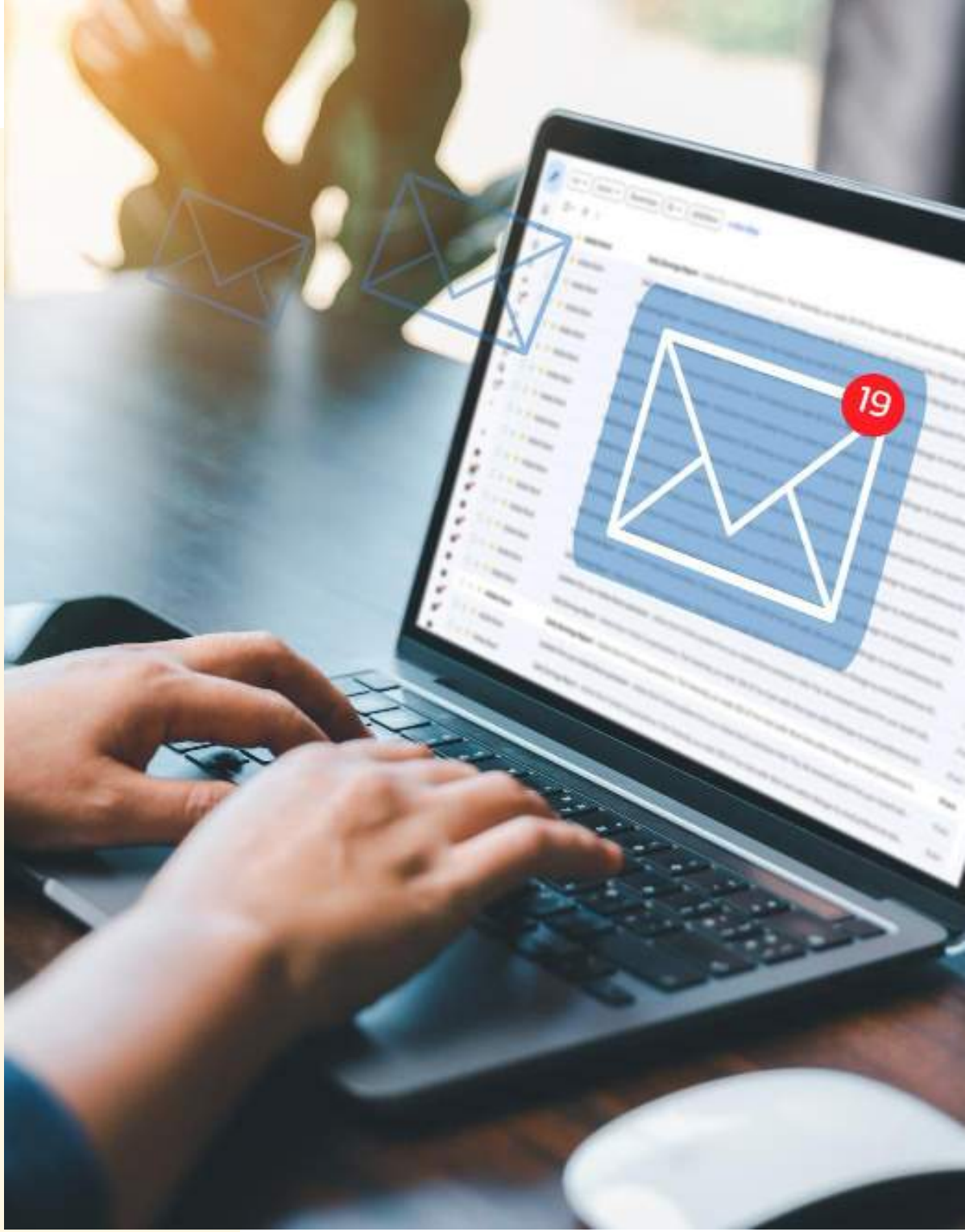


24 March 2025 – 29 March 2025



# Manupatra Weekly Wrap

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

# Case Laws



## **CIVIL**

### **Supreme Court: Senior Citizens Act doesn't mandate eviction in all cases**

Samtola Devi Vs. State Of Uttar Pradesh & Ors., Dated: 27.03.2025, (MANU/SC/0403/2025; 2025 INSC 404)

The **Supreme Court** has observed that “*The provisions of the Senior Citizens Act, nowhere specifically provides for drawing proceedings for eviction of persons from any premises owned or belonging to such a senior person*”.

### **Supreme Court explains when relief can be moulded in a suit**

J. Ganapatha and Others Vs. M/S. N. Selvarajalou Chetty Trust, Dated: 25.03.2025, (MANU/SC/0387/2025; 2025 INSC 395)

The **Supreme Court** has observed that “*The concept of moulding of relief refers to the ability of a court to modify or shape a relief sought by a party in a legal proceeding based on the circumstances of the case and the facts established after a full-fledged trial*”.

### **Supreme Court: If government fails to acknowledge Section 80 CPC notice or communicate its position, it may lead to adverse inference**

Yerikala Sunkamma & Anr. Vs. State Of Andhra Pradesh, Dated: 24.03.2025, (MANU/SC/0381/2025; 2025 INSC 383)

The **Supreme Court** has observed that “*The purpose of law is the advancement of justice. The least that was required in the present case was for the State Authorities to acknowledge the notice issued by the appellants herein and inform them as regards their stance. We make it abundantly clear that the Public Authorities must take statutory notice issued to them in all seriousness*”.

### **Supreme Court: Donor cannot unilaterally cancel gift document**

N.P. Saseendran Vs. N.P. Ponnamma & Ors., Dated: 24.03.2025, (MANU/SC/0379/2025; 2025 INSC 388)

The **Supreme Court** has observed that when a property transfer is made out of love and affection, with the donor retaining a life interest, it is considered a settlement deed in the form of a gift. The Court also clarified that once the donee accepts the gift via the settlement deed, the donor cannot revoke it unilaterally.

### **Delhi High Court upheld rule that prevents retired judges from other states from applying for Senior Advocate designation**

Sh Vijai Pratap Singh Vs. Delhi High Court, Through Registrar General & Anr., Dated: 27.03.2025, (MANU/DE/2016/2025; 2025:DHC:2017-DB)

The **Delhi High Court** has observed that “*Keeping in view the sensitivity and sensibilities involved, the seriousness and the importance of evaluation of an Advocate or a retired*

*Judicial Officer seeking designation as a Senior Advocate cannot be undermined. Thus, expecting the Judges of this Court to confer designation as a Senior Advocate upon retired judicial officers of HJS of states other than Delhi is not possible”.*

### **Delhi High Court: Hyperlinking of defamatory article may, in certain cases, be considered as republication and could lead to liability**

*Ms. Ruchi Kalra & Ors. Vs. Slowform Media Pvt. Ltd. & Ors., Dated: 24.03.2025, (MANU/DE/2060/2025; 2025:DHC:2024)*

The **Delhi High Court** has observed that *“If the hyperlinking of a publication is done in a manner in which it refers to the content that conveys defamatory meaning, not because a reference was created, but because, if understood in context, it actually expressed something defamatory, then it would amount to republication”*

### **Madras High Court single-judge slams Division Bench for ignoring prior case laws**

*N.S.Krishnamoorthi & Ors. Vs. The District Collector & Ors, Dated: 26.03.2025, (MANU/TN/1173/2025; 2025:MHC:790)*

The **Madras High Court** has observed that *“it is not open to a Division Bench to disregard let alone circumvent the law declared by the earlier Division Benches on a question of law”*.

## **CRIMINAL**

### **Supreme Court directs magistrate to verify truth of complaints before issuing summons to accused**

*Rekha Sharad Ushir Vs. Saptashrunji Mahila Nagari Sahkari Patsansta Ltd., Dated: 26.03.2025, (MANU/SC/0396/2025; 2025 INSC 399)*

The **Supreme Court** has observed that *“While filing a complaint under Section 200 of CrPC and recording his statement on oath in support of the complaint, as the complainant suppresses material facts and documents, he cannot be allowed to set criminal law in motion based on the complaint. Setting criminal law in motion by suppressing material facts and documents is nothing but an abuse of the process of law”*.

### **Supreme Court criticised High Court for quashing case, stating sanction's validity should be decided at trial**

*State Rep. By The Deputy Superintendent of Police, Vigilance and Anti-Corruption Chennai City-I Department Vs. G. EASWARAN, Dated: 26.03.2025, (MANU/SC/0393/2025; 2025 INSC 397)*

The **Supreme Court** overturned the Madras High Court's decision to quash a disproportionate assets case against a bureaucrat at the pre-trial stage, citing "bleak conviction prospects" and an "invalid sanction" for prosecution. The court stated, *“Validity of the sanction is an issue that must be examined during the course of the trial”*.

## **Supreme Court: Delay in recording witness statements under Section 161/164 CrPC is not fatal, provided there is satisfactory explanation for delay**

Firoz Khan Akbarkhan Vs. The State Of Maharashtra, Dated: 24.03.2025, (MANU/SC/0382/2025; 2025 INSC 387)

The **Supreme Court** has observed that “Insofar as the delay of 2/3 days in recording the statements of the eye-witnesses under Section 161/164 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the ‘Code’) is concerned, the said delay has been thoroughly explained by the witnesses, including the Investigating Officer, to the effect that there were riots in the area. On this score, the Investigating Officer was involved in maintaining law and order in the affected area. In the attendant facts and circumstances, the course of action adopted by the police cannot be termed unjustified and no adverse inference can be drawn on this count”.

## **Supreme Court quashed rape case, noting the woman willingly visited accused's hotel room three times**

Jothiragawan Vs. State, Dated: 24.03.2025, (MANU/SC/0377/2025; 2025 INSC 386)

The **Supreme Court** has observed that “The allegation of forceful intercourse on threat and coercion is also not believable, given the relationship admitted between the parties and the willing and repeated excursions to hotel rooms”.

## **Supreme Court established National Task Force to address mental health challenges in colleges**

Amit Kumar & Ors. Vs. Union Of India & Ors., Dated: 24.03.2025, (MANU/SC/0380/2025; 2025 INSC 384)

The **Supreme Court** has observed that “The recurring instances of student suicides in Higher Educational Institutions, including private educational institutions, serve as a grim reminder of the inadequacy and ineffectiveness of the existing legal and institutional framework in addressing mental health concerns of students on campuses and to prevent the students from taking the extreme step of committing suicides”.

## **Kerala High Court: Expert's report under Section 293 CrPC is not formal replacement for certificate under Section 65B of Evidence Act**

Umer Ali Vs. State of Kerala, Dated: 24.03.2025, (MANU/KE/0909/2025; 2025: KER:24851)

The **Kerala High Court** has observed that “an expert's report cannot be considered as a formal substitute for Section 65B(4) certificate in the eyes of law since, they serve two different purposes. A Section 65B certificate is a specific statutory requirement to make a secondary electronic record admissible as evidence, while Section 293 Cr.P.C. report is evidentiary material in its own right, typically presenting the results of forensic analysis”.



## **CONSTITUTION**

### **Supreme Court: Article 311 doesn't imply that only appointing authority can initiate disciplinary action against government servant**

*The State Of Jharkhand & Ors. Vs. Rukma Kesh Mishra, Dated: 28.03.2025, (MANU/SC/0411/2025; 2025 INSC 412)*

The **Supreme Court** has observed that the appointing authority is not obligated to start disciplinary proceedings against a state employee. Citing Article 311(1) of the Constitution, the Court clarified that although the appointing authority's approval is needed for dismissal, it is not required to initiate disciplinary action.

### **Supreme Court: 75-year-old Republic should not be so fragile that poetry or comedy can be alleged for fostering animosity**

*Imran Pratapgadhi Vs. State Of Gujarat and Anr., Dated: 28.03.2025, (MANU/SC/0408/2025; 2025 INSC 410)*

The **Supreme Court** has observed that “75 years into our republic, we cannot be seen to be so shaky on our fundamentals that mere recital of a poem or for that matter, any form of art or entertainment, such as, stand-up comedy, can be alleged to lead to animosity or hatred amongst different communities”.

## **INSOLVENCY**

### **Supreme Court accepted tax authorities' apology for demanding payment of dues not covered by approved plan**

*M/S Jsw Steel Limited Vs. Pratishtha Thakur Haritwal & Ors., Dated: 27.03.2025, (MANU/SC/0398/2025; 2025 INSC 401)*

The **Supreme Court** has observed that “we have no hesitation in holding that the demands raised by the respondents/authorities for a period prior to the date on which the learned NCLT has approved the Resolution Plan were totally contemptuous in nature. The respondents could not have raised the said demands inasmuch as they are not part of the Resolution Plan”.

### **NCLAT: While Google misused its dominant market position, it did not block access to market for other competitors**

*Alphabet Inc. & Ors. Vs. Competition Commission of India & Anr., Dated: 28.03.2025, (MANU/NL/0250/2025)*

The **National Company Law Appellate Tribunal (NCLAT)** has observed that “no violation of Section 4(2)(c) was proved and the Commission's finding that Appellant being dominant in app store market has caused denial of market access to the payment processors and aggregators is unsustainable”.

**NCLAT: Delivering demand notice to last known address to be deemed as valid service**

*Paresh Rastogi & Ors. Vs. M/Omkara Assets Reconstruction Pvt. Ltd. & Ors., Dated: 18.03.2025, (MANU/NL/0224/2025)*

The **National Company Law Appellate Tribunal** (NCLAT) New Delhi bench has held that delivery of demand notice to the last known address of the personal guarantor as has been stated in the deed of guarantee shall be considered as valid service for the purposes of Section 95(4) of the Insolvency and Bankruptcy Code, 2016.

**NCLAT: Resolution plan submitted by COC after due date cannot be questioned**

*Authum Investment and Infrastructure Limited Vs. . Ashdan Properties Private Limited & Ors., Dated: 17.03.2025, (MANU/NL/0220/2025)*

The **National Company Law Appellate Tribunal** (NCLAT) has observed that there cannot be any questioning of the consideration and subsequent rejection of a Resolution Plan (RP) by the Committee of Creditors (CoC) submitted after the due date.

## **INTELLECTUAL PROPERTY RIGHTS**

**Delhi High Court: Tyres manufacturer 'bridgestone' gets damages over trademark infringement by Indian firm**

*Bridgestone Corporation Vs. M/S. Merlin Rubber, Dated: 25.03.2025, (MANU/DE/1900/2025)*

The **Delhi High Court** has awarded Rs. 34.41 lakh compensation to automobile tyres manufacturer Bridgestone Corporation for its trademark infringement by Indian firm for manufacturing tyres and tubes for automobiles under 'Brimestone' mark.

## **GOODS AND SERVICE TAX**

**Karnataka High Court: Purchaser of residential property must pay GST if property is booked before construction is finished**

*Sri. B G Parameshwara Vs. Bengaluru Development Authority & Ors., Dated: 25.03.2025, (MANU/KA/1124/2025)*

The **Karnataka High Court** has observed that if a residential property is booked before construction is completed, and the payment (either partial or full) is made before the issuance of the completion certificate, it qualifies as a supply of services, making the purchaser liable to pay the service tax.

## **MOTOR VEHICLE**

**Supreme Court:** Simply having learner's license does not automatically prove contributory negligence

Srikrishna Kanta Singh Vs. The Oriental Insurance Company Ltd. & Ors., Dated: 25.03.2025, (MANU/SC/0385/2025; 2025 INSC 394)

The **Supreme Court** has observed that “Having found the trailer to be driven rashly and negligently, we do not think that the mere fact that the driver of the scooter had only a learners licence would necessarily lead to a conclusion of contributory negligence on the part of the scooter driver”.

**Andhra Pradesh High Court:** Daughter can claim compensation for her father's death in motor accident, regardless of her marital status

The United India Insurance Co Ltd. & Ors. Vs. Karu Nukamma and Ors., Dated: 25.03.2025, (MANU/AP/0439/2025)

The **Andhra Pradesh High Court** has observed that “Eligibility to claim is one thing and as to how much is to be granted towards loss of dependency is another aspect. Every heir may not be dependent. Non-heirs may also be dependent. Simply because a daughter is married does not completely cease to be dependent. To what extent she is dependent on her father is a matter of fact and it is that fact which is required to be pleaded and proved and considered in such claims”.

## **LAND ACQUISITION**

**Supreme Court:** Larger areas do not receive same price as smaller plots, and some deduction is permissible due to their size

Manilal Shamalbhai Patel (Deceased) Through His Legal Heirs & Ors. Vs. Officer On Special Duty (Land Acquisition) & Anr., Dated: 25.03.2025, (MANU/SC/0388/2025; 2025 INSC 393)

The **Supreme Court** has observed that “It is also a settled principle of law that large areas do not attract the same price as is offered for the small plots of lands. Therefore, some amount of deduction is also normally permissible on account of largeness in area. Thus, deduction of at least 10% has to be applied to determine the rate of compensation”.

## **FAMILY**

**Madhya Pradesh High Court:** Hindu Marriage Act applies to Jain community for divorce

X Vs. Y, Dated: 24.03.2025, (MANU/MP/0757/2025; 2025:MPHC-IND:7735)

The **Madhya Pradesh High Court**, while overturning a Family Court order, clarified that despite the Jain community being recognized as a minority under a central government notification, it would be governed by the provisions of the Hindu Marriage Act, given the similarity in marriage rituals.



## **SERVICE**

### **Supreme Court: Government employee transferred upon request cannot claim their existing seniority in new position**

*The Secretary to Government Department of Health & Family Welfare & Anr. Vs. K.C. Devaki, Dated: 25.03.2025, (MANU/SC/0391/2025; 2025 INSC 389)*

The **Supreme Court** has observed that “If a government employee holding a particular post is transferred on public interest, he carries with him his existing status including seniority to the transferred post. However, if an officer is transferred at his own request, such a transferred employee will have to be accommodated in the transferred post, subject to the claims and status of the other employees at the transferred place, as their interests cannot be varied without there being any public interest in the transfer”.

# Notification Updates



## **Ministry of Commerce & Industry**

### **Press Information Bureau, Dated: 25.03.2025, MANU/PIBU/0282/2025**

The government has implemented various measures to enhance export capabilities and trade competitiveness, including a new Foreign Trade Policy, establishment of Export Facilitation Centres, and several schemes like RoDTEP and RoSCTL. Initiatives also include digital platforms for trade facilitation, district-level export hubs, and active international trade promotion through Indian missions abroad.

### **Press Information Bureau, Dated: 25.03.2025, MANU/PIBU/0283/2025**

The Boilers Bill, 2024, introduced in Lok Sabha, aims to replace the century-old Boilers Act, 1923, by decriminalizing certain offences and removing obsolete provisions to enhance the Ease of Doing Business. It prioritizes worker safety and modernizes the legal framework to meet current industry needs.

## **Ministry of Communications**

### **Notification No.: SO1339(E), Dated: 24.03.2025, MANU/MCOM/0015/2025**

The Central Government has designated the 'Telecom e-Services Portal' and the CBuD Mobile App as the official portal for the Telecommunications (Right of Way) Rules 2024.

## **Ministry of Consumer Affairs, Food & Public Distribution**

### **Press Information Bureau, Dated: 25.03.2025, MANU/PIBU/0288/2025**

The Consumer Protection Act, 2019, aims to safeguard consumer rights through various provisions, including the establishment of the Central Consumer Protection Authority (CCPA) and the National Consumer Helpline. The Act addresses issues like misleading advertisements, unfair trade practices, and consumer grievances, with recent actions including penalties on coaching institutes and securing refunds for students. The Department of Consumer Affairs also focuses on modernizing consumer protection in the context of globalization and e-commerce.

## **Ministry of Chemicals and Fertilizers**

### **Press Information Bureau, Dated: 25.03.2025, MANU/PIBU/0290/2025**

The Scheme for Promotion of Research and Innovation in the Pharma Medtech sector aims to enhance R&D, particularly in AI and machine learning, with training provided by NIPER. The Department of Pharmaceuticals and Biotechnology supports AI-based research in healthcare and agriculture, and a pilot project is underway for a blockchain-based track-and-trace system.

## **Ministry of Environment, Forest and Climate Change**

**Press Information Bureau, Dated: 24.03.2025, MANU/PIBU/0277/2025**

The CAQM Sub-Committee has activated Stage-I of the Graded Response Action Plan (GRAP) in the NCR due to Delhi's air quality reaching the 'Poor' category with an AQI of 206. A 27-point action plan has been implemented to address pollution, involving measures like dust control, waste management, and vehicle emissions regulation. Citizens are urged to cooperate by following guidelines such as maintaining vehicles and reporting pollution activities.

## **Insurance Regulatory and Development Authority**

**Circular No.: IRDAI/GA&HR/CIR/MISC/49/03/2025, Dated: 24.03.2025, MANU/IRDA/0014/2025**

The circular emphasizes the importance of cyber incident preparedness for organizations, highlighting the need to adhere to IRDAI guidelines for reporting and managing cyber incidents. It outlines specific policies for monitoring, logging, and maintaining cyber resilience, and stresses the importance of having pre-empaneled forensic auditors to ensure swift response to cyber incidents.

## **Ministry of Finance**

**Circular No. : 08/2025-Customs, Dated: 24.03.2025, MANU/CUCR/0008/2025**

The document clarifies the scope of camera modules used in manufacturing cellular mobile phones, emphasizing that the camera module is a combination of various parts and should be classified based on its essential character. It specifies that when imported as a complete assembly, camera modules attract a concessional basic customs duty rate, while individual components do not.

**Notification No. : 05/11/2024-DP-DFS, Dated: 21.03.2025, MANU/FNSV/0003/2025**

The **government** has introduced an incentive scheme to promote low-value BHIM-UPI transactions (Person to Merchant) for the financial year 2024-25, with an estimated outlay of INR. 1,500 Crore. The scheme aims to benefit small merchants and common citizens by providing incentives for transactions up to INR. 2,000, enhancing digital payment adoption. The scheme will be implemented from April 1, 2024, to March 31, 2025, with specific conditions for disbursement of claims to banks.

## **Reserve Bank of India**

**Notification No. : DoR.AUT.REC.71/23.67.001/2024-2025, RBI/2024-2025/132, Dated: 25.03.2025, MANU/RMIC/0033/2025**

The **Government of India** has decided to discontinue the Medium Term and Long Term Government Deposit components of the Gold Monetization Scheme (GMS) effective March 26, 2025. Designated banks may offer Short Term Bank Deposits under GMS, while existing MLTGD will continue until redemption. The Reserve Bank of India has amended the Master Direction on GMS to reflect these changes.

**Circular No.:** DCM (CC) No. S3811/03.51.001/2024-2025, RBI/2024-2025/129,  
**Dated:** 24.03.2025, MANU/RDCM/0001/2025

The **Reserve Bank of India** has instructed all banks with Currency Chests to remain open on March 31, 2025, despite it being a public holiday, to ensure government transactions are accounted for in the fiscal year 2024-25.

### **Ministry of Ports, Shipping and Waterways**

**Press Information Bureau, Dated:** 25.03.2025, MANU/PIBU/0285/2025

**India and Singapore** signed a Letter of Intent to collaborate on green shipping and digital corridor initiatives, aiming to modernize maritime operations and promote sustainability. The partnership will leverage India's IT and green fuel capabilities and Singapore's maritime expertise to enhance low-emission technologies and digital integration. Additionally, India seeks Dutch expertise to improve its inland waterways, particularly in the Brahmaputra and Barak rivers.

### **Ministry of Textiles**

**Press Information Bureau, Dated:** 27.03.2025, MANU/PIBU/0296/2025

The **government** has extended the deadline for submitting data for the review of the Rebate of States and Central Taxes and Levies (RoSCTL) rate on garment and made-up exports to April 15, 2025. This extension allows exporters and industry members more time to submit necessary data for the review process.

### **Ministry of Women and Child Development**

**Press Information Bureau, Dated:** 26.03.2025, MANU/PIBU/0291/2025

The **Centre** has directed states and transport ministries to establish feeding and changing rooms for women and children in public places. The Ministry of Women and Child Development is also promoting gender-friendly spaces and has approved numerous Anganwadi cum Creches to provide free childcare services across various states and UTs

### **Securities and Exchange Board of India**

**Circular No. :** SEBI/HO/IMD/IMD-PoD-1/P/CIR/2025/36, **Dated:** 21.03.2025,  
**MANU/SMFD/0006/2025**

The **Securities and Exchange Board of India** has amended regulations to facilitate ease of doing business for Mutual Funds by aligning the interests of Asset Management Company (AMC) employees with unitholders. The amendments include mandatory investment of a percentage of employees' compensation in mutual fund units, with specific provisions for different employee categories and investment schemes. These changes aim to protect investor interests and promote market development.



**Circular No. : SEBI/HO/CFD/CFD-PoD-2/P/CIR/2025/37, Dated: 21.03.2025,  
MANU/SMIS/0021/2025**

The **Securities and Exchange Board of India** has issued a circular requiring listed entities to adhere to industry standards for providing information for audit committee and shareholder review of related party transactions, with the effective date extended to July 1, 2025. The Industry Standards Forum will consider feedback for simplification and release updated standards accordingly.

# News



## Civil

**28.03.2025**

The **Central government** announced the transfer of Delhi High Court Justice Yashwant Varma back to his home court, the Allahabad High Court.

**26.03.2025**

The **Supreme Court** issued several directives to state governments to ensure the effective enforcement of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (DMR Act), which bans the publication of deceptive advertisements related to medical treatments.

The **Delhi High Court** declined to entertain a public interest litigation against singer Honey Singh's latest song "Maniac," which was accused of depicting women as "sexual objects" and using offensive language.

The **Delhi High Court** issued a notice to the Food Safety and Standards Authority of India (FSSAI) regarding a petition filed by Dabur, challenging the authority's notification that bans food business operators (FBOs) from using the "100% Fruit Juice" claim on labels and advertisements of reconstituted fruit juices.

The Maharashtra Government informed the **Bombay High Court** that it has established rules under the Maharashtra Police Act to govern public gatherings, morchas, and agitations.

The **Jammu and Kashmir and Ladakh High Court** has released a notification implementing the Standard Operating Procedures (SOPs) set by the Supreme Court of India concerning the personal appearance of government officials in court proceedings.

**25.03.2025**

The **Bombay High Court** recently directed Maharashtra's Transport Commissioner to determine whether the 'open licensing policy' for autorickshaws and taxis, which has been challenged by an autorickshaw union, should be halted to restrict the number of autos and taxis in the state.

**24.03.2025**

The **Supreme Court** has directed all the district bar associations in the entire state of Karnataka to earmark the post of Treasurer and reserve 30% post of Councilors/members of Executive Committee exclusively for women candidates.

## Criminal

**28.03.2025**

The CBI informed the **Calcutta High Court** that the RG Kar incident was not a gang rape and that they are investigating a possible cover-up. Meanwhile, the state has raised concerns about the reopening of a concluded investigation.

**26.03.2025**

The **Supreme Court** put a hold on the controversial ruling by the Allahabad High Court, which had stated that groping a minor girl's breasts, breaking the string of her pyjama, and attempting to drag her under a culvert would not qualify as an attempt to rape. The High Court had instead noted that these actions would, at first glance, fall under the offence of 'aggravated sexual assault' under the POCSO Act, which carries a lighter punishment.

**25.03.2025**

A **court in Bandra, Mumbai**, has granted bail to 12 men, reportedly members of Shiv Sena, who were arrested for vandalizing a comedy club where Kunal Kamra performed on March 23rd.

The **Kerala High Court** has raised concerns about the lack of legal provisions to effectively tackle cyberbullying and online harassment, noting that the current legal framework is insufficient in addressing abusive remarks or derogatory content directed at others.

## Competition

**25.03.2025**

In response to a question in the Lok Sabha, the **Union Ministry of Corporate Affairs** revealed that the Competition Commission of India (CCI) has examined 35 cartelization cases in the last five years.

## Constitution

**26.03.2025**

The **Supreme Court** has issued notice on the issue of whether the grounds for amendment to the Maharashtra Cooperative Societies Act, 1960 with regard to reducing the number of Directors in a Co-operative Society from 36 to 21 is legally sustainable.

## Consumer

**28.03.2025**

The **Delhi High Court** confirmed the 2022 guidelines issued by the Central Consumer Protection Authority (CCPA), which state that hotels and restaurants should not automatically or by default include a service charge on food bills.

## Direct Taxation

**26.03.2025**

The **Ministry of Finance** has informed that Income Tax officials cannot access the personal emails and bank accounts of all the assesses. However, there are provisions allowing access of the computer systems of the assesses that are not cooperating.

## Property

**28.03.2025**

In a notable step to simplify property transfers within families, the **Jammu and Kashmir government** has issued a notification waiving stamp duty on property transfers made through gift deeds among blood relatives.

## Environment

**26.03.2025**

The **Supreme Court** while hearing a case on the issue of enhancing the green cover of Delhi, has observed that endeavour should be to achieve a target of 33% or even more than that of tree/forest cover.

## Family

**26.03.2025**

The **Supreme Court** while hearing a plea relating to ease the procedure for inter-country adoption, has directed the Central Adoption Resource Authority (CARA) to issue a No Objection Certificate in four weeks to steadfast the adoption process.

The **Telangana High Court** ruled that cohabitation based on deception, without a verified customary divorce from the first wife, constitutes rape.

**24.03.2025**

The **Kerala High Court** has recently affirmed a divorce granted to a woman who stated that her husband neglected sexual relations and family responsibilities, instead devoting himself obsessively to spiritual pursuits like frequent temple visits.



## Goods and Service Tax

**24.03.2025**

The **Supreme Court** has appointed an Amicus Curiae and issued a notice to the CBIC to consider if GST Act timelines can be relaxed for bona fide errors.

## Intellectual Property Rights

**26.03.2025**

The **Delhi High Court** will hear Tesla's trademark plea against an Indian firm following the failure of mediation.

Osho Friends International, an organization of followers of philosopher Osho, approached the **Delhi High Court** seeking to prevent the registration of trademarks using the name 'Osho.'

**25.03.2025**

The **Delhi High Court** recently provided relief to fintech company "BharatPe," restraining the use of the "Bharatpay" mark and its domain name associated with utility bill payments, data recharge services, insurance, and financial services.

## Media & Entertainment

**27.03.2025**

The **Delhi High Court** has granted a dynamic injunction in favor of Applause Entertainment Private Limited, restraining several unauthorized websites from illegally streaming and making the "Undekhi" series, which premiered on the digital platform 'SonyLIV', available to the public.



# International Updates

## **Capital Market**

### **Federal Court imposes \$10.5 million penalty on LGSS Pty Ltd for greenwashing**

The Federal Court of Australia has imposed a penalty of ten point five million dollars on LGSS Proprietary Limited, the trustee of Active Super, for misleading environmental, social, and governance claims. This marks the third penalty in twelve months for greenwashing, following previous penalties of eleven point three million dollars and twelve point nine million dollars against Mercer Superannuation Australia Limited and Vanguard Investments Australia Limited. The Australian Securities and Investments Commission has reiterated that greenwashing remains a key enforcement priority, with both the Australian Securities and Investments Commission and the Australian Competition and Consumer Commission including it in their regulatory focus for the year. Additionally, the introduction of mandatory climate-related financial disclosures has increased scrutiny on companies making environmental claims.

### **New derivatives trade reporting rules bring significant changes**

The Australian Securities and Investments Commission Derivative Transaction Rules (Reporting) 2024 came into effect on twenty-first October two thousand and twenty-four, replacing the previous reporting framework. The updated rules introduce changes in reporting methodology, content, and format to align with international trade reporting standards. The Australian Securities and Investments Commission acknowledged the overhaul's complexity and initially adopted a measured approach to compliance until first March two thousand and twenty-five. Now that the transitional period has ended, regulatory enforcement is expected to intensify for entities failing to meet the new requirements.

### **Financial Accountability Regime expands to insurance and superannuation entities**

The Financial Accountability Regime, which previously applied only to authorized deposit-taking institutions, has been extended as of fifteenth March two thousand and twenty-five to cover insurance entities, licensed non-operating holding companies, and superannuation entities. Under the revised framework, these entities and their executives, referred to as Accountable Persons, must maintain compliance with regulatory requirements and engage with both the Australian Prudential Regulation Authority and the Australian Securities and Investments Commission in an open and cooperative manner. The expansion significantly increases accountability within the financial sector, reinforcing governance and transparency obligations.

## **Company and Commercial**

### **Court decisions clarify whistleblower protections under Corporations Act 2001**

Two recent Federal Court judgments, *Mount v Dover Castle Metals Proprietary Limited* [2025] Federal Court of Australia 101 and *Reiche v Neometals Limited (No 2)* [2025] Federal Court of Australia 125, have provided important legal guidance on whistleblower protections under the Corporations Act 2001. The cases examined the extent to which whistleblowers are protected from adverse actions following disclosures, reinforcing the necessity of maintaining robust records and implementing independent decision-making processes regarding whistleblower complaints. These decisions mark a significant development in whistleblower jurisprudence, as few cases have previously progressed to final adjudication.

## **Compliance Management**

### **Federal Budget proposes ban on non-compete clauses in employment contracts**

The Federal Budget for the financial year two thousand and twenty-five to two thousand and twenty-six includes a proposal to prohibit non-compete clauses in employment contracts. Non-compete clauses typically restrict employees from working for or establishing competing businesses for a defined period post-employment. The proposed amendments to the Fair Work Act 2009 would apply to employees earning below the high-income threshold, currently set at one hundred seventy-five thousand dollars per annum. If implemented, the ban could require businesses to explore alternative strategies for protecting their commercial interests, particularly for employees who derive significant income from commissions and incentives.

## **Corporate Finance**

### **Louis Dreyfus prevails in takeover battle for Namoi Cotton**

The intense competition between Louis Dreyfus and Olam Agri for control of Namoi Cotton, Australia's largest cotton ginning company, highlighted key aspects of contested mergers and acquisitions. The outcome demonstrated that the highest bid is not always decisive, as the conditionality of offers and regulatory approvals played a significant role. Additionally, independent expert opinions, while influential, do not override the board's ultimate authority in determining the best offer for shareholders. The case underscores the importance of strategic regulatory timing and the role of shareholder sentiment in competitive acquisition scenarios.

### **Foreign investment and regulatory uncertainty in Australia**

As geopolitical and economic considerations increasingly intersect, foreign direct investment frameworks are tightening globally, including in Australia. Despite claims of being open to foreign investment, regulatory scrutiny has intensified, particularly through the Foreign Investment Review Board. Companies and investors must strategically assess risks and anticipate broad regulatory conditions when pursuing foreign acquisitions. The use of financial mechanisms such as reverse break fees and ticking fees has become more prevalent to address delays or denials of regulatory approvals. Early engagement with Australia's foreign investment policies is now crucial for deal success.

## **Employee Benefits & Pensions**

### **Australian Treasury proposes second phase of financial advice reforms**

The Australian Treasury has released draft legislation for the second phase of financial advice reforms as part of the government's initiative to enhance consumer access to financial guidance. A key proposal includes replacing the Statement of Advice with a Client Advice Record, a more user-friendly and technologically adaptable document. The new approach aims to simplify compliance requirements, reduce costs for financial advisors, and ensure that clients receive clear and relevant information to make informed financial decisions. The proposed changes align with recommendations from the Quality of Advice Review and seek to modernize financial advisory services in Australia.

## **Energy & Natural Resources**

### **High Court of Australia rules in favor of compensation for Gumatj Clan**

In *Commonwealth of Australia v Yunupingu* [2025] HCA 6, the High Court of Australia upheld the Full Federal Court's decision that various legislative acts and land grants by the Commonwealth had extinguished the Gumatj Clan's non-exclusive native title rights, necessitating compensation. The court affirmed that such actions constituted an acquisition of property under Section 51(xxxi) of the Constitution and must be carried out on just terms. This landmark ruling could lead to further compensation claims by Indigenous groups for land appropriations that occurred before the enactment of the Racial Discrimination Act 1975.

## **Healthcare & Life Sciences**

### **Australian Government announces major healthcare funding in federal budget**

The Australian Government has allocated substantial funding in the 2025-26 Federal Budget to improve access to healthcare, with a focus on Medicare, prescription drug affordability, and women's health services. The funding includes provisions to reduce the cost of medicines under the Pharmaceutical Benefits Scheme and expand bulk billing services. While the opposition supports some measures, it has not yet committed to backing the proposed establishment of fifty new Medicare Urgent Care Clinics. These healthcare initiatives are expected to be a focal point in the upcoming federal election, scheduled for May 2025.

## **Information Technology & Data Protection**

### **Queensland introduces significant privacy law reforms**

Queensland's privacy law reforms, set to take effect on July 1, 2025, will introduce changes to the Right to Information Act 2009, affecting government transparency and disclosure policies. The amendments will refine procedural aspects of internal and external reviews and enhance requirements for public disclosures by government agencies. Agencies will need to update their publication schemes and disclosure logs to comply with the new regulations. With increased scrutiny over data accessibility and retention, government entities must ensure robust documentation processes to address any future legal challenges regarding the sufficiency of their search efforts.



## **Company & Commercial**

### **United States Corporate Transparency Act narrows reporting obligations, but some Canadian businesses remain affected**

The Corporate Transparency Act of the United States aims to combat financial crimes by mandating businesses to disclose beneficial ownership details to the Financial Crimes Enforcement Network. On March 21, 2025, an interim final rule was issued, exempting United States entities and individuals from such reporting obligations. However, corporations, limited liability companies, and other entities formed under foreign laws but registered to do business in any United States state or tribal jurisdiction will still be required to comply. As a result, Canadian businesses with such registrations may continue to be affected by the reporting requirements.

### **Ontario court declares corporation and its director vexatious litigants**

In the case of Lenczner Slaght LLP v. Glycobiosciences Incorporated, 2025 ONSC 829, the Ontario Superior Court of Justice declared both the corporation and its director as vexatious litigants. The law firm Lenczner Slaght sought relief under Section 140 of the Courts of Justice Act due to the excessive litigation history of Glycobiosciences Incorporated and its director, Kevin Drizen. Since 2017, Drizen has initiated at least 32 legal proceedings, none of which progressed to a final hearing. The court ruled in favor of the application, barring Glycobiosciences Incorporated from commencing new proceedings in Ontario without prior judicial approval.

## **Insurance**

### **Regulatory commission in New Brunswick proposes changes to insurance licensing framework**

The Financial and Consumer Services Commission of New Brunswick has proposed amendments to Rule INS-001, which governs insurance intermediary licensing and obligations. The proposed changes include expanding the scope of general insurance agents, allowing Level 1 agents to offer commercial insurance under supervision, and modifying the oversight requirements for Level 2 agents. Additionally, the amendments aim to simplify licensing requirements for travel insurance distributors and enhance the mobility of licensed individuals. The public has until April 18, 2025, to submit feedback on the proposed revisions.

## **Information Technology & Data Protection**

### **Alberta advances privacy law reforms amid federal legislative stagnation**

Efforts to modernize federal privacy laws in Canada suffered a setback when Bill C-27 failed to pass due to the prorogation of Parliament in January 2025. Meanwhile, the province of Alberta has continued to push forward with updates to its Personal Information Protection Act. A final report from the Standing Committee on Resource Stewardship includes recommendations such as implementing specific rules on the handling of minors' personal data and granting the Information and Privacy Commissioner authority to impose administrative penalties on organizations. These updates aim to align Alberta's privacy regulations with international standards while ensuring compatibility with future federal legislation.

## Company & Commercial

### **Shanghai SAFE revises policy on amendments for company approvals**

The Shanghai branch of the State Administration of Foreign Exchange (SAFE) has introduced new guidelines clarifying which changes to a company's SAFE approval require an amendment application. Under the updated policy, only changes related to the name of participating entities, adjustments to employee lists, and the removal of entities in China—except in cases of mergers or spin-offs—are considered immaterial and do not require an immediate amendment. All other modifications to the terms of a company's SAFE approval are classified as material and must be reported within three months of taking effect. The amendment application must include a letter explaining the changes along with supporting documentation.

## Designs & Trade Secrets

### **China strengthens regulations on foreign-related intellectual property disputes**

The State Council of China has passed the Regulations of the State Council on the Handling of Foreign-Related Intellectual Property Disputes to provide a structured approach to managing intellectual property disputes involving foreign entities. The new regulations empower the Ministry of Commerce and intellectual property management departments overseeing trademarks, patents, and copyrights to offer guidance to Chinese enterprises facing intellectual property challenges abroad. These measures aim to counter foreign actions that use intellectual property disputes as a tool for restricting Chinese businesses.

## Energy & Natural Resources

### **United States and Canada take steps to reduce reliance on Chinese rare earth minerals**

In an effort to secure a stable supply of critical minerals, former United States President Donald Trump invoked the Defense Production Act to promote domestic production of rare earth elements. An executive order has been signed to facilitate financing, loans, and investments aimed at reducing reliance on China, which currently dominates the global rare earth minerals market. These minerals are essential for advanced technologies, including semiconductors, batteries, and defense systems. The United States and Canada are particularly concerned about heavy rare earth elements, which are almost exclusively sourced from ion-adsorption clay deposits in southern China.

## IT & Data Protection

### **China enhances regulatory framework for artificial intelligence compliance**

With the rapid expansion of artificial intelligence applications, China has implemented a comprehensive governance framework to regulate deep synthesis technology, which is widely used in media production and digital services. The Cyberspace Administration of China, the Ministry of Industry and Information Technology, and the Ministry of Public Security have jointly issued the Administrative Provisions on Deep Synthesis of Internet Information Services. These provisions aim to address potential legal and ethical concerns associated with artificial intelligence-generated content, including the use of deep synthesis technology to create realistic digital representations of deceased individuals.

## Banking

### **Securities and Futures Commission unveils roadmap for virtual asset market regulation**

The Securities and Futures Commission of Hong Kong has introduced a regulatory roadmap titled “‘A-S-P-I-Re’ Roadmap for a Resilient Virtual Asset Ecosystem” to enhance oversight of the virtual asset sector. The roadmap focuses on five key areas: access, safeguards, products, infrastructure, and relationships. It includes regulatory initiatives such as the establishment of licensing frameworks for over-the-counter virtual asset trading and custodian services, as well as specialized regulations for professional investors and financial influencers. In line with this strategy, the Financial Secretary of Hong Kong announced in the 2025–2026 Budget Speech that consultations on these licensing regimes will take place in 2025. The government also plans to issue a second policy statement on virtual asset development to reinforce investor protection and market stability.

## Insolvency & Restructuring

### **Hong Kong insolvency court stresses urgency in prosecuting winding-up petitions**

The Hong Kong Court of First Instance, in *Re China Chuangyu International Investment (HK) Limited [2025] HKCFI 869*, dismissed a winding-up petition against China Chuangyu International Investment (HK) Limited due to the petitioner’s failure to actively prosecute the case. The petitioner, Takson Sportswear Limited, had initiated proceedings but failed to comply with procedural requirements under the Companies (Winding-up) Rules (Cap. 32H) for eight months. The court reprimanded the petitioner for delaying the process and reiterated that winding-up petitions are severe legal actions requiring timely prosecution. It further warned that failure to answer requisitions, obtain a registrar’s certificate within three months, or attend hearings may result in dismissal without prior notice, along with additional costs.

## IT & Data Protection

### **Hong Kong enacts its first cybersecurity law to protect critical infrastructure**

On March 19, 2025, the Legislative Council of Hong Kong passed the Protection of Critical Infrastructures (Computer Systems) Bill, which aims to strengthen cybersecurity measures and mitigate risks affecting essential services. The legislation, which will come into effect on January 1, 2026, imposes stringent obligations on operators of critical infrastructure, requiring them to establish a cybersecurity management unit and maintain a registered office in Hong Kong. The law is intended to ensure the resilience of key sectors against cyber threats and to minimize disruptions caused by cyber incidents.

## **Competition & Antitrust**

### **Indonesia Competition Commission grants first-ever antitrust approval for business cooperation**

The Indonesia Competition Commission (Komisi Pengawas Persaingan Usaha) has, for the first time, approved a non-merger business cooperation agreement, marking a significant development in competition law. The approval, granted on February 27, 2025, pertains to a partnership between PT Garuda Indonesia (Persero) Tbk and Japan Airlines, covering joint flight services, network expansion, and loyalty programs. While the approval follows the Antitrust Immunity granted by the Japanese government, the commission has stated that it retains the authority to investigate any potential anti-competitive behavior that may arise from the agreement.

## **Compliance Management**

### **Indonesia introduces religious festivities bonus for online drivers and couriers**

On March 15, 2025, the Ministry of Manpower issued Circular Letter No. M/3/HK.04/III/2025, encouraging digital platform companies to provide a Religious Festivities Bonus (Bonus Hari Raya Keagamaan) to online drivers and couriers. Unlike the legally mandated Religious Festivity Allowance, this bonus is voluntary and intended as a corporate social responsibility initiative. The bonus amount varies, with high-performing drivers receiving up to 20 percent of their average net monthly earnings from the past year, while others receive an amount based on the financial capacity of the service provider. Payment must be made at least seven days before Idul Fitri 1446 Hijri.

## **Energy & Natural Resources**

### **Indonesia issues new regulation to advance carbon capture and storage initiatives**

The Ministry of Energy and Mineral Resources of Indonesia has introduced Ministerial Regulation No. 16 of 2024, providing a framework for Carbon Capture and Storage activities in the country. This regulation implements Presidential Regulation No. 14 of 2024 and outlines licensing procedures for carbon storage sites, exploration, and operational permits. The move underscores Indonesia's commitment to achieving Net Zero Emissions by 2060 and aims to attract investment in sustainable carbon storage technology. While the regulation focuses on storage, it does not yet address Carbon Capture Utilization and Storage initiatives.

# JAPAN

## Construction

### **Japan adopts lean scheduling approach to mitigate construction delays**

Construction delays remain a persistent challenge in Japan, often leading to financial risks, extended project timelines, and legal disputes. A study of 812 delayed projects reveals that time extensions average 66 percent of the original schedule, with cost overruns reaching 28.2 percent of capital expenditure. Notably, buildings, transportation infrastructure, and utility projects face the most significant delays. Industry experts suggest integrating lean construction principles with traditional scheduling techniques to improve project coordination, mitigate delays, and enhance risk management, particularly in projects using the design-bid-build model.

# PHILIPPINES

## IT & Data Protection

### **Philippines issues joint advisory on privacy-enhancing technologies in insurance**

On March 11, 2025, the National Privacy Commission and the Insurance Commission of the Philippines released Joint Advisory No. 2025-001, outlining considerations for using Privacy-Enhancing Technologies in the insurance sector. These technologies aim to safeguard personal data while enabling efficient data processing for insurers, brokers, and other regulated entities. The advisory encourages the adoption of digital security measures that protect data confidentiality, integrity, and accessibility. It highlights the need for compliance with existing data privacy laws while fostering innovation in the industry.

# THAILAND

## Company & Commercial

### **Thailand to implement mandatory electronic corporate registration system from July 2025**

Starting from July 1, 2025, the Department of Business Development under the Ministry of Commerce will only accept corporate registration applications for private limited companies through its newly launched electronic system, DBD Biz Regist. Physical paper-based applications will no longer be permitted. Authorized directors will have the flexibility to sign registration documents either using wet-ink signatures or through designated electronic applications such as DBD e-Service and ThaiD. The registration process may require additional documents, including identity verification details of existing directors, as part of the data updating initiative. While companies can submit applications online, the registration approval process may take more than one day to complete.

## **Information Technology & Data Protection**

### **Small and medium enterprises in Thailand exempted from maintaining processing activity records under privacy law**

The Personal Data Protection Act of Thailand, enacted in 2019 and effective from June 1, 2022, requires all data controllers and data processors to maintain detailed records of processing activities. Failure to comply may result in substantial administrative fines. However, in January 2025, the Personal Data Protection Commission issued two notifications granting exemptions to small and medium enterprises from this obligation. Despite this exemption, such enterprises must still document any instances where they reject or object to requests made by individuals exercising their rights under the Personal Data Protection Act. These records must remain accessible for review by regulatory authorities.

## **Energy & Natural Resources**

### **Vietnam updates power development plan to include additional solar projects**

On March 5, 2025, the Ministry of Industry and Trade of Vietnam issued Decision Number 618/QD-BCT, integrating 142 commercially operational solar power projects into the National Power Development Master Plan. This decision follows a government resolution from December 2024, which sought to address concerns raised in a government report questioning the legal basis of 154 previously included solar projects. The newly approved projects have a combined capacity of approximately 9,500 megawatts and will undergo further investment approval and feasibility studies before final implementation. The objective of this update is to prevent resource wastage and restore investor confidence in Vietnam's renewable energy sector.

**USA** 

## **Banking**

### **Financial Conduct Authority unveils five-year strategy and regulatory review outcomes**

On March 25, 2025, the Financial Conduct Authority released its five-year strategy alongside the results of its review of retail conduct regulations under the Consumer Duty framework. These documents reflect the Financial Conduct Authority's focus on balancing regulatory reduction, fostering innovation, and ensuring consumer protection. The strategy primarily sets out long-term objectives without detailing specific policy measures or announcing substantial regulatory changes. Financial Conduct Authority Chief Executive Nikhil Rathi emphasized a shift towards fewer large-scale reforms, aiming instead for a more stable and predictable regulatory landscape.



## **Supreme Court expands the definition of 'claims' under the False Claims Act**

On February 21, 2025, the Supreme Court of the United States delivered a unanimous ruling in *Wisconsin Bell, Inc. v. United States ex rel. Heath*, broadening the scope of liability under the False Claims Act. The court held that liability can extend to funds administered by private entities if any portion of the funding originates from the federal government. The case involved allegations against Wisconsin Bell, a subsidiary of AT&T, which was accused of overcharging educational institutions under the E-Rate program managed by the Federal Communications Commission. The Supreme Court's decision upholds lower court rulings that deemed the company's reimbursement requests as actionable claims under the False Claims Act.

## **Office of Financial Sanctions Implementation highlights key compliance risks in financial services**

On February 13, 2025, the Office of Financial Sanctions Implementation published an assessment of suspected breaches of financial sanctions by financial services firms since February 2022. The report identifies major compliance risks, including the improper maintenance of frozen assets, transactions involving Russian-designated persons, and the role of intermediary countries in circumventing sanctions. The Office of Financial Sanctions Implementation has urged financial institutions to strengthen compliance frameworks, particularly by reviewing policies that may lead to inadvertent breaches, such as automatic renewals of contracts tied to sanctioned entities.

## **Securities and Exchange Commission eases advertising restrictions for private capital fundraising**

On March 12, 2025, the United States Securities and Exchange Commission staff issued a no-action letter that simplifies the process for private fund sponsors to rely on Rule 506(c) under the Securities Act of 1933. Rule 506(c) permits issuers to engage in general solicitation for private offerings, provided they verify investors' accredited status. However, due to burdensome verification requirements, the rule has been underutilized. The recent guidance introduces streamlined verification methods, potentially increasing the adoption of Rule 506(c) and expanding access to capital markets for private fund sponsors.

## **Securities and Exchange Commission expedites approval process for certain Form S-3 registrations**

On March 20, 2025, the Securities and Exchange Commission issued new guidance allowing issuers who are not well-known seasoned issuers to have their Form S-3 registration statements declared effective before filing their proxy statements containing Part III information from their Annual Report on Form 10-K. This marks a shift from previous guidance, in place since 1997, that required issuers to file their proxy statements before Form S-3 approval. The updated approach aims to accelerate the registration process, enabling issuers to access capital markets more efficiently during the period between the filing of their Form 10-K and their proxy statement.

## **FinCEN's interim rule on corporate transparency act aims to reduce regulatory burdens on small businesses**

On March 21, 2025, the Financial Crimes Enforcement Network issued an interim final rule eliminating the beneficial ownership information reporting requirements under the Corporate Transparency Act for all United States entities and beneficial owners who are United States persons. FinCEN indicated that the decision to narrow the scope of reporting obligations is intended to alleviate the regulatory burden on small businesses. The new rule exempts all domestic entities from reporting obligations, and foreign entities only need to report non-United States beneficial owners. Despite this relaxation, foreign entities registered to do business in the United States after January 1, 2024, must still provide information about their company applicant.

## **Energy And Natural Resources**

### **Federal Energy Regulatory Commission accepts Southwest Power Pool's tariff revisions to address transmission congestion rights market risks**

On March 20, 2025, the Federal Energy Regulatory Commission approved tariff revisions proposed by the Southwest Power Pool to introduce a mark-to-auction collateral requirement for its Transmission Congestion Rights market. This measure is intended to mitigate financial risks arising from the declining value of transmission congestion rights held by market participants. The revisions follow a show cause order issued by the Federal Energy Regulatory Commission in 2022, which questioned the adequacy of credit risk management practices in several regional transmission organizations. Although the commission approved the tariff changes, it declined to terminate the ongoing show cause proceeding, stating that the proposed revisions did not fully resolve their concerns regarding credit risk management in the market.

# Trending in News



## Digital Dilemmas: Kerala High Court's Clarion Call for Cyberbullying Legislation



In **Fakrudeen KV v State of Kerala & anr** (MANU/KE/0917/2025, 2025:KER:24735), the Kerala High Court addressed the issue of online defamation in a straightforward application of existing law. In this case, the appellant, a YouTuber, was accused of uploading an edited video that defamed a Scheduled Caste woman by portraying her in a derogatory manner. The defense contended that, because the video did not explicitly mention caste, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 should not apply. However, the Court rejected this argument.

The Court noted that the video, viewed by over one lakh persons, contained content designed to humiliate and defame the complainant. Despite the absence of a direct caste reference, the overall derogatory portrayal—depicting the complainant as a woman of questionable morality was held to be sufficient to establish an offence under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Consequently, the petition for anticipatory bail was rejected pursuant to Sections 18 and 18A of that Act.

### Examination of Relevant Statutory Provisions

#### Information Technology Act, 2000

- *Section 66E* deals with violations of privacy through the unauthorized capturing and transmission of images. The Court found that the required elements for this offence were not present in the video.
- *Section 67A* targets the transmission of sexually explicit material in electronic form. Here, the Court concluded that the video did not contain the clear sexually explicit conduct necessary to invoke this section.

## **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989**

- *Section 3(1)(r)* was crucial to the Court's decision. The overall abusive and derogatory content of the video was sufficient to establish an offence under this provision, irrespective of an explicit caste mention.

## **Bharatiya Nyaya Sanhita, 2023**

- Although this recent reform represents modern advances in criminal law, the Court observed that it does not extend to instances of cyberbullying or online harassment where the abusive conduct does not involve overtly sexual elements. This gap indicates that additional legislative measures may be necessary to address such forms of misconduct comprehensively.

While the Information Technology Act, 2000 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 provide mechanisms to address aspects of online misconduct, the case highlights that their scope may be limited when dealing with non-sexual cyberbullying.