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Manupatra Weekly Wrap

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CASE LAWS

Criminal	
Supreme Court: Grounds of arrest must be in writing	*Mihir Rajesh Shah vs. State of Maharashtra and Another, Dated: 06.11.2025, (MANU/SC/1492/2025; 2025 INSC 1288)* The **Supreme Court** has observed that *"... to achieve the intended objective of the constitutional mandate of Article 22(1) of the Constitution of India, the grounds of arrest must be informed to the arrested person in each and every case without exception and the mode of the communication of such grounds must be in writing in the language he understands."*
Supreme Court: Credibility questions barred in FIR/Complaint quashing proceedings	*Muskan vs. Ishaan Khan (Sataniya) And Others, Dated: 06.11.2025, (MANU/SC/1490/202; 2025 INSC 1287)* The **Supreme Court** has observed that courts should not conduct a mini trial when considering quashing application. The quashing jurisdiction is thus limited; courts must only check whether enough material exists to proceed against the accused.
No Escape for Police: Supreme Court mandates FIR filing on cognizable offences	*Sadiq B. Hanchinmani vs. The State of Karnataka & Ors., Dated: 04.11.2025, (MANU/SC/1475/2025; 2025 INSC 1282)* The **Supreme Court** has observed that magistrates have the authority to order police to register an FIR under Section 156(3) of the CrPC (now Section 175(3) of the BNSS) when the facts presented in a complaint clearly indicate that a criminal offence has occurred.

Delhi High Court: Writ petition not maintainable against provisional attachment when PMLA remedy exists	*Ms Krrish Realtech Pvt Ltd Through Its Authorised Representative vs. Union of India Through Seceratary Ministry of Finance & Anr, Dated: 03.11.2025, (MANU/DE/8436/2025; 2025:DHC:9653)* The **Delhi High Court** has observed that a provisional attachment order under the PMLA cannot be challenged through writ jurisdiction when an alternative remedy exists, dismissing petitions by Ms Krrish Realtech Pvt Ltd, its affiliates, and director Amit Katyal against ED's PAOs.
Delhi High Court: Section 498A IPC applies even if marriage is later declared invalid	*Om Saran Gupta & ors. vs. State of NCT of Delhi & Anr., Dated: 03.11.2025, (MANU/DE/8341/2025; 2025:DHC:9635)* The **Delhi High Court** has observed that Section 498A IPC, which penalizes cruelty by a husband or his relatives, applies even if the marriage is later declared invalid, ensuring protection for women regardless of the subsequent legal status of the marital relationship.
Delhi High Court: Ordinary marital friction or taunts do not constitute cruelty under law	*Shashi Arora & Anr. vs. State Through Commissioner of Police & Ors., Dated: 03.11.2025, (MANU/DE/8357/2025; 2025:DHC:9642)* The **Delhi High Court** has observed that mere taunts, casual remarks, or ordinary family friction in marital life do not amount to cruelty, cautioning against including distant relatives as accused without evidence simply because they were aware of marital disputes.
Delhi High Court: Bribe profits invested in shares are proceeds of crime and attachable under PMLA	*Directorate Of Enforcement vs. M/S Prakash Industries Ltd, Dated: 03.11.2025, (MANU/DE/8348/2025; 2025:DHC:9626-DB)* The **Delhi High Court** has observed that profits earned from bribe money invested in the stock market are proceeds of crime and attachable under the PMLA, noting that any appreciation remains tainted by the original illicit source.
Delhi High Court: 'No Coercive Steps' does not mean stay or suspension of investigation	*Satya Prakash Bagla vs. State & Ors., Dated: 03.11.2025, (MANU/DE/8340/2025; 2025:DHC:9595)* The **Delhi High Court** has observed that the phrase "no coercive steps" does not imply a stay or suspension of an investigation, clarifying that such wording cannot be construed as halting any ongoing proceedings against an individual.

Civil	
Supreme Court: Judgment void if passed for deceased party without substituting legal heirs	*Vikram Bhalchandra Ghongade vs. The State of Maharashtra & Ors., Dated: 06.11.2025, (MANU/SC/1485/2025; 2025 INSC 1283)* The **Supreme Court** has observed that any judgment delivered in favor of a deceased party who died prior to their hearing holds no legal validity. While Order XXII Rule 6 of the CPC permits a judgment to stand if death occurs after the hearing but before its pronouncement, the Court emphasized this provision cannot apply when death occurs before the appeal hearing itself, thereby rendering the entire appellate proceedings void.
Supreme Court: Courts cannot avoid binding precedents by simply calling them different	*Rohan Vijay Nahar & Ors. vs. The State Of Maharashtra & Ors., Dated: 07.11.2025, (MANU/SC/1498/2025; 2025 INSC 1296)* The **Supreme Court** has observed that *"The lawful course is to apply the precedent and, if needed, record reasons for inviting a larger Bench to reconsider it. The unlawful and unjust course is to distinguish in name while disregarding in substance or to recast issues in order to sidestep a rule that binds."*

Bombay High Court: BMC ban on footpath cooking via gas/grill doesn't apply to vendors using induction	*Rajinder Singh Sohan Singh vs. The Municipal Corporation of Gr. Mumbai & Anr., Dated: 03.11.2025, (MANU/MH/7059/2025; 2025:BHC-OS:20015)* The **Bombay High Court** has observed that the BMC's 2018 circular banning cooking on footpaths using gas, stoves, or grills doesn't apply to vendors using induction cookers. The court granted relief to an ex-army man running his fish business with electronic induction equipment.

Election	
Supreme Court: Secret criminal records? Election win doesn't count	*Poonam vs. Dule Singh & Ors., Dated: 06.11.2025, (MANU/SC/1486/2025; 2025 INSC 1284)* The **Supreme Court** has observed that "*Once it is found that there has been non-disclosure of a previous conviction by a candidate, it creates an impediment in the free exercise of electoral right by a voter. A voter is thus deprived of making an informed and advised choice. It would be a case of suppression/non-disclosure by such candidate, which renders the election void.*"

Arbitration	
Supreme Court: Objections to arbitral award execution allowed only if decree is void or ultra vires	*MMTC Limited vs. Anglo American Metallurgical Coal Pvt. Limited, Dated: 03.11.2025, (MANU/SC/1474/2025; 2025 INSC 1279)* The **Supreme Court** has observed that enforcement of an arbitral award cannot be stalled, allowing objections only if a decree is void or beyond jurisdiction. It upheld the Delhi HC's dismissal of MMTC's plea to stay a multi-million-dollar award in favor of Anglo American Metallurgical Coal.

Education	
Delhi High Court: Law students can sit for exams despite low attendance	*Courts On Its Own Motion In Re: Suicide Committed by Sushant Rohilla, Law Student of I.P. University, Dated: 03.11.2025, (MANU/DE/8333/2025; 2025:DHC:9600-DB)* The **Delhi High Court** has observed that no student enrolled in any recognized law college or university in India can be barred from exams or hindered in academic or career progression due to not meeting the minimum attendance requirement.

Motor Vehicle	
Supreme Court bars private operators from State-reserved bus routes	*U.P. State Road Transport Corporation Through Its Chief General Manager vs. Kashmiri Lal Batra & Ors., Dated: 04.11.2025, (MANU/SC/1477/2025; 2025 INSC 1281)* The **Supreme Court** has observed that private operators are prohibited from obtaining stage-carriage permits for inter-State routes under reciprocal transport agreements when any segment of such routes coincides with notified intra-State routes exclusively reserved for State transport undertakings as per Chapter VI of the Motor Vehicles Act, 1988.

Labour and Industrial	
Delhi High Court: Foreign Employees in India Must Contribute to Employees Provident Fund	*Spice Jet Ltd vs. Union of India and Anr., Dated: 04.11.2025, (MANU/DE/8435/2025; 2025:DHC:9670-DB)* The Delhi High Court upheld 2008 and 2010 notifications mandating EPF enrollment for non-excluded foreign workers in India, rejecting challenges from SpiceJet and LG Electronics. The court further observed that the Central government has the authority to extend the EPF Scheme, 1952, to foreign nationals and that distinguishing between Indian and foreign workers is constitutionally valid.

NEWS

Criminal	
07.11.2025	The **Supreme Court** issued a split verdict on the Maharashtra government's request to review its earlier order, which mandated that the SIT investigating the *2023 Akola riots* include senior police officers from both Hindu and Muslim communities.

Civil	
07.11.2025	The **Supreme Court** issued directions to State governments and the National Highways Authority of India (NHAI) mandating the removal of stray animals from highways nationwide. The **Supreme Court** rejected a plea contesting the Madhya Pradesh High Court's approval of the *Takiya Masjid* demolition in Ujjain.
06.11.2025	The **Kerala High Court** issued an interim order directing authorities to stop physiotherapists and occupational therapists from using the 'Dr.' prefix without recognized medical qualifications.
05.11.2025	The **Supreme Court** will examine whether the NCLAT can refer split verdict cases to a third member or if they must be reheard by a larger bench.
03.11.2025	The **Supreme Court** has asked the Bar Council of India (BCI) to examine the possibility of reserving positions in Bar Councils and Bar Associations for lawyers with disabilities.

Trust and Societies	
04.11.2025	The **Kerala High Court** criticized TDB officials for grave irregularities and negligent conduct in the *Sabarimala gold misappropriation case*, directing the Special Investigating Team (SIT) to probe corruption involving contractor Unnikrishnan Potti.

Sales Tax	
04.11.2025	The **Madras High Court** has observed that under Section 7A of the Tamil Nadu General Sales Tax Act, 1959 (TNGST Act) purchase tax cannot be imposed on a buyer solely because the seller defaulted on tax payments. The court has clarified that Section 7A does not extend liability to the purchaser.

Consumer	
06.11.2025	The **Delhi High Court** reserved its decision on Dabur's request for a temporary ban on Patanjali Ayurveda's advertisement that allegedly called competing chyawanprash brands "dhoka" (fraud).

Media and Entertainment	
07.11.2025	The **Delhi High Court** observed that social media platforms should immediately act when someone reports their deepfake is being created and circulated online.
06.11.2025	The M**adhya Pradesh High Court** dismissed a petition seeking to block the release of the film 'Haq', which is inspired by the *Shah Bano case* on maintenance for divorced Muslim women.

Education	
06.11.2025	The Bar Council of India has given interim approval to Kerala's proposal for two supernumerary seats for transgender students in all state law colleges.

Constitution	
07.11.2025	The Broadband India Forum has informed the **Delhi High Court** that freedom of speech under Article 19 includes the right to receive information, and AI tools like ChatGPT should not be restricted from using media reports or original data to respond to user queries.

NOTIFICATION UPDATES

Ministry of Finance	
Instruction No. : 31/2025-Customs, Dated: 03.11.2025, MANU/CUST/0087/2025	The **Ministry of Finance** has issued notification regarding authorized officers under the Food Safety Standards Act, 2006, and FSS (Import) Regulation, 2017, for food imports at various points of entry in India. It includes an updated list of 166 Points of Entry and the designated officers responsible for overseeing food safety compliance at these locations. The document also requests the sensitization of officers regarding these updates.
Resolution No. : 01-01/2025-E.III(A), Dated: 03.11.2025, MANU/EXPE/0009/2025	The Government of India has established the **Eighth Central Pay Commission** to review and recommend changes in the pay, allowances, and benefits for various categories of government employees. The Commission, chaired by Smt. Justice Ranjana Prakash Desai, will also examine existing bonus schemes and gratuity systems, aiming to enhance efficiency and accountability in government services. The Commission is expected to submit its recommendations within 18 months.
Notification No. : 156/2025, Dated: 04.11.2025, MANU/CBDT/0112/2025	The **Ministry of Finance** has issued a notification formally recognizing the Karnataka Housing Board (KHB) as an authority constituted under the Karnataka Housing Board Act, 1962, thereby affirming its legal status and statutory powers to plan, develop, and implement housing schemes across the state.
Notification No. : 73/2025-Customs (N.T.), Dated: 04.11.2025, MANU/CUSN/0062/2025	The **Ministry of Finance** has issued a notification outlining amendments to the Transhipment of Cargo to Nepal under the Electronic Cargo Tracking System Regulations, 2019. It specifies the application of these regulations to cargo transhipment from specific Indian ports to various locations in Nepal by rail and road.
PIB Headquarters	
Press Information Bureau, Dated : 03.11.2025, MANU/PIBU/1192/2025	GST revenue in October 2025 reached INR. 1,95,936 crores, marking a 4.6% increase from the previous year, driven by GST rate rationalization and festive demand. The growth reflects strong domestic consumption, expanding tax base, and robust trade activity, with significant contributions from states like Maharashtra, Karnataka, and Gujarat.
Ministry of Science and Technology	
Notification No. : GSR809(E), Dated: 03.11.2025, MANU/STEC/0016/2025	The Special Financial Rules for the Research Development and Innovation Fund (RDIF) establish the framework for managing, utilizing, and accounting for funds dedicated to promoting research, development, and innovation activities. These rules define the objectives, funding mechanisms, and financial governance structure of the RDIF, ensuring transparency, accountability, and efficient use of resources. They specify the procedures for project selection, fund disbursement, monitoring, and reporting, while outlining the roles and responsibilities of implementing agencies and oversight bodies. The overall aim is to streamline financial operations and support impactful research and innovation aligned with institutional and national priorities.

Ministry of Commerce and Industry	
Notification No.: 47/2025-2026, Dated: 04.11.2025, MANU/DGFT/0157/2025	The export policy for Red Sanders (Pterocarpus Santalinus) has been amended to allow restricted export of cultivated Red Sanders from private land, subject to specific conditions and quotas. Export is permitted only under a Restricted Export Authorisation, with annual quotas set for different states.

Insolvency and Bankruptcy Board of India	
Circular No. : IBBI/CIRP/87/2025, Dated: 04.11.2025, MANU/NMIC/0279/2025	The notification addresses situations where assets of corporate debtors undergoing insolvency proceedings under the Insolvency and Bankruptcy Code, 2016 (IBC) are attached by the Enforcement Directorate (ED) under the Prevention of Money Laundering Act, 2002 (PMLA).

Ministry of Electronics & IT	
Press Information Bureau, Dated: 05.11.2025, MANU/PIBU/1197/2025	The **Ministry of Electronics and Information Technology** (MeitY) launched the India AI Governance Guidelines to ensure safe, inclusive, and responsible AI adoption across sectors. The framework emphasizes human-centric development, ethical AI, and risk mitigation, marking a significant step towards responsible AI governance. Additionally, winners of the IndiaAI Hackathon for mineral targeting were announced, showcasing innovative AI-driven solutions.

INTERNATIONAL UPDATES

AUSTRALIA

Capital Market

ASIC proposes tighter regulation for wholesale managed investment schemes

The Australian Securities and Investments Commission (ASIC) has released Report 823 – Advancing Australia's Evolving Capital Markets proposing tighter oversight of wholesale managed investment schemes. The paper recommends raising investor eligibility thresholds, mandating periodic financial reporting, and requiring fund managers to notify ASIC of new or major fund developments. ASIC also suggested extending certain statutory duties that currently apply to registered schemes to wholesale fund managers. The regulator believes these steps will align Australia's private markets with international best practices and close regulatory gaps that allow inconsistent investor protection.

ASIC intensifies surveillance on private credit retail and wholesale funds

ASIC's Report 820 – Private Credit Surveillance of Retail and Wholesale Funds exposes governance lapses, weak valuation practices, and compliance issues across several private credit funds. The regulator found deficiencies in disclosure, fee transparency, and risk assessment, suggesting potential breaches of obligations under the Australian Financial Services Licence. The report follows REP 814: Private Credit in Australia and warns fund operators to strengthen internal controls immediately. ASIC's message is clear—rapid growth in private credit must not come at the expense of investor confidence and regulatory compliance.

Construction

Two decades of court rulings clarify when disruption claims in construction are compensable

Australian courts have repeatedly confirmed that disruption or inefficiency claims are recoverable only when they stem from a clear contractual breach or variation. Judgments such as John Holland Construction & Engineering Pty Ltd v Kvaerner R J Brown Pty Ltd, Laing O'Rourke Australia Construction Pty Ltd v Hunter New England Health, and CPB Contractors Pty Ltd v Transport for NSW show that "global claims" lacking causal detail will fail. The courts insist on evidence showing a direct link between the event and loss suffered. Contractors must maintain meticulous records, adopt transparent cost tracking, and demonstrate causation to secure disruption damages successfully.

Victoria moves to amend Security of Payment Act with retrospective application

The *Building Legislation Amendment (Fairer Payments on Jobsites and Other Matters) Bill 2025* proposes significant reform to the *Building and Construction Industry Security of Payment Act 2002 (Vic)*. Once enacted, expected by September 2026, the new law will apply retrospectively to existing contracts and abolish the "excluded amounts" rule, enabling wider payment claims. The government's objective is to streamline adjudication, address payment delays, and ensure fairer treatment of subcontractors. The reform follows findings from the 2023 *Environment and Planning Committee Report* highlighting persistent liquidity challenges in the Victorian construction sector.

Education

Schools warned against relying on third-party liability waivers for excursions

Following the Court of Appeal's decision in *Rakich v Bounce Australia Pty Ltd*, many Victorian schools are being cautioned against blind reliance on third-party recreational waivers. The ruling confirmed that such waivers can be legally enforceable, limiting participants' ability to claim compensation for injury. However, experts warn that many operators use overly broad clauses without legal vetting. Schools remain responsible for ensuring these waivers comply with law and do not undermine their non-delegable duty of care toward students. Legal review before distributing such documents to parents is strongly advised.

Environment and Climate Change

New South Wales strengthens powers of the Environment Protection Authority

Legislative reforms introduced by Minister Jihad Dib expand the authority of the New South Wales Environment Protection Authority (EPA). Amendments to the Climate Change (Net Zero Future) Act 2023 (NSW) and the Protection of the Environment Operations Act 1997 (NSW) enhance the EPA's enforcement and compliance functions. The new powers allow quicker action against polluters, stronger monitoring, and greater coordination with other environmental agencies. Corporations are urged to review environmental management frameworks as the government gradually brings the changes into effect.

Information Technology and Data Protection

First ruling under new privacy tort delivered in *Kurraba Group Pty Ltd v Williams* [2025] NSWDC 396

In a landmark case, the District Court of New South Wales applied the new privacy tort introduced under the Privacy Act 1988 (Cth). Justice Gibson ruled that Michael Williams had seriously invaded the privacy of the Kurraba Group's chief executive by attempting to extort him and releasing private information to obstruct a property development. The judgment establishes the first judicial precedent interpreting the privacy tort, confirming that deliberate misuse of confidential information can attract damages. Legal experts believe the case will shape privacy enforcement in Australia for years to come.

Trademark

Federal Court clarifies trademark use in *Fanatics, LLC v FanFirm Pty Ltd* [2025] FCAFC 87

The Full Court of the Federal Court of Australia resolved an important question regarding trademark use in *Fanatics, LLC v FanFirm Pty Ltd* [2025] FCAFC 87. The dispute involved an American sports merchandising company and an Australian tour operator both using 'FANATICS'. The Court held that determining trademark use depends on how the average consumer perceives the mark in context, not merely on registration class. The ruling reminds businesses expanding abroad to audit marketing and branding materials to ensure compliance with domestic trademark laws.

CANADA

Competition and Antitrust

Competition Bureau releases draft guidelines on anti-competitive conduct and agreements

The Competition Bureau of Canada has published draft Anti-Competitive Conduct and Agreements Enforcement Guidelines (ACCA Guidelines) for public consultation. These unify previous guidance under sections 75–79 and 90.1 of the Competition Act. The guidelines introduce clear thresholds for market power—50 percent for single-firm dominance and 30 percent for coordinated behaviour—and identify digital platforms as enforcement priorities. The Bureau invites public submissions until 29 January 2026 and expects the final framework to modernize competition policy across Canada's technology-driven markets.

Employment and Labour

New Ontario job posting requirements to take effect from January 1, 2026

Effective 1 January 2026, Ontario's Employment Standards Act, 2000 will require employers with 25 or more employees to disclose expected pay or salary ranges in public job postings. The move aims to promote pay transparency and reduce gender pay gaps. Exemptions include internal recruitment and executive searches. Employers must revise job templates, payroll records, and disclosure practices to comply with these new obligations.

Litigation

Ontario Superior Court clarifies scope of spousal privilege in *Wendy Sokoloff Professional Corp. v Chorney*

The Ontario Superior Court of Justice ruled that section 11 of the Ontario Evidence Act only protects communications received from a spouse, not those made to one. In *Wendy Sokoloff Professional Corp. v Chorney*, the Court explained that the privilege's purpose is to protect marital harmony, not to conceal communications initiated by a party. The ruling narrows spousal privilege and requires litigants to prepare for greater disclosure in cases involving spouses as witnesses or parties.

Tax

Federal Budget 2025 proposes expanded clean economy tax credits and incentives

In its 2025 Federal Budget, Canada introduced several tax incentives to accelerate investment in the green economy. The measures include a productivity super-deduction for manufacturing equipment, expanded mineral exploration and clean technology credits, and extended benefits for zero-emission vehicles. The government also extended enhanced rates for carbon capture and storage projects until 2035. These reforms signal a commitment to sustainable growth and are expected to boost long-term competitiveness across industrial sectors.

CHINA

Copyright

Controversy over rewritten lyrics reignites debate on music copyright enforcement

A copyright dispute between the creators of Above the Snowline and the original authors of My Loulan has sparked renewed debate on musical adaptations and copyright ownership. The controversy centres on whether rewriting lyrics while retaining the melody constitutes copyright infringement. The original lyricist alleges unauthorized use and violation of both moral and economic rights. The case has drawn national attention to the boundaries of derivative works and could lead to tighter enforcement of music rights in China's rapidly expanding entertainment industry.

E-commerce sellers face rising infringement risks during Double 11 festival

As the Double 11 shopping season approaches, Chinese e-commerce platforms have recorded a surge in intellectual property infringement complaints. Violations mainly involve unauthorized use of copyrighted photography, unlicensed designs, and AI-generated images resembling real individuals. These infringements can trigger penalties, product takedowns, and account suspensions. Legal professionals recommend that sellers implement pre-launch content audits and secure necessary licenses to avoid costly disputes during peak sales periods.

Designs and Trade Secrets

Supreme People's Court clarifies trade secret protection in Proteinase 3 dispute

In (2023) Supreme Court Civil Final No. 2913, A** Diagnostics Limited sued a former employee and Wuhan Bo** Biotechnology Co. Ltd. for disclosing confidential research on the purification of Proteinase 3. The Supreme People's Court held that filing patent applications that reveal secret data constitutes misappropriation of trade secrets. The decision reinforces the principle that even partial disclosures of protected processes breach confidentiality obligations and provides detailed guidance for calculating damages.

Healthcare and Life Sciences

China Medical System signs five-year distribution deal with Novartis for Lucentis® and Beovu®

China Medical System Holdings Limited (CMS) has entered a five-year agreement with Novartis Pharma Services AG for the exclusive importation and distribution of Lucentis® and Beovu® in mainland China. Lucentis®, an anti–vascular endothelial growth factor drug, was the first of its kind approved in China for treating retinal diseases. Under the deal, Novartis will supply the products while CMS manages sales and promotion. The agreement strengthens China's ophthalmic drug access and represents a strategic expansion of CMS's therapeutic portfolio.

Information Technology and Data Protection

Supreme People's Court issues guiding cases to define corporate data compliance standards

The Supreme People's Court released its forty-seventh batch of guiding cases—Nos. 262 to 267—focusing on data rights and digital privacy. The cases establish judicial principles for ownership, personal information processing, and liability for misuse of data. These guidelines complement the Opinions on Building a Data Infrastructure System issued in December 2022 by the Central Committee and State Council. The move reflects China's effort to create a national legal foundation for its evolving data property rights system and ensure consistent enforcement across provinces.

HONG KONG

Arbitration and Alternative Dispute Resolution

Hong Kong court stays shareholder dispute in favour of arbitration

In *Ghias v Sirnaomics Ltd* [2025] HKCFI 4284, the High Court of Hong Kong stayed an unfair prejudice petition under section 724 of the Companies Ordinance (Cap. 622) in favour of arbitration under section 20 of the Arbitration Ordinance (Cap. 609). The dispute arose from a Members' Agreement containing an arbitration clause that covered "all disputes arising out of or relating to" the agreement. The Court emphasized that the true substance of the complaint must guide the determination of jurisdiction, not its form. Relying on the Privy Council's decision in *FamilyMart China Holding Co Ltd v Ting Chuan (Cayman Islands) Holding Corporation* [2024] Bus LR 190, the Court reaffirmed Hong Kong's pro-arbitration stance and clarified that shareholder grievances linked to contractual rights should be referred to arbitration.

Litigation

Delays in Medical Council disciplinary cases raise fairness concerns

A discussion on TVB News' programme "A Closer Look" highlighted systemic delays in the Medical Council of Hong Kong's complaint-handling process. Barrister Gordon Chan referred to the framework from *Dr U v Preliminary Investigation Committee of the Medical Council of Hong Kong* (CACV 151/2016), which outlines three stages—initial screening, referral, and inquiry. He noted that prolonged timelines undermine fairness and may justify permanent stays of proceedings, a measure courts rarely grant. These delays affect both complainants and doctors, sparking calls for procedural reform to ensure disciplinary cases are resolved swiftly and transparently.

INDONESIA

Company and Commercial

New regulation refines certification for domestic components and company value

Indonesia's Ministry of Industry has issued Regulation No. 35 of 2025 on the Provisions and Procedures for Certification of Domestic Component Level (TKDN) and Company Utilisation Value (BMP). Effective from 11 December 2025, it replaces previous regulations and establishes stricter certification and verification mechanisms. The TKDN measures the percentage of domestic materials used in goods and services, while BMP reflects a company's economic contribution. Independent verification agencies will oversee compliance, aiming to enhance transparency and local competitiveness. The regulation complements existing sectoral laws in areas such as pharmaceuticals, electronics, and electric vehicles, aligning with Indonesia's national industrial policy.

MALAYSIA

Banking and Finance

Bank Negara Malaysia seeks feedback on asset tokenisation framework

The Bank Negara Malaysia (BNM) released a Discussion Paper on Asset Tokenisation in the Malaysian Financial Sector to assess how tokenised assets can fit within the national financial framework. The paper outlines potential benefits such as liquidity and efficiency, but also highlights risks involving custody, investor protection, and valuation. BNM intends to develop a framework that fosters innovation while maintaining financial stability. Stakeholders—including financial institutions and fintech firms—have until 1 March 2026 to submit comments. The initiative marks a major step toward integrating digital assets within Malaysia's broader financial transformation agenda.

SINGAPORE

Information Technology and Data Protection

Amendments to Cybersecurity Act expand regulatory scope and oversight

Provisions of the Cybersecurity (Amendment) Act 2024, strengthens the Cybersecurity Act 2018. The amendments empower the Commissioner of Cybersecurity to regulate "Provider-Owned Critical Information Infrastructure (CII)" and newly designated "Systems of Temporary Cybersecurity Concern." These updates acknowledge Singapore's increasing reliance on third-party systems and cloud infrastructure that support essential public services. The reforms also expand information-sharing powers and reporting obligations for CII operators. Organizations across energy, healthcare, and telecommunications must now reassess internal cybersecurity frameworks to meet the updated legal standards.

THAILAND

Telecommunication

Thailand strengthens coordination between digital and telecommunications regulators

Thailand's Ministry of Digital Economy and Society (MDES) and the National Broadcasting and Telecommunications Commission (NBTC) have renewed their cooperation framework to support national digital transformation. Under the revised 2025 structure, MDES will continue setting strategy on connectivity and cybersecurity, while NBTC will manage technical licensing, spectrum allocation, and consumer protection under the Telecommunications Business Act B.E. 2544 (2001). The arrangement aims to eliminate overlapping mandates and streamline regulation. The coordinated approach is expected to enhance investor confidence and promote sustainable growth in Thailand's digital economy.

Trade and Customs

New committee to oversee trade talks with the United States and review tariff policy

The Thai Cabinet has established a high-level Strategic Trade Negotiation Committee to lead bilateral discussions with the United States over tariff rates and market access. Chaired by the Deputy Prime Minister and Minister of Finance, the committee includes key ministers from Commerce, Agriculture, Industry, and Digital Economy. Its immediate task is to secure the continuation of favourable tariff terms—currently averaging nineteen percent—on Thai exports to the United States. The body will also review domestic trade policies to maintain competitiveness while protecting employment in critical export sectors.

USA

Arbitration and Alternative Dispute Resolution

International experts align forensic delay standards using SCL and AACEI protocols

Two global reference frameworks—the Society of Construction Law Delay and Disruption Protocol (Second Edition) and the Association for the Advancement of Cost Engineering International Forensic Schedule Analysis Recommended Practice 29R-03—are increasingly used together in international arbitration. The SCL protocol provides practical principles for delay analysis, while the AACEI guide offers detailed technical methodologies. Used jointly, they help experts produce structured, defensible assessments in construction disputes. Arbitrators and practitioners recommend referencing both standards to improve consistency, transparency, and credibility in forensic schedule analysis across cross-border projects.

Banking and Finance

Consumer Financial Protection Bureau rescinds earlier adjudication amendments

The Consumer Financial Protection Bureau (CFPB) formally rescinded two amendments to its Rules of Practice for Adjudication Proceedings, returning to the prior procedural structure. The reversal follows internal review and public criticism of the earlier amendments, which had altered discovery and hearing processes. The reinstated rules are expected to restore consistency in the Bureau's enforcement proceedings. Financial institutions and counsel should reassess procedural timelines for ongoing CFPB cases to ensure compliance with the reverted framework.

Bank for International Settlements urges central banks to build artificial intelligence expertise

The Bank for International Settlements (BIS) has called on central banks globally to strengthen their data infrastructure and analytical skills to manage artificial intelligence risks. The BIS warns that advanced algorithms could impact financial stability, monetary transmission, and payment systems. It recommends that regulators enhance staff training, develop algorithmic risk frameworks, and collaborate with technology experts to ensure AI adoption remains safe and transparent. The advisory reflects growing recognition that central banks must modernize supervision to keep pace with technological change.

Capital Market

IOSCO evaluates transparency and liquidity in single-name credit default swap market

The International Organization of Securities Commissions (IOSCO) released findings showing that the single-name credit default swap (CDS) market remains highly illiquid with inconsistent post-trade transparency across jurisdictions. In the United States, near real-time public reporting has not reduced liquidity, while the European Union and the United Kingdom maintain delayed disclosure to protect trading interests. IOSCO concludes that transparency enhances market fairness but may also expose trading strategies, suggesting measured implementation through deferred reporting or thresholds for large trades.

SEC considers relief for small-scale security-based swap dealers

Acting Chair Paul Atkins of the United States Securities and Exchange Commission announced plans to review de minimis thresholds under Rule 3a71-2 of the *Securities Exchange Act of 1934*. The current eight-billion-dollar threshold for certain credit default swap activities may be revised following a staff study. The review could result in adjusted thresholds or delayed phase-in termination to reduce regulatory burdens on smaller market participants. Firms should monitor the SEC's analysis to anticipate compliance adjustments.

IN NEWS

IndiGo vs Mahindra: Mediation Collapses in '6E' Mark Dispute(MANU/DEOR/118879/2025)

Case: InterGlobe Aviation Ltd (IndiGo) v. Mahindra Electric Automobile Ltd (Mahindra)

A legal battle is now set to begin between IndiGo and Mahindra after mediation efforts failed in their trademark dispute over the '6E' mark. The Delhi High Court was informed that the matter could not be settled and has now listed it for trial.

Background

IndiGo, which operates under the callsign "6E", claims that Mahindra's use of "6e" in its electric vehicle model "BE 6e" infringes its trademark rights. The airline holds registration for the word mark "6E Link" since 2015 in various classes that cover advertising, transport-related services and promotional materials.

Mahindra had registered "BE 6e" for motor vehicles under Class 12. IndiGo argued that this registration takes unfair advantage of its well-known brand identity built over nearly two decades, through offerings like 6E Prime, 6E Flex and other "6E" branded services.

During earlier hearings, Mahindra informed the Court that it would rename its vehicle "BE 6" and not use "BE 6e" while the suit was pending. This statement was recorded by the Court and the matter was sent for mediation, which has now failed.

Current Status

Since mediation was not successful, the Court has directed both parties to file their relevant documents and a joint schedule. The case will next come up on February 3, 2026, for admission and marking of exhibits.

Delhi High Court to Decide: Can You Call Everyone Else “Dhoka”?

Case: **Dabur India Ltd (Dabur) v. Patanjali Ayurved Limited (Patanjali)**

The Delhi High Court has reserved its verdict on Dabur’s plea seeking an interim injunction against Patanjali’s advertisement for its “Special Chyawanprash”, which allegedly termed all other chyawanprash brands as “dhoka” or fraud.

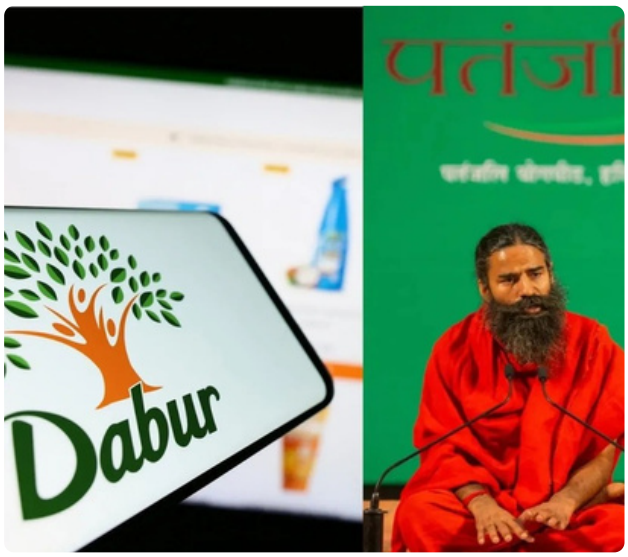
Background

Dabur, which has been selling chyawanprash for over seven decades, argued that Patanjali’s advertisement unfairly discredited all other brands. The ad featured a message that implied other chyawanprash products mislead consumers and that only Patanjali’s was the “original” Ayurvedic preparation.

According to Dabur, such language amounts to defamation and disparagement of its product category as a whole. The company also pointed out that Patanjali’s claims of using “51 Ayurvedic herbs and saffron” were misleading, and that describing its chyawanprash as “Special” violated Rule 157(1-B) of the Drugs Rules, which restricts deceptive labelling of Ayurvedic medicines.

Court Observations

Justice Tejas Karia questioned Patanjali during the hearing, asking how the company could call other chyawanprash brands “dhoka”. The Court remarked that while a company can claim to be the best, it cannot declare all others to be fraudulent. The judge suggested that Patanjali could have used the term “inferior” instead, noting that “dhoka” is a derogatory and negative expression.



Senior Advocate Sandeep Sethi, appearing for Dabur, said that calling all competitors “dhoka” amounted to generic disparagement and was damaging coming from a yoga guru figure who carries public trust. Patanjali’s counsel, Senior Advocate Rajiv Nayar, argued that the advertisement was merely puffery and permissible exaggeration meant to highlight Patanjali’s strengths.

Who Owns Digi Yatra? Delhi High Court to Decide in IP Ownership Dispute (MANU/DEOR/116687/2025)

Case: **Digi Yatra Foundation (DYF) v. Data Evolve Solutions Pvt Ltd (Data Evolve)**

The Delhi High Court is set to decide who legally owns the Digi Yatra Central Ecosystem — the digital platform that allows biometric-based entry and check-in at airports across India.

Background

Digi Yatra Foundation, a Section 8 company formed under the Ministry of Civil Aviation's policy, had selected Data Evolve through a startup challenge to develop the platform. Both parties signed a Minimum Viable Product Agreement in November 2021, which laid out how intellectual property and technical rights would be handled.

DYF claims that all intellectual property in the developed software, modifications and related works belong to it. Data Evolve maintains that it owns the software architecture and that DYF withheld part of its payments. It also argues that it retains rights in its pre-existing software components.

In early 2024, DYF issued a disengagement letter instructing Data Evolve to transfer control and credentials of the platform after certain financial and conduct issues surfaced. The Court, to protect public interest and passenger data, granted an interim injunction restraining Data Evolve from using or copying any data from the Digi Yatra system and directed technical officers to secure the infrastructure.

Issues for Trial

The Court has framed specific issues for trial:

- Whether DYF is the rightful owner of the Digi Yatra Central Ecosystem under the 2021 Agreement.
- Whether DYF holds exclusive intellectual property rights over the software and services developed.
- Whether Data Evolve infringed DYF's rights or, conversely, whether DYF misused Data Evolve's intellectual property.