in Bank Regulation and the Payment of Gratuity Act
- V EMPLOYEES' PROVIDENT FUND
- V FACTORIES ACT, 1948
  - Factual matrix
  - Response of the Supreme Court
  - Response of the High Court of Jharkhand
- VI MINIMUM WAGE
  - Powers of the appropriate government to correct clerical or arithmetical mistakes
  - Effect of non-display of notice
- VII PERMANENT ADDRESSES IN PLEADINGS: A MANDATORY REQUIREMENT
- VIII EMPLOYEES STATE INSURANCE ACT, 1948
- IX CONCLUSIONS

## **29 SOCIO-ECONOMIC CRIMES**

- I PERSPECTIVE
- II PREVENTION OF CORRUPTION ACT, 1988 (PCA)
  - State of Gujarat v. Dilipsinh Kishorsinh*: What is *prima facie*?
  - Framing of charge: what are the rights of the accused?

- What facts made it a *prima facie* case
- Delay
- Jagtar Singh v. State of Punjab* : Application of *Neeraj Dutta*
- Neeraj Dutta*: Constitution bench on proof of demand
- Delay
- Neeraj Dutta v. State* (Govt.Of N.C.T.Of Delhi)
- III PREVENTION OF MONEY LAUNDERING ACT, 2002(PMLA)
- Pankaj Bansal v. Union of India* : Written grounds of arrest is mandatory?
- Application of *Senthil Balaji*
- Colourable exercise of power or personal bias- difference
- Non cooperation of accused and power of arrest
- Interpretation of “inform”-grounds of arrest: Written or oral
- Pankaj Bansal* : the law laid down
- Read into or read down vis a vis constitutional validity: Difference?
- Interpretation of PMLA: Rights *vis a vis* restriction regime
- Three reasons why the grounds must be in writing
- Ram Kishore Arora*: Written grounds not essential
- Per Incuriam*
- Directorate of Enforcement v. M. Gopal Reddy*: Twin condition applicable to anticipatory bail
- VC Mohan relied upon
- IV NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES ACT, 1985
- Mangilal v. State of Madhya Pradesh*: 66 Scope of section 52A
- Delay
- B.S. Hari Commandant v. Union of India*: A blend of sensitivity, quality and reform
- Judicial review in matters of security forces leading to punishment
- Dereliction of duty and criminal action
- Reforms in judgement writing
- Delay
- V DOWRY OFFENCES
- Paranagouda v. State of Karnataka*: Hostile witnesses and one dying declaration
- VI CONCLUSION

### 30 LAW OF TORT

- I INTRODUCTION
- II TORTIOUS LIABILITY
- Compensation for tortious liability
- Volenti non fit injuria*

	<i>Damnum sine injuria</i>
III	CONSTITUTIONAL TORT
IV	DEFAMATION
	Reputation
	Statement made by advocates in courts
	Defamation by in-laws
	Republication of defamatory statement
V	NEGLIGENCE
	Absence of 'duty of care
	Medical negligence
	Contributory negligence and composite negligence
VI	NUISANCE
VII	MOTOR VEHICLES ACT, 1988
VIII	CONCLUSION

### **31 WOMEN AND LAW**

I	INTRODUCTION
II	VARIOUS RIGHTS OF WOMEN
	Women's right to pension benefits
	Rights of sex workers
	Right to education
	Right to property
	Same sex marriages
	Menstrual leave
	Surrogacy rights
	Right to privacy of women
	Maternity benefits
	Right to health of women
	Reproductive autonomy rights of women
	Right to marry
III	OFFENCES AGAINST WOMEN
	Dowry death cases
	Sexual harassment
	Domestic violence
	Murder
	Rape of minor girl
	Divorce on grounds of cruelty
	Indirect discrimination
IV	MISCELLANEOUS
V	CONCLUSION

### **32 CENTRAL LEGISLATION**

I	INTRODUCTION
---	--------------

II	COMMUNICATION LAWS
	The Post Office Act, 2023
	The Telecommunications Act, 2023
III	CRIMINAL LAWS
	The Bharatiya Nyaya Sanhita, 2023
	The Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS)
	The Bharatiya Sakshya Adhiniyam, 2023 (BSA)
IV	EDUCATION AND RESEARCH
	The Anusandhan National Research Foundation Act, 2023
V	ELECTION LAWS
	The Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023
VI	PROFESSIONAL BODIES AND REGULATORY FRAMEWORKS
	The National Dental Commission Act, 2023
	The National Nursing and Midwifery Commission Act, 2023
	The Inter-Services Organizations (Command, Control and Discipline) Act, 2023
	The Mediation Act, 2023
VI	PRESS AND MEDIA LAWS
	The Press and Registration of Periodicals Act, 2023
VIII	MARITIME LAWS
	The Maritime Anti-Piracy Act, 2022
IX	TAX LAWS
	The Provisional Collection of Taxes Act, 2023
X	MISCELLANEOUS
	The Repealing and Amending Act, 2023
XI	CONCLUSION

