

10 Feb 2025 -15 Feb 2025



Manupatra Weekly Wrap

A round-up of the last week's key updates to keep you informed on the go!

Case Laws



ARBITRATION

Supreme Court: Oral undertaking is covered under arbitration clause

AC Chokshi Share Broker Private Limited Vs. Jatin Pratap Desai & Anr., Dated: 10.02.2025, (MANU/SC/0168/2025; 2025 INSC 174)

The **Supreme Court** has observed that “an oral contract undertaking joint and several liability falls within the scope of the arbitration clause”.

Delhi High Court Arbitral award upheld against IRCTC in issue over reimbursement for catering services

Indian Railways Catering and Tourism Corp. Ltd. (IRCTC) Vs. M/S Brandavan Food Products & Ors., Dated: 10.02.2025, (MANU/DE/0802/2025; 2025: DHC:722-DB)

The **Delhi High Court**, while stating the Court’s limited scope of interference in arbitral award under Section 34 and 37 of the Arbitration and Conciliation Act, 1996, has upheld arbitral award granted against IRCTC over reimbursement for catering services.

Delhi High Court: Can’t set aside award when objection not raised before arbitrator or court

Bhadra International India Pvt Ltd and Ors. & Ors. Vs. Airports Authority Of India, Dated: 11.02.2025, (MANU/DE/0801/2025; 2025:DHC:841-DB)

The **Delhi High Court** has held that an award cannot be set aside for the reason that appointment of Arbitrator was illegal, when such objection was not raised before the Arbitrator or the Court under Section 34 of the Arbitration and Conciliation Act, 1996.

Bombay High Court: Can apply business efficacy test if ambiguity in arbitration agreement

Lords Inn Hotels and Resorts Vs. Pushpam Resorts LLP and Ors., Dated: 11.02.2025, (MANU/MH/0786/2025; 2025:BHC-OS:2178)

The **Bombay High Court** has held that a business efficacy test can be applied to recognize the intent of parties if there is any ambiguity in the arbitration agreement.

BANKING

Madras High Court: Directions issued to clear backlog of cheque bounce cases

M/s.Ultimate Computer Care & Ors. Vs. M/s.S.M.K.Systems, Dated: 12.02.2025, (MANU/TN/0615/2025).

The **Madras High Court** has issued a set of directions to clear pending cheque bounce cases under Section 138 of the Negotiable Instrument Act, 1881. The Court stated that the very purpose of the introduction of Chapter XVII of the NI Act, 1881 would be defeated on account of the delay involved in the disposal of such matters.

CIVIL

Supreme Court may deny interest to party that misuses judicial process

M/s. Tomorrowland Limited Vs. Housing and Urban Development Corporation Limited and Another., Dated: 13.02.2025, (MANU/SC/0206/2025; 2025 INSC 207).

The **Supreme Court** has observed that “*We are conscious of the fact that as a general principle, in commercial disputes, the award of interest pendente lite or postdecree is typically granted as a matter of course. This is because such interest serves to compensate the aggrieved party for the time value of money that was due but withheld during the legal process. It reflects an established norm aimed at ensuring fairness and equity in commercial transactions*”.

Supreme Court: Outlined proper procedure for filing applications to substitute legal heirs, set aside abatement, and condone delays

Om Prakash Gupta Alias Lalloowa & Ors. Vs. Satish Chandra & Ors., Dated: 11.02.2025, (MANU/SC/0179/2025; 2025 INSC 183).

The **Supreme Court** has clarified the procedure for substituting legal heirs in ongoing litigation, addressing a common procedural mistake made by lawyers. The Court highlighted the important difference between the abatement of a suit or appeal and the process of setting aside that abatement, especially when substitution applications are submitted after the 90-day deadline.

Bombay High Court: Facilitation council's mandate won't terminate only for failing to render award in 90 days

Maharashtra Public Service Commission Vs. Vast India Pvt. Ltd, Dated: 11.02.2025, (MANU/MH/0792/2025; 2025:BHC-OS:2179).

The **Bombay High Court** has held that mandate given by the MSME Facilitation Council will not get terminated merely on the ground that it failed to render award within ninety days under Section 18(5) of MSME Act, 2006 from the date of entering reference.

Kerala High Court: Party in possession of properties failing to disclose it throws light on suppression of facts

G.Giri Vs. G.Geetha & Ors. , Dated: 10.02.2025, (MANU/KE/0356/2025; 2025:KER:10750).

The **Kerala High Court** has held that when a party in possession of movables and immovable property/ies fails to disclose the details of movable/s or immovable property/ies, which is mandated under Order 33 Rule 2 of CPC, the same would throw light on the fact that he had suppressed material facts about movable/s and immovable property/ies, with a view to mislead the court and play fraud on the Court by suppressing his assets, which would disclose his capacity to pay the Court fee.

CRIMINAL

Supreme Court: Courts can't grant bail in money laundering cases without considering conditions

The Union Of India Through The Assistant Director Vs. Kanhaiya Prasad, Dated: 13.02.2025, (MANU/SC/0205/2025; 2025 INSC 210).

The **Supreme Court** while setting aside bail of an accused under the Prevention of Money Laundering Act, 2002, has observed that money laundering cases are serious in nature and Courts cannot grant bail without considering the conditions given under Section 45 of the Act.

Supreme Court: Portion of statement under Section 161 of CrPC, used to contradict witness, must be demonstrated through investigating officer and properly marked

Vinod Kumar Vs. State (Govt. of NCT of Delhi), Dated: 13.02.2025, (MANU/SC/0207/2025; 2025 INSC 209).

The **Supreme Court** has observed that “*The law is well settled. The portion of the prior statement shown to the witness for contradicting the witness must be proved through the investigating officer. Unless the said portion of the prior statement used for contradiction is duly proved, it cannot be reproduced in the deposition of the witnesses*”.

Supreme Court: Strict scrutiny is necessary when FIR is registered under stringent laws

Jay Kishan And Ors. Vs. The State Of Uttar Pradesh And Ors., Dated: 12.02.2025, (MANU/SC/0196/2025; 2025 INSC 198).

The **Supreme Court** has observed that “The right to life and liberty guaranteed under Article 218 of the Constitution of India cannot be overlooked only due to the reason that criminal cases have been registered against a person. It would be plainly unwise to accord any unfettered discretion to the authorities concerned when it comes to invoking the Act. The more stringent or penal a provision, greater the emphasis and requirement for it to be strictly construed”.

Supreme Court: Citing Section 307 IPC in FIR doesn't prevent case quashing through settlement if allegations don't constitute offense

Naushey Ali & Ors. Vs. State of U.P. & Anr., Dated: 11.02.2025, (MANU/SC/0191/2025; 2025 INSC 182)

The **Supreme Court** while taking into consideration the case of Narinder Singh and Others vs. State of Punjab and Another has observed that *“the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to examine as to whether incorporation of Section 307 IPC is there for the sake of it or the prosecution has collected sufficient evidence, which if proved, would lead to framing the charge under Section 307 IPC”*.

Supreme Court: Senior's reprimand at work for official duties does not constitute criminal offense of 'intentional insult' under Section 504 IPC

B.V. Ram Kumar Vs. State Of Telangana And Another, Dated: 10.02.2025, (MANU/SC/0181/2025; 2025 INSC 194)

The **Supreme Court** has observed that *“in our opinion, senior’s admonition cannot be reasonably attributed to mean an ‘intentional insult with the intent to provoke’ within the means of Section 504, IPC, provided that the admonition relates to the matters incidental to the workplace covering discipline and the discharge of duties therein”*.

Delhi High Court: There should be conscious distinction between rape and consensual sex

Abhijeet Kumar Vs. State (Govt. Of NCT Of Delhi) & Ors., Dated: 10.02.2025, (MANU/DE/0778/2025; 2025:DHC:810)

The **Delhi High Court** has observed that *“In the present times, many a times close proximity at workplace results in consensual relationships which on turning sour, get reported as crimes, making it pertinent to be conscious of the distinction between the offence of rape and consensual sex between two adults”*.

Bombay High Court: Granted bail to murder accused held for over nine years, citing negative impact of long incarceration on mental health and risk of drug abuse

Ganesh Madhukar Mendarkar Vs. The State of Maharashtra, Dated: 14.02.2025, (MANU/MH/0866/2025; 2025:BHC-AS:7492)

The **Bombay High Court** has observed that *“Long incarceration can have many negative effects on a person's mental and physical health. Long incarceration can lead to post-incarceration syndrome which can include depression, anxiety and poor self-esteem. It can promote unhealthy behaviours like drug abuse. Inmates face social stigma which can disrupt relationships with family and friends”*.

Bombay High Court: Serving grounds of arrest to accused 4 minutes before actual arrest isn't unreasonable

Gunwant Tarachand Jain Vs. The State of Maharashtra, Dated: 12.02.2025, (MANU/MH/0816/2025; 2025:BHC-AS:6842).

The **Bombay High Court** has held that serving grounds of arrest to accused four minutes before actual arrest cannot be considered as unreasonable and do not violate fundamental rights of the accused.

Calcutta High Court orders fresh trial in cases related to murder & possession of illegal weapons

Dipak Mishra & Ors. Vs. The State of West Bengal & Ors., Dated: 10.02.2025, (MANU/WB/0284/2025).

The **Calcutta High Court** while ordering fresh trial in cases related to murder & possession of illegal weapons, has stated that such matters should not be allowed to be withdrawn under Section 321 of the Criminal Procedure Code on the ground of return of peace and tranquility.

Chhattisgarh High Court: Unnatural sex, non-consensual sex with wife not an offence

Gorakhnath Sharma Vs. State of Chhattisgarh, Dated: 10.02.2025, (MANU/CG/0320/2025; 2025:CGHC:7365).

The **Chhattisgarh High Court** has observed that “if the age of wife is not below age of 15 years then any sexual intercourse or sexual act by the husband with her wife cannot be termed as rape under the circumstances, as such absence of consent of wife for unnatural act loses its importance”.

DIRECT TAXATION

Supreme Court: No penalty can be imposed under Section 271AAA if undisclosed income is admitted, explained, and taxes are paid, even if there is delay

K. Krishnamurthy Vs. The Deputy Commissioner Of Income Tax, Dated: 13.02.2025, (MANU/SC/0208/2025; 2025 INSC 208).

The **Supreme Court** has observed that “This Court is of the view that though under Section 271AAA(1) of the Act 1961, the Assessing Officer has the discretion to levy penalty, yet this discretionary power is not unfettered, unbridled and uncanalised. Discretion means sound discretion guided by law. It must be governed by rule, not by humour, it must not be arbitrary, vague and fanciful”.

EDUCATION

Supreme Court: Upheld Meghalaya government's decision to dissolve private university due to mismanagement

CMJ Foundation and Others Vs. State Of Meghalaya and Others, Dated: 13.02.2025, (MANU/SC/0204/2025; 2025 INSC 211)

The **Supreme Court** has observed that “*The decision of the State Government dated 31st March, 2014 in dissolving the CMJ University is affirmed. It would be open for the State Government to take appropriate measures pursuant to the affirmation of the decision to dissolve the CMJ University*”.

FAMILY

Supreme Court: Criticized use of misogynistic terms like "illegitimate wife" or "faithful mistress," stating they violate woman's rights

Sukhdev Singh Vs. Sukhbir Kaur, Dated: 12.02.2025, (MANU/SC/0193/2025; 2025 INSC 197)

The **Supreme Court** has observed that “*Under Section 21 of the Constitution of India, every person has a fundamental right to lead a dignified life. Calling a woman an “illegitimate wife” or “faithful mistress” will amount to a violation of the fundamental rights of that woman under Article 21 of the Constitution of India*”.

SERVICE

Supreme Court: Highlights conflicting in cases of Compassionate Appointment

Canara Bank Vs. Ajithkumar G.K., Dated: 11.02.2025, (MANU/SC/0186/2025; 2025 INSC 184)

The **Supreme Court** has observed that the question of whether the applicable scheme is the one in effect at the time of death or when the appointment application is considered remains unresolved.

Supreme Court: Advertisements for public employment are invalid if the number of available positions is not specified

Amrit Yadav Vs. The State of Jharkhand and Ors., Dated: 10.02.2025, (MANU/SC/0165/2025; 2025 INSC 176)

The **Supreme Court** while taking into consideration the case of Renu v. District and Sessions Judge, Tis Hazari Courts, Delhi has observed that “*the advertisements which fail to mention the number of posts available for selection are invalid and illegal due to lack of transparency*”.

SALES TAX

Supreme Court: 2002 amendment to CST Act will not impact accrued rights

The State Of Maharashtra & Ors. Vs. Prism Cement Limited & Anr., Dated: 12.02.2025, (2025 INSC 199).

The **Supreme Court** has observed that while the amendment to Section 8(5) of the Central Sales Tax Act removed the State Government's power to grant tax exemptions, the amendment is prospective and does not apply to cases where exemptions had already been granted.

A hand holding a smartphone, with several white notification icons (envelopes with checkmarks) floating above the screen, indicating incoming messages or updates. The background is a blurred indoor setting with warm lighting.

Notification Updates

Ministry of Communications

Press Information Bureau, Dated: 12.02.2025, MANU/PIBU/0151/2025

The **Telecom Regulatory Authority of India** has amended the Telecom Commercial Communications Customer Preference Regulations (TCCCPR), 2018 to enhance consumer protection against Unsolicited Commercial Communication (UCC). The amendments include easier spam reporting, improved consumer empowerment, stringent measures against spammers, and enhanced compliance requirements for telecom operators. These changes aim to create a more secure and transparent commercial communication ecosystem.

Insolvency and Bankruptcy Board of India

Circular No.: IBBI/LIQ/82/2025, Dated: 11.02.2025, MANU/NMIC/0034/2025

The **Insolvency and Bankruptcy Board of India** has issued a circular putting emphasis on Insolvency Professionals to inform the Insolvency and Bankruptcy Board of India of his/her appointment under various processes under the Code.

Ministry of Finance

Press Information Bureau, Dated: 13.02.2025, MANU/PIBU/0154/2025

The Income-tax Bill, 2025 aims to simplify the Income-tax Act, 1961 by improving clarity and coherence without altering tax policies or rates. It involves reducing complex language, removing redundant provisions, and reorganizing sections for better navigation. The bill reflects stakeholder consultations and international best practices, resulting in a more streamlined and accessible tax framework.

Notification No.: 09/2025-Central Tax, Dated: 11.02.2025, MANU/CGST/0009/2025

The Central Government has appointed specific dates for the enforcement of certain provisions of the Central Goods and Services Tax (Amendment) Rules, 2024. These provisions will come into effect on February 11, 2025, and April 1, 2025.

Ministry of Law and Justice

Press Information Bureau, Dated: 13.02.2025, MANU/PIBU/0156/2025

The Government of India is proposing amendments to the Advocates Act, 1961 to strengthen the legal framework, improve legal education, and align with global best practices. Public comments are invited on the draft Advocates (Amendment) Bill, 2025 to ensure the legal profession contributes to a just and equitable society.

Reserve Bank of India

Press Release No.: 2024-2025/2136, Dated: 12.02.2025, MANU/RPRL/0107/2025

The Reserve Bank of India has updated its guidelines to extend the operation of pre-sanctioned credit lines through the Unified Payments Interface (UPI) to Small Finance Banks (SFBs).

Notification No.: DOR.CO.SOG(Leg) No.59/09.08.024/2024-2025, RBI/2024-2025/112, Dated: 11.02.2025, MANU/RMIC/0015/2025

All agency banks are instructed to remain open on March 31, 2025, to process government transactions for the financial year 2024-25, despite it being a public holiday. Banks should publicize the availability of services on this day.

Press Release No.: 2024-2025/2097, Dated: 07.02.2025, MANU/RPRL/0097/2025

The Reserve Bank of India has established a Working Group to review trading and settlement timings of markets it regulates. The group will assess current timings, identify challenges, examine international practices, and make recommendations. The report is due by the end of April 2025.

Notification No.: FMRD.MIOD.No.12/11.01.051/2024-2025, RBI/2024-2025/127, Dated: 07.02.2025, MANU/RMIC/0011/2025

The Reserve Bank of India has revised the access criteria for the Negotiated Dealing System-Order Matching (NDS-OM) platform, allowing SEBI-registered non-bank brokers to facilitate trades for retail investors. The updated criteria are detailed in the Master Direction-Reserve Bank of India (Access Criteria for NDS-OM) Directions, 2025, which supersedes the previous 2024 directions. These changes aim to enhance participation in the government securities market.

Telecom Regulatory Authority of India

Press Release No.: 11/2025, Dated: 12.02.2025, MANU/TRAI/0006/2025

The **Telecom Regulatory Authority of India** has amended the Telecom Commercial Communications Customer Preference Regulations (TCCCPR), 2018, to enhance consumer protection against Unsolicited Commercial Communication (UCC). The amendments include improved spam reporting, stricter measures against spammers, and enhanced consumer empowerment, aiming to create a more transparent and accountable commercial communication ecosystem. These changes are designed to balance consumer interests with legitimate economic activities while ensuring compliance from telecom operators.

Securities and Exchange Board of India

**Circular No. : SEBI/HO/IMD/IMD-SEC-3/P/CIR/2025/15, Dated: 12.02.2025,
MANU/SMIS/0008/2025**

The **Securities and Exchange Board of India** has introduced the MITRA platform to help investors trace inactive and unclaimed Mutual Fund folios. This platform aims to assist investors in identifying overlooked investments, encourage KYC compliance, and reduce the number of unclaimed folios, thereby contributing to a transparent financial ecosystem. The platform will be managed by Computer Age Management Services Limited and KFIN Technologies Limited and will be accessible through various financial websites.

**Circular No.: SEBI/HO/MIRSD/MIRSD-PoD/P/CIR/2025/14, Dated: 11.02.2025,
MANU/SSMD/0004/2025**

The **Securities and Exchange Board of India** has facilitated SEBI-registered stockbrokers to access the Negotiated Dealing System-Order Matching (NDS-OM) for trading in government securities through Separate Business Units (SBU). These SBUs must be segregated from the brokers' other activities, with specific regulatory frameworks and safeguards in place.

News



Arbitration

13.02.2025

The **Supreme Court's** Constitution Bench has begun hearing on the issue whether Courts have the authority to modify an arbitral award under Section 34 and 37 of the Arbitration and Conciliation Act, 1996.

The **Allahabad High Court** has reaffirmed that Section 36 of the Arbitration Act, as amended, applies to Section 34 applications filed before the amendment.

Civil

14.02.2025

The **Delhi High Court** has issued a notice in response to a public interest litigation requesting action against hospitals, medical colleges, diagnostic centers, and other entities operating radiology equipment without the necessary authorization or licenses.

12.02.2025

The **Supreme Court** while deprecating the distribution of freebies ahead of elections, has observed that because of these freebies which are launched just on the anvil when elections are declared, the people are not willing to work. They are getting free rations, amounts without doing any work.

The **Delhi High Court** while highlighting systemic inefficiencies in government departments due to delayed implementation of judicial orders, has observed that it is for the government to evolve any such robust mechanism which ensures compliance of the court orders.

The **Kerala High Court** has held that there should not be eviction of street vendors on grounds of 'grave and emergent' reasons in violation of their rights under Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014.

11.02.2025

A Public Interest Litigation has been filed in the **Allahabad High Court** demanding legal action against the officials and authorities accountable for the tragic stampede at the Maha Kumbh in Prayagraj on January 29, 2025.

A Public Interest Litigation has been filed in the **Uttarakhand High Court** against the newly implemented 'Uniform Civil Code Uttarakhand 2024', specifically targeting provisions related to marriage, divorce, and live-in relationships, arguing that they infringe upon citizens' fundamental rights.

The **Chhattisgarh High Court** has taken suo motu cognizance of non-functioning of State Bar Council of Chhattisgarh since 2021. The Court has noted that various important activities have come to a stop due to such non-functioning.

The **Karnataka High Court** rejected a public interest litigation that sought a directive for the Lokayukta to investigate MLAs, MPs, and MLCs whose assets are disproportionate to their known sources of income, based on a representation submitted by the petitioner in December 2023.

Constitution

10.02.2025

The **Calcutta High Court** has ruled that installing CCTV cameras inside the residential areas of a house without the consent of co-occupants infringes on their right to privacy.

Criminal

14.02.2024

YouTuber Ranveer Allahabadi, also known as Beer Biceps, has approached the **Supreme Court** for relief regarding multiple FIRs filed against him in different states for obscenity, following remarks he made during the 'India Got Latent' show.

13.02.2025

The **Supreme Court** has observed that filing a new bail application after the rejection of a previous one or the cancellation of bail is a matter of right.

The **Kerala High Court** has observed that during the Corporate Insolvency Resolution Process there will not be any bar on cheque dishonour proceedings against persons referred under Section 141 of the Negotiable Instruments Act, 1881.

The **Jammu & Kashmir High Court** has stated that settlements cannot be used to justify the quashing of serious crimes such as murder, rape, or corruption, emphasizing that there is no legal basis for such compromises.

12.02.2025

The **Supreme Court** stated that uncomfortable questions asked during judicial proceedings cannot be considered as humiliation.

The **Supreme Court** while granting bail to an officer accused in a liquor scam, has observed that the concept of Prevention of Money Laundering Act, 2002 (PMLA) cannot be to ensure that a person should remain in jail.

The **Supreme Court** denied Indrani Mukerjea's request to travel abroad while her trial in the Sheena Bora murder case is ongoing. The Court also instructed that the trial be expedited and concluded within a year.

10.02.2025

A social activist from Mumbai has filed a petition in the **Bandra Magistrate Court**, requesting criminal action against YouTuber Ranveer Allahbadia (aka Beer Biceps), comedian Samay Raina, YouTuber Ashish Chanchlani, and other organizers of the show *India's Got Latent* for promoting obscenity and vulgarity through controversial comments made in a recent episode.

Consumer

11.02.2025

The **Kerala High Court** ruled that the State Commission cannot dismiss a complaint for non-prosecution and is obligated to make a decision based on the merits of the case.

Education

12.02.2025

The **Delhi High Court** while refusing to entertain Public Interest Litigation for conducting NEET UG exam twice a year, has observed that the decision whether any particular entrance exam for admitting students to any course is to be held twice in a year lies exclusively in the administrative domain of the authorities concerned.

Law of Medicine

13.02.2025

The **Bombay High Court** permitted the termination of a 25-week-old pregnancy at a private hospital, despite the legal restrictions.

Family

11.02.2025

The **Orissa High Court** while directing fresh disposal of a maintenance case, has stated that it is mandatory to file affidavit disclosing assets while making a maintenance application.

Media & Communication

13.02.2025

The **Karnataka High Court** has directed the Union Government to inform whether any further steps have been taken to stop 'illegal use' of banned proton mail.

Mines & Minerals

10.02.2025

The **Gauhati High Court** has asked the State Authorities if there is any provision under the existing mineral rules that allow action against the contractors who are involved in illegal extraction of minor minerals.

Motor Vehicle

10.02.2025

The **Supreme Court** ruled that a disability certified by a medical board cannot be lowered without a re-assessment.

Service

12.02.2025

The **Gujarat High Court** while hearing a plea regarding discrimination in promotion to higher post in CRPF on the grounds that the candidate has HIV-AIDS, has observed that if the candidate meets all the eligibility criteria then promotion cannot be denied in ministerial posts due to health issues.

11.02.2025

The **Supreme Court** imposed a Rs. 5,000 costs on the States for not adhering to the December 3, 2024, order, which issued comprehensive directions for effective implementation of the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act).



International Updates

Arbitration & ADR

Foreign state immunity and New York Convention reservations: Key takeaway from Republic of India v CCDM Holdings LLC

The Full Court of the Federal Court of Australia recently rejected an application to recognize and enforce an investment arbitration award against the Republic of India. The court ruled that, despite India being a party to the New York Convention, it had not waived its foreign state immunity under the Foreign States Immunities Act 1985 (Cth). The decision was based on India's reservation to the Convention, which limits enforcement to awards arising from 'commercial' relationships. Since the arbitration in question did not meet this criterion, the court upheld India's immunity. This ruling highlights the importance of assessing sovereign immunity risks and closely examining any reservations made by a foreign state when seeking enforcement of arbitral awards.

Capital Market

ASIC v Macleod clarifies privilege in voluntary disclosures to regulators

In a significant appeal decision, the Full Federal Court ruled in Australian Securities and Investments Commission v Macleod [2024] FCAFC 174 that providing documents to the Australian Securities and Investments Commission (ASIC) under a voluntary disclosure agreement does not constitute a waiver of legal professional privilege. The judgment reversed the primary judge's finding that privilege had been waived and reaffirmed the application of the dominant purpose test. This decision offers reassurance to businesses cooperating with regulatory investigations that privileged communications remain protected, reducing concerns about unintended disclosures.

Employment & Labour

Unfair dismissal claims upheld due to procedural flaws in termination process

The Fair Work Commission ordered SESLS Industrial Pty Ltd to pay over \$20,000 in compensation after unfairly dismissing an employee just 24 hours after a failed drug test and a safety incident. While the employer had valid reasons for termination, the Commission found that the employee was not given a fair opportunity to respond before dismissal. The case, Unicomb v SESLS Industrial Pty Ltd [2025] FWC 186, highlights the critical role of procedural fairness in termination decisions and serves as a reminder for employers to follow due process when dismissing staff.

High Court awards \$1.44 million for psychiatric injury following unfair dismissal

In a landmark ruling, the High Court of Australia awarded an employee \$1.44 million in damages for psychiatric injury resulting from his employer's failure to follow disciplinary procedures. In Elisha v Vision Australia Limited [2024] HCA 50, the court found that the employer had breached the employment contract by not adhering to its own disciplinary guidelines, leading to the employee's injury. This decision reinforces the principle that procedural fairness is essential in employment disputes and that failure to comply with contractual obligations can result in significant liability.

Employees on workers' compensation leave not entitled to anti-bullying protections

The Fair Work Commission recently ruled that employees on workers' compensation leave cannot seek anti-bullying orders under the Fair Work Act 2009 (Cth). In *Whitnall-Comfort [2024] FWC 2767*, the applicant alleged workplace bullying while on leave, but the Commission determined that such protections only apply when an employee is 'at work.' This decision clarifies the scope of anti-bullying laws and limits their application to active workplace situations, excluding employees who are absent due to work-related injuries.

Healthcare & Life Sciences

Sydney doctor found guilty of altering patient records and misleading Medicare

A Sydney-based doctor, Dr. Chin Ven Tan, has been found guilty of professional misconduct after deliberately altering patient records and submitting false referrals to Medicare. Despite multiple warnings, he continued to engage in deceptive practices, leading to the cancellation of his medical registration. The case serves as a strong reminder of the serious consequences for healthcare professionals who breach ethical and professional standards in patient care and medical billing.

Australian TGA approves UCB's Rystiggo for generalized myasthenia gravis

The Australian Therapeutic Goods Administration (TGA) has approved UCB's Rystiggo (rozanolixizumab) as an add-on therapy for adults with generalized myasthenia gravis who test positive for AChR or MuSK antibodies. The Pharmaceutical Benefits Advisory Committee is set to review its listing under the Pharmaceutical Benefits Scheme in March 2025. The approval follows similar decisions in Europe and the United States, marking a significant step in expanding treatment options for patients with this rare neuromuscular condition.

Litigation

Full Federal Court confirms validity of voluntary disclosure agreements in *ASIC v Macleod*

The Full Federal Court has overturned a previous Federal Court ruling that found Noumi Ltd had waived legal professional privilege by disclosing an investigation report to the Australian Securities and Investments Commission (ASIC) under a Voluntary Disclosure Agreement (VDA). In *ASIC v Macleod [2024] FCAFC 174*, the court clarified that privilege was not lost through such disclosure, reinforcing that VDAs can be an effective tool for maintaining legal confidentiality. However, the judgment highlights the importance of carefully structuring investigation reports and waiver agreements to prevent unintended privilege loss.

Tax

Australia passes new tax incentives for hydrogen production and critical minerals sector

The Australian Parliament has approved legislation introducing tax incentives to boost renewable hydrogen production and critical mineral processing. The Future Made in Australia (Production Tax Credits and Other Measures) Bill 2024, passed on 11 February

2025, establishes the Hydrogen Production Tax Incentive (HPTI), offering a refundable tax offset of \$2 per kilogram of eligible renewable hydrogen for up to 10 years. Additionally, the Critical Minerals Production Tax Incentive (CMPTI) provides a 10% refundable tax offset on processing and refining costs for designated critical minerals between 2027 and 2040. The bill excludes uranium from eligibility under the scheme. Alongside these incentives, the Future Made in Australia (Guarantee of Origin) Bill 2024, passed in November 2024, introduces a certification system to encourage decarbonization and investment in the renewable energy sector.

Trade & Customs

Australian Sanctions Office releases updated compliance guidance

The Australian Sanctions Office (ASO) has introduced a new set of materials to assist individuals and businesses in complying with Australian sanctions laws. The package includes a Sanctions Compliance Toolkit, a Sanctions Risk Assessment Tool, and updated advisory notes. Recent judicial decisions, including cases like Tigers Realm Coal Limited and Alumina and Bauxite Company Ltd v Queensland Alumina Ltd, have prompted legislative changes to the country's autonomous sanctions regime, which has expanded significantly since 2022. The ASO aims to provide practical guidance while ensuring that compliance measures do not unnecessarily hinder legitimate business activities.

CANADA

Franchising

Pizza franchisee fails to divide its franchise agreement

In *Vern's Pizza Company Limited v. 101011333 Saskatchewan Ltd.*, the Saskatchewan King's Bench examined the termination of a franchise agreement that granted the franchisee the right to operate two businesses at different leased locations. Most franchise agreements specify that a franchisee's right to operate a business is tied to a single location and expires upon lease termination or at a fixed period. The court determined when the agreement effectively ended, reinforcing the principle that franchisees cannot split or extend agreements beyond their original terms.

Insolvency & Restructuring

No survival of administrative monetary penalties after bankruptcy

An article published in the *Toronto Law Journal* explored whether administrative monetary penalties (AMPs) survive bankruptcy. Securities regulators argue that allowing AMPs to be discharged would weaken their deterrent effect. However, the legal stance suggests that unlike criminal fines, AMPs do not persist after bankruptcy, giving individuals a fresh financial start. The debate remains over whether this undermines the effectiveness of regulatory enforcement in securities law.

Insurance

Paralegal denied coverage under lawyer's professional liability policy

In *Pryce v. Lawyers' Professional Indemnity Co.*, the Ontario Superior Court of Justice ruled that a paralegal employed by a law firm was not covered under the firm's professional liability insurance policy. The paralegal, already insured under a mandatory paralegal policy, sought additional coverage under the lawyer's policy, but the court found that the definition of "insured" in the policy applied only to lawyers. This case clarifies that law firm employees who are not lawyers cannot claim protection under policies designed exclusively for legal practitioners.

Litigation

British Columbia Court of Appeal refuses to halt duplicate class actions

In *InvestorCOM Inc. v. L'Anton*, the British Columbia Court of Appeal rejected an appeal to strike a proposed class action in BC, despite a similar case proceeding in Ontario. The ruling reaffirms that courts prefer to address duplication issues at the certification stage rather than preemptively striking cases. The decision underscores that defendants must show extraordinary circumstances to stay a parallel class action, as courts remain cautious about limiting access to justice in multi-jurisdictional disputes.

Product Regulation & Liability

Canada's psychedelics industry sees regulatory shifts

Regulatory changes continue to shape the Canadian psychedelics industry, affecting access to controlled substances. Psychedelics remain restricted under the *Controlled Drugs and Substances Act*, with limited legal access through clinical trials, the Special Access Program, or ministerial exemptions under Section 56. Industry participants are closely watching evolving policies as regulators assess the medical and scientific merits of psychedelic substances, which could influence future legal frameworks and commercial opportunities.

Shipping & Transport

New requirements for online publication of automotive recalls

Effective January 1, 2025, the Canadian government has introduced regulations mandating that automotive companies publicly disclose recall notices on their websites. These changes, under amendments to the *Motor Vehicle Safety Act*, require manufacturers, importers, and dealers to provide clear, accessible recall information online. While some companies have voluntarily published such details in the past, the new regulations standardize disclosure timelines and content, ensuring consumers have timely access to safety-related updates.

Arbitration & ADR

Ontario Court of Appeal rules that bias in arbitration invalidates entire tribunal's decision

In *Vento Motorcycles Inc. v. Mexico*, 2025 ONCA 82, the Ontario Court of Appeal overturned a lower court ruling, holding that a reasonable apprehension of bias by one arbitrator invalidates an entire tribunal's decision. The case involved a NAFTA arbitration where Vento, a U.S. motorcycle manufacturer, alleged that Mexico's refusal to grant a preferential tariff led to its business failure. The arbitral tribunal dismissed Vento's claim, but the Ontario Court of Appeal ruled that the presence of bias compromised the decision's legitimacy, leading to its annulment.

Company & Commercial

B.C. Court of Appeal clarifies nemo dat rule in contract disputes

In *NV Highway Properties Ltd. v. 1155204 B.C. Ltd.*, the British Columbia Court of Appeal examined the application of the nemo dat quod non habet rule, which states that one cannot transfer ownership of what one does not own. The court ruled that a seller who lacks ownership of a property can still enter into a valid and enforceable contract to sell it. However, if the seller cannot complete the transaction, the buyer may claim damages for breach rather than void the contract. The case involved a North Vancouver property sale structured as an asset transaction with an option to purchase shares of the seller companies.

Public Safety & Supply Chain

Public Safety Canada clarifies reporting obligations under forced and child labour laws

Public Safety Canada has released updated guidance on the *Fighting Against Forced Labour and Child Labour in Supply Chains Act*, refining the criteria for entities required to submit reports. The new guidance clarifies the definition of "goods," explicitly excluding real estate, electricity, software, financial services, and insurance. Businesses solely involved in these sectors are not required to submit reports in 2025. Additionally, reporting obligations extend to entities listed on Canadian stock exchanges or those meeting specific financial and operational thresholds related to assets, revenue, and employee count.

CHINA

Competition & Antitrust

China introduces first-ever guidelines for horizontal merger reviews

The State Administration for Market Regulation (SAMR) issued the Guidelines for Review of Horizontal Concentration of Undertakings, outlining key principles and methodologies for merger assessments. This is the first comprehensive framework detailing China's approach to reviewing mergers between competitors. The guidelines cover areas such as market definition, competitive impact, entry barriers, buyer power, and efficiency considerations. They clarify that SAMR will focus on competition concerns arising specifically from the merger itself, rather than pre-existing market conditions. The framework is expected to provide greater clarity to multinational companies navigating China's evolving merger review process.

Arbitration & ADR

Hong Kong court narrows scope for setting aside arbitral awards on ultra petita grounds

In a recent ruling, the Hong Kong High Court reaffirmed that arbitral awards should only be set aside on ultra petita grounds in limited circumstances. The court departed from Singapore's "five sources" approach, instead emphasizing that tribunals should assess issues strictly within the scope of the arbitration submission. The case involved a dispute over a joint venture, where the plaintiffs argued that the tribunal exceeded its authority by ruling on issues not explicitly raised in the pleadings. The court held that post-award reformulation of issues should be avoided and tribunals should not be assumed to have overlooked key matters.

Capital Market

Hong Kong's new severe weather trading rules impact ORSO schemes

The Hong Kong Exchanges and Clearing Limited implemented a Severe Weather Trading (SWT) arrangement on 23 September 2024, affecting employers under ORSO schemes. Companies are advised to consult their service providers to ensure investment instructions can still be processed on SWT days. As bank branches will remain closed, ORSO trust deeds defining a "business day" based on banking operations may require amendments. Employers should review their scheme documents to align with the new trading framework and ensure compliance with evolving regulations in the financial sector.

IT & Data Protection

Hong Kong court emphasizes transparency in decentralized autonomous organizations

In *Mantra DAO Inc. & Anor v John Patrick Mullin & Ors* [2024] HKCFI 2099, the Hong Kong High Court addressed transparency concerns in decentralized autonomous organizations (DAOs). The case involved an application for the disclosure of books and records related to a DAO's operations. While DAOs are designed to function without centralized control, many projects misuse the term and operate with less transparency than intended. The court's decision highlights the growing need for regulatory oversight in blockchain-based governance structures as DAOs continue to expand across global financial markets.

Hong Kong moves forward with proposed cybersecurity law to regulate critical infrastructure systems

The Protection of Critical Infrastructures (Computer Systems) Bill, introduced in the Legislative Council on December 11, 2024, aims to enhance cybersecurity measures for critical infrastructure operators in Hong Kong. The Security Bureau initiated consultations on the proposed framework in 2023, with further stakeholder engagement and legislative panel discussions throughout 2024. The Bill is currently under review by the Bills Committee, with plans to establish a Commissioner of Critical Infrastructure (Computer-system Security) within a year of its passage. Given the potential fines of up to HK\$5 million for non-compliance, organizations operating critical computer systems should assess whether they fall under the Bill's scope and begin preparing for compliance.

INDONESIA

Tax

New regulation streamlines tax procedures for oil and gas contractors

Indonesia's Ministry of Finance issued Regulation Number 81 of 2024 to modernize the tax administration system. Effective from January 1, 2025, the regulation consolidates and updates various tax provisions, improving transparency and efficiency. Among its provisions, it sets withholding tax rates for oil and gas contractors' income, including a 20% tax on uplift payments and a 5% tax on the transfer of participating interests during the exploration phase. These updates replace previous regulations and align tax procedures with Indonesia's broader digital tax administration strategy.

MALAYSIA

Litigation

UK court allows migrant worker claims against Dyson for supplier misconduct in Malaysia

The Court of Appeal in England has ruled that claims against Dyson related to alleged labor abuses at a Malaysian supplier can proceed in the UK. The High Court had initially ruled that the case should not be heard in England, emphasizing that the alleged misconduct occurred outside the UK. However, the Court of Appeal reversed this decision, suggesting that English courts may still hear transnational labor and human rights disputes when UK-based companies are central to the claims. This decision reinforces the possibility of corporate accountability in the UK for overseas labor practices.

NEW ZEALAND

Construction

Public consultation closes for key updates to construction contract conditions

Public feedback on the draft NZS 3916:2025 and NZS 3917:2025 contract conditions will close on February 17, 2025. These revised standards build on changes introduced in NZS 3910:2023, including the introduction of new roles such as the Contract Administrator and Independent Certifier, adjustments to liability provisions, and updated safety and retention clauses. The changes aim to modernize contract management in the building and civil engineering sectors, ensuring greater clarity and efficiency in project execution.

Immigration

New Zealand revises investor visa rules to attract foreign capital

As part of its economic growth strategy, the New Zealand government has announced changes to the Active Investor Plus (AIP) visa, set to take effect on April 1, 2025. The new framework introduces two investment categories, including a "Growth" category requiring a minimum NZD 5 million investment over 36 months in New Zealand businesses or approved funds. These changes are intended to attract high-value investors and stimulate long-term economic development in the country.

SINGAPORE

Banking

Singapore updates Green Bond Framework to align with regional sustainability standards

Singapore's Ministry of Finance released the second edition of the Singapore Green Bond Framework, refining the original 2022 version to align with the Singapore-Asia Taxonomy for Sustainable Finance. The updated framework governs sovereign green bond issuances under the Significant Infrastructure Government Loan Act 2021, ensuring that funds raised support environmentally sustainable public projects. This initiative is part of Singapore's broader efforts to position itself as a hub for green finance and net-zero transition investments in Asia.

Insolvency & Restructuring

SIAC consults on draft insolvency arbitration protocol to address disputes in restructuring cases

Traditionally, insolvency and arbitration have been viewed as conflicting legal frameworks, with arbitration emphasizing party autonomy and insolvency focused on centralized, collective proceedings. However, as corporate restructurings become more complex, alternative dispute resolution mechanisms are gaining traction. Between December 2024 and January 2025, the Singapore International Arbitration Centre (SIAC) held a public consultation on its draft Insolvency Arbitration Protocol. This framework aims to facilitate arbitration in disputes linked to insolvency proceedings, providing a structured process for resolving such matters.

SOUTH KOREA

IT & Data Protection

South Korea enacts AI Framework Act to regulate high-impact artificial intelligence

South Korea's National Assembly has passed the AI Framework Act, making it the second major legislation of its kind globally after the EU AI Act. The law, introduced by the Ministry of Science and ICT, aims to promote AI development while ensuring safety and reliability, particularly for high-impact AI systems. These include applications in areas such as energy supply, healthcare, nuclear facility management, and biometric analysis for law enforcement. The Act also introduces obligations for AI service providers to enhance transparency and accountability in AI deployment.

Trademark

Korean IP High Court ruling highlights risks of automated mass product registration in e-commerce

A recent ruling by the Korean IP High Court underscores the dangers of automated bulk product listing in online marketplaces. In case number 2024Na10942 (decided on January 23, 2025), an online purchasing agency used mass product registration software to list

thousands of products from Chinese e-commerce sites, inadvertently including counterfeit goods. The trademark holder of a well-known footwear brand sued for trademark infringement. The court found that automated listing tools can expose sellers to significant legal risks, emphasizing the need for greater diligence in preventing trademark violations.

USA

Arbitration & ADR

Foreign state immunity and the enforcement of arbitration awards: Key lessons from New York Convention reservations

In *Republic of India v. CCDM Holdings LLC [2025] FCAFC 2*, the Full Court of the Federal Court of Australia denied an application to recognize and enforce an investment arbitration award against India. The court ruled that India's reservation upon ratifying the New York Convention limited enforcement to commercial disputes, and since the award was not commercial in nature, India retained sovereign immunity under the *Foreign States Immunities Act 1985 (Cth)*. This decision underscores the importance of analyzing sovereign immunity defenses when seeking to enforce arbitral awards against foreign states, especially concerning any reservations made to international treaties.

English Court revises anti-suit injunction against Russian legal proceedings

In *UniCredit Bank GmbH v. RusChemAlliance LLC [2025] EWCA Civ 99*, the English Court of Appeal modified a prior anti-suit injunction (ASI) that prevented a Russian entity from proceeding in Russian courts, despite a contractually agreed arbitration clause. The court had originally upheld the ASI, but due to new developments—including the risk of substantial penalties from Russian courts—it decided to revoke the injunction while maintaining a declaration on jurisdiction. This ruling highlights the challenges in enforcing arbitration agreements when parties turn to domestic courts, particularly in cases involving Russian litigants.

Banking

CFPB enforcement shifts as courts debate consumer fraud under EFTA

Regulatory changes are shaking up the Consumer Financial Protection Bureau (CFPB), with its new acting director pausing agency funding requests and ordering staff to halt ongoing work, triggering legal disputes. Meanwhile, a significant case in New York challenges whether wire transfers fall under the *Electronic Fund Transfer Act (EFTA)*. The New York Attorney General is pushing to hold banks liable for fraudulent transfers, a position traditionally excluded under the Uniform Commercial Code. A federal court rejected a motion to dismiss, signaling a possible expansion of consumer protection laws in financial transactions.

Capital Market

President Trump freezes FCPA enforcement and orders policy overhaul

On February 10, 2025, President Donald J. Trump issued an executive order halting all new *Foreign Corrupt Practices Act (FCPA)* investigations and enforcement actions for 180 days. Attorney General Pam Bondi has been tasked with drafting new FCPA enforcement guidelines prioritizing American business interests. This directive follows Bondi's recent DOJ policy memos emphasizing the fight against transnational criminal organizations over corporate corruption cases. The shift marks a potential departure from aggressive corporate FCPA enforcement, though its long-term impact remains uncertain.

SEC updates guidelines on Schedule 13D and 13G filings

The SEC's Corporate Finance Division issued two new Compliance and Disclosure Interpretations (CDIs) clarifying when shareholders must file Schedule 13D or 13G under the Exchange Act. The guidance emphasizes that merely engaging with management does not automatically disqualify a shareholder from using Schedule 13G, unless their intent is to influence control of the company. The updates suggest a more nuanced approach, requiring case-by-case analysis of shareholder actions and their impact on corporate governance.

Industry associations urge SEC acting chair to clarify clearing rule for U.S. Treasury securities

Several financial trade groups, including the Securities Industry and Financial Markets Association (SIFMA), Managed Funds Association (MFA), and International Swaps and Derivatives Association (ISDA), have written to SEC Acting Chair Mark Uyeda regarding concerns over the implementation of the clearing rule for U.S. Treasury securities. The rule, set to take effect in phases beginning March 31, 2025, requires covered clearing agencies to centrally clear eligible secondary market transactions involving Treasury securities. The associations stress that the rule will significantly increase cleared transaction volumes and necessitate major operational and legal adjustments. They highlight nine critical areas that require clarification to ensure smooth implementation.

Company & Commercial

Privy Council rules on shareholder dispute in 1Globe Capital LLC v Sinovac Biotech Ltd

The Privy Council has issued its judgment in *1Globe Capital LLC v Sinovac Biotech Ltd (Antigua and Barbuda) [2025] UKPC 3*, a case concerning a contentious shareholder dispute. The case arose from competing takeover bids for Sinovac Biotech Ltd, a China-based pharmaceutical company incorporated in Antigua and listed on NASDAQ. During a 2018 annual general meeting, shareholders attempted to replace the incumbent board with a new slate of directors. The dispute led to extensive litigation over corporate governance and shareholder rights. The Privy Council's ruling addresses the legality of the actions taken during the AGM and the broader implications for corporate control battles.

Anti-Bribery & Corruption

Trump administration orders temporary halt on FCPA enforcement

President Donald Trump has issued an executive order suspending Foreign Corrupt Practices Act (FCPA) enforcement for 180 days, instructing Attorney General Pam Bondi to review existing policies. The order prioritizes American business interests and competitiveness, arguing that aggressive FCPA enforcement places U.S. firms at a disadvantage. While the order primarily affects corporate investigations, individual prosecutions and enforcement of the Foreign Extortion Prevention Act remain unaffected. The administration also plans to reassess past FCPA cases to determine if any require corrective action. The move has sparked debate over the future of U.S. anti-corruption enforcement and its impact on global business practices.

Corporate Governance

Delaware Supreme Court upholds business judgment rule in *Maffei v. Palkon*

In *Maffei v. Palkon, No. 125, 2024 (Del. 2025)*, the Delaware Supreme Court ruled that a corporation's decision to reincorporate in another state for potential litigation risk reduction is subject to the business judgment rule. The case involved TripAdvisor, Inc. and its controlling stockholder, Liberty TripAdvisor Holdings, Inc., which moved their incorporation from Delaware to Nevada, citing stronger legal protections for directors and officers. Minority shareholders challenged the move, arguing it provided a material benefit to controlling stakeholders. However, the court determined that such benefits were speculative and did not warrant heightened judicial scrutiny, reversing a prior Delaware Chancery Court ruling.

Proxy Advisory

ISS suspends diversity considerations in board voting recommendations

Institutional Shareholder Services (ISS) has announced that it will indefinitely pause its practice of considering board diversity when making voting recommendations for directors of U.S. public companies. The move follows recent executive orders by the Trump administration, including one titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," which rolled back previous diversity, equity, and inclusion (DEI) initiatives. Effective February 25, 2025, ISS will no longer factor gender, racial, or ethnic diversity into its recommendations under its Benchmark and Specialty policies. The policy shift comes amid broader political debates on corporate governance and DEI policies in the United States.

A yellow typewriter is positioned on a yellow background. A sheet of white paper is inserted into the carriage. Three crumpled pieces of white paper are scattered on the surface below the typewriter. A vertical red bar is visible on the left side of the image.

Trending in **News**

Spouses of Void Marriages Can Seek Permanent Alimony Under Hindu Marriage Act, Supreme Court Rules



In a significant ruling, the Supreme Court has held that a spouse whose marriage has been declared void under Section 11 of the Hindu Marriage Act, 1955, can still claim permanent alimony or maintenance under Section 25 of the Act. The Court clarified that while such relief is available, its grant remains discretionary and depends on the specific facts of each case and the conduct of the parties.

The judgment was delivered by a three-judge Bench comprising Justices Abhay S. Oka, Ahsanuddin Amanullah, and Augustine George Masih in ***Sukhdev Singh v. Sukhbir Kaur***, (MANU/SC/0193/2025; 2025 INSC 197). The case was referred to this Bench following conflicting decisions by smaller benches, with two previous rulings allowing permanent alimony in void marriages and five others rejecting such claims.

Interpreting Sections 11 and 25 of the Hindu Marriage Act

The Court examined the interplay between Section 11, which deals with void marriages, and Section 25, which empowers courts to grant permanent alimony or maintenance. It observed that Section 25 does not differentiate between a decree of divorce and a decree declaring a marriage null and void. The ruling emphasized that a plain reading of the provision does not exclude spouses of void marriages from seeking financial relief.

Additionally, the Bench distinguished Section 25 of the Hindu Marriage Act from Section 125 of the Code of Criminal Procedure, 1973 (CrPC), which provides maintenance to wives, children, and parents. Unlike Section 125 CrPC, which does not extend relief to husbands, Section 25 of the Hindu Marriage Act allows both spouses—husband and wife—to claim maintenance.

Safeguards Against Misuse

The appellant's counsel raised concerns about the potential misuse of Section 25, arguing that allowing maintenance in void marriages could lead to absurd results—for instance, cases where a person knowingly enters into a bigamous or incestuous marriage and later claims alimony. Addressing these concerns, the Court reiterated that the grant of alimony under Section 25 is not automatic but discretionary. If the spouse seeking maintenance is found to have engaged in misconduct, courts can refuse relief.

Interim Maintenance Under Section 24

The Bench also addressed whether a spouse in a petition seeking a declaration of nullity can claim maintenance pendente lite (temporary financial support during litigation) under Section 24 of the Hindu Marriage Act. The Court affirmed that interim maintenance can be granted, provided:

1. There is an ongoing proceeding under the Hindu Marriage Act, and
2. The applicant lacks independent income sufficient for sustenance and litigation expenses.

This decision reinforces the principle that even in cases where a marriage is declared void, financial vulnerability should not leave a spouse without recourse. While courts retain discretion, this ruling ensures that maintenance laws serve their protective function without being hindered by rigid interpretations.

Draft of the Advocates (Amendment) Bill, 2025



As part of significant change, the Government of India with an aim to strengthen the legal framework, has proposed an amendment to the Advocates Act, 1961. On 13th February, the Ministry of Law and Justice published draft of the Advocates (Amendment) Bill, 2025. The bill aims to modernize the administration of legal education and profession in India. These changes will help in making the legal profession fair, transparent and accessible to all.

Key Highlights:

- **Entry of Foreign law firms:** A provision Section 49A (2)(cc) has been proposed wherein the Central Government can make governing entry of foreign firms.
- **Establishment of Public Grievance Committee:** A new Section 9B establishes a Special Public Grievance Redressal Committee within BCI to investigate misconduct related to strikes or boycotts.
- **Prohibition on Strikes and Boycotts:** Section 35A introduces a ban on boycotts and abstentions from court work.
- **Impact of Convictions on Enrollment:** Under Section 24A and 24B, individuals convicted of crimes punishable by three or more years may not be enrolled by the State Bar Council.
- **Broadened the definition of legal practice:** Section 2(i) legal practitioner in the proposed bill now also includes lawyers working in private or public organizations.
- **Directions to BCI:** The Central Government under Section 49B can give directions to the Bar Councils regarding implementation of the Act.

The Department is inviting comments/feedback from the public on the draft amendments by 28.02.2025.

Budget Session update



The Parliament's Budget Session began on January 31st, with Finance Minister Nirmala Sitharaman presenting the Economic Survey for 2024-2025. The first phase of the session concluded on February 13th.

During this session, several significant bills were introduced in Parliament, but the spotlight was on the new Income Tax Bill, 2025, which was presented on February 13, 2025. This bill is poised to replace the long-standing Income Tax Act of 1961. The bill aims towards simplification of language and structure of the Income Tax Act, 1961. These changes have been guided by the following principles:

- Textual and structural simplification
- No major tax policy change
- No modification of tax rates

Key Highlights:

- **Short & Concise:** The new bill consists of 23 Chapters, and 536 Sections whereas in the Income Tax Act, of 1961 there are 47 Chapters and 819 Sections.
- **Introduction of term 'Tax Year':** The term tax year has been defined under Section 3 as the "twelve months period of the financial year commencing on the 1st of April".
- **Recognition of crypto assets:** Explicit provisions have been introduced to cover virtual assets and cryptocurrency. Section 509 provides for the obligation to furnish information on transactions of crypto assets. Section 2(111) defines a virtual digital asset as "any information or code or number or token generated through cryptographic means or otherwise".
- **Applicability:** Shall come into force on 1st April 2026.

Some other bills that were introduced during this phase of session:

1. Protection of Interests in Aircraft Objects Bill, 2025
2. "Tribhuvan" Sahkari University Bill, 2025
3. Finance Bill, 2025