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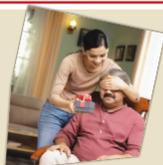
## PAN ASIA TIMES

ENGLISH DAILY

Delhi, February 2024, Vol.:13 | Issue:340 | RNI No : DEL/ENG/2010/36949 | Total Pages :04 | Price: Rs. 5/-

02

IS D.I.L. RESPONSIBLE FOR SEX ?



03 JUSTICE FOR CHILD



Delhi High Court Dismisses Rape Charges In Lieu For "True Love."

Delhi/Bueru

The judge continued by saying that mathematical accuracy is not always necessary to maintain the balance of justice.

A 2015 rape and kidnapping case against a man was recently dismissed by the Delhi High Court because the guy had eloped with a purported juvenile. As Justice Swarana Kanta Sharma dismissed the case, she noted, "This Court has time and again reached a conclusion that true love between two individuals, one or both of who may be minor or minors on the verge of majority,

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## Can Foreigners Live In India ?

Dr Ajay Kumar Pandey  
Advocate, Supreme Court

The family of a Bangladeshi national who was detained at IGI airport filed a habeas corpus petition, which the court denied. The petition claimed that



the individual had obtained an Indian passport through deception.

In Kinadhan Chakma v. Union of India and Ors, the Delhi High Court

declared that a foreign national can not assert a right to reside or establish in India under Article 19(1)(e) of the Constitution. The right to life and liberty guaranteed by Article 21 of the Indian Constitution

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## Dr. Ajay demands, Privacy Laws for MPs

SLN IMPACT

New Delhi/ SLNS

In a landmark decision, the Lok Sabha Speaker, Shri Om Birla, has introduced stringent norms prohibiting Members of Parliament from sharing their usernames and passwords with anyone, including their personal staff and parliamentary assistants. The move comes after a heated debate surrounding the controversy involving TMC MP Mahua Moitra and the serious allegations of a "cash for question" episode raised by BJP MP Nishikant Dubey.

The issue, which sparked considerable public interest and concern, prompted 4C Supreme Law International, a prominent legal advocacy group led by renowned Supreme

■ Lok Sabha Speaker takes note of our demand of decisive action on privacy norms for MPs

Court advocate Dr. Ajay Kumar Pandey, to take swift action. In a formal letter dated October 31st, addressed to Speaker Om Birla, 4C Supreme Law International highlighted the urgency of implementing privacy rules uniformly for all Members of Parliament. "We are pleased to announce that our efforts to address the critical matter of cybersecurity and privacy within the parliamentary system have borne fruit," stated Dr. Ajay Kumar Pandey, the noted advocate spearheading the initiative. "The introduction of these new norms by Speaker Om Birla is a significant step towards

safeguarding the integrity of parliamentary proceedings and ensuring the responsible use of digital resources." The controversy surrounding the sharing of login credentials gained attention in the wake of serious allegations and debates, threatening the sanctity of parliamentary procedures. The proactive response from Speaker Om Birla demonstrates a commitment to upholding the principles of transparency, accountability, and security within the parliamentary system. "We express our gratitude to Speaker Saheb for his timely and decisive action on this matter," continued Dr. Pandey. "We firmly believe that these measures will not only enhance the privacy and security of MPs but also contribute to the overall efficiency and smooth functioning of parliamentary responsibilities."

# Is Daughter-In-Law Responsible For Sex Of The Child ?

New Delhi/SLNS



Despite the Court's assertion that the evidence supporting the problem is quite obvious, the Court has handled other cases in which women have faced harassment for giving birth to girls, many of whom go on to commit suicide.

The Delhi High Court has stated that there is a need to educate people that it is their son and not daughter-in-law whose chromosomes dictate the sex of the kid to be born [Hardesh Kumar v State.

Despite the fact that the science on the matter is very clear, Justice Swarana Kanta Sharma said that the court has handled other cases involving harassment of women for giving birth to girls, many of whom go on to commit suicide.

"This Court having dealt with numerous cases of harassment, nagging and committing of suicide or dowry deaths due to the victim being victimized for giving birth to daughters

after being constantly nagged that she has not been able to fulfill her husband and in-laws desire of preserving the family tree, is constrained to observe that such people need to be educated that it is their son and not their daughter-in-law whose chromosomes through union of a married couple will decide the birth of a daughter or a son," the order said. The Court also addressed the issue of dowry deaths, noting that cases of insatiable dowry demands and the ongoing prevalence of backward mindsets highlight a larger social concern. The notion that a woman's value is dependent on financial factors, like a dowry, runs counter to modern notions of equality and

dignity. The idea that a woman's worth decreases if her parents are unable to meet her husband's and her in-laws' expectations for a dowry is a pervasive prejudice and discrimination against women. The solitary judge declared that these expectations "not only go against the fundamentals of gender equality, but they also foster a culture in which women are objectified and treated like commodities." In addressing a request submitted by Hardesh Kumar for regular bail in a case under Sections 304B (dowry death) and 498A (cruelty to wife by husband, family) of the Indian Penal Code, the Court made these observations. According to the allegations, his wife killed herself in Sep-

tember 2023 as a result of pressure from him and his family to have a male child and ongoing dowry demands. Two daughters had previously been born to the mom.

After reviewing the case, Justice Sharma noted that, on the face of it, a lady had lost her life because she had given birth to daughters, and that such offenses need to be taken seriously, particularly in the early stages of a trial. The Court held, "This Court is not inclined to enlarge the present applicant/accused on bail, at this stage, in view of the above facts and circumstances, and since the allegations against the present applicant/accused are grave and serious in nature, the charges are yet to be framed and the material witnesses are yet to examine."

**Bail denied**

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## Prohibiting From Using Labels And Packaging That Resemble Parachute Oil

New Delhi/SLNS

The Court noted that KLF Nirmal Industries had not shown its case to have the injunction prohibiting it from violating Parachute's trademark vacated or set aside.

The Bombay High Court has maintained its ruling prohibiting KLF Nirmal Industries from using the blue bottle

and any aspects that are meant to be protected, such as a label that looks like it belongs to Parachute Oil. [KLF Nirmal Industries Pvt Ltd v. Marco Limited]

KLF Nirmal Industries has not demonstrated a sufficient basis to have the ruling revoked or set aside, according to Justice RI Chagla. "I do not find any merit in the ap-

plication by KLF Nirmal under Order 39 Rule 4 of the CPC, as in my view KLF has failed to make out any case for vacating and / or setting aside the said order by discharging its burden and/or meeting the essential requirements for vacating an ex-parte order under Order 39 Rule 4 of CPC," said the order.

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# Is It Cruelty, If The Claim of Mother-In-Law Mental Illness Is Found False?

**Dr. Ajay Kumar Pandey**  
Adv. Supreme Court of India

Due to the stigma associated with mental diseases, a bench led by Justice Harish Tandon said that many people do not even admit the existence of mental illness in their family.

According to a recent ruling by the Calcutta High Court, it is not sufficient to prove a spouse's parent's mental illness in order to establish mental cruelty and obtain a divorce.

Justices Harish Tandon and Madhuresh Prasad, who made up the division bench, clarified that even when a family member has mental illness, it is often not recognized in many households. "We take judicial notice of the fact that many people's families are reluctant to acknowledge that mental illness exists because they are fostering an unfounded fear of social stigma."

The Court stated that it could not accept such misguided common beliefs to declare that the husband's mother's purported mental illness would in and of itself be considered an act of mental cruelty.

Thus, the bench rejected a husband's claim, stated without evidence, that his mother was a "mental patient," saying that his wife had abused him mentally.

"In and of itself, such an accusation

cannot be considered an act of mental cruelty. In its ruling on December 21, 2023, the Court declared that "an act of mental cruelty cannot be defined as the mere failure to prove the allegation of mental illness."

The bench was considering cross-appeals brought by the husband and wife in an effort to overturn a family court ruling from July 2015 that had denied the hus-

band's request for a divorce due to cruelty and desertion in violation of the Hindu Marriage Act. While the wife contested the family court's decision to permit the marriage to be judicially separated, the husband felt wronged by the court's rejection to grant him a divorce. The husband claimed in his appeal that the wife had fought with him and his family, called him derogatory names, and even physically abused his elderly mother. In addition, he claimed that the wife frequently left the marital residence and would only return after several months, never returning

after 2003. The spouse refuted every accusation. She said that because she had landed a new job as a teacher and it was more convenient to work and look after the couple's daughter from there, she was forced to move back in with her parents. She also mentioned that she spent holidays at her husband's place. Furthermore, she asserted that the basis for such a living arrangement was a mutual agreement between the couple. She further stated that it was only after marriage that she discovered her husband's mother had a mental disorder. The spouse vigorously protested to this submission, claiming that the accusation amounted to mental abuse. Nonetheless, the Court determined that the husband lacked sufficient evidence to support his accusations against the wife, including the claim that she was unkind and had abandoned him. Consequently, it refused to issue a divorce but overturned the family court's decision to separate the couple judicially.



# Justice for a minor child!



## New Delhi/SLNS

Today, Senior Advocate Lata Desai and Dr. Pallavi Divekar from Mumbai appeared in a fascinating case at the Supreme Court. The case involves the custody rights of a minor girl child across multiple countries and continents, with citizens from India, Singapore, UK, and USA. The media has widely reported on the plethora of legal issues involved, from jurisdiction to maintainability, rights of the minor, custody rights of the mother, maintenance, right of the father, and above all, the welfare, safety, and security of the child.

This case brings up important issues surrounding human emotions, rights, and the law. It highlights the

need for a robust legal framework to address the complexities of cross-border custody disputes. 4C Supreme Law International provided all legal support starting from filling caveat to AOR services through AOR Mohit k Daraad & Advocate Ashish.

We commend Senior Advocate Lata Desai and Dr. Pallavi Divekar for their dedication and commitment to this challenging case. Their efforts are a testament to the legal profession's ability to address complex issues and uphold the rights of vulnerable individuals. The case Richard Alexander Geary vs State of Maharashtra and Ors. was heard today in the court of Hon'ble Mr. Justice Suryakant and Hon'ble Justice K V Vishwanathan.

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## Can Foreigners Live In India?

Continue from page-1 is the only set of fundamental rights that apply to foreigners or those suspected of being foreigners, according to a Division Bench comprising Justices Suresh Kumar Kait and Manoj Jain.

It should be noted that Article 19 (1) (e) of the Indian Constitution prohibits foreign nationals from claiming they have the right to live and settle in India. The Court stated, "The fundamental right for life and liberty, as stated in Article 21 of the Indian Constitution, is the only one that applies to any such foreigner or suspected foreigner. The Bench also referred to the 1955 judgement of the Supreme Court in Hans Muller of Nuremburg v Superintendent, Presidency Jail, Calcutta wherein the apex court had observed that "the power of the Government of India to expel foreigners is absolute and unlimited and there is no provision in the Constitution fettering such discretion". As a result, the court denied the family's request for habeas corpus after Azal Chakma, a suspected national of Bangladesh, was detained in October 2022 at Delhi's Indira Gandhi International Airport (IGI Airport). He was accused of using a

■ The Bangladeshi High Commission had already provided travel permits for Chakma's return, and the authorities would deport him as soon as they received a confirmed airline ticket from the Bangladeshi Embassy, the Bench was informed.

Bangladeshi passport to enter India in the past but subsequently obtained Indian documents—including his passport—by deception. The passport was eventually canceled by Indian officials. Chakma's movements have been restricted, according to Section 3 (2) (e) of the Foreigners Act of 1946 read with Section 11 (2) of the Foreigners Order of 1948, it was informed to the Court. The Bangladeshi High Commission had already provided travel permits for Chakma's return, and the authorities would deport him as soon as they received a confirmed airline ticket from the Bangladeshi Embassy, the Bench was informed.

After reviewing the case, the Court found that there was no evidence to suggest that Chakma was being held illegally and that, given he had fled the country using a Bangladeshi passport, he alone should be held accountable for his suffering. The Court denied the petition as a result.

## Delhi High Court Dismisses Rape Charges In Lieu For "True Love."

Continue from page-1 cannot be controlled through rigours of law or State action." The judge continued by stating that mathematical accuracy is not always necessary to balance the balances of justice, adding,

"...but at times, while one side of the scale carries the law, the other side of the scale may carry the entire life, happiness and future of toddlers, their parents and parents of their parents." Arif Khan filed a petition to have the case brought against him by the parents of the woman he had eloped with in 2015 dismissed, and the court was considering it. Because they were of the same faith, the couple was married in accordance with Muslim customs and traditions. It was discovered that Khan's wife was five months pregnant after his incarceration. She refused to get an abortion, claiming that the child was the re-

sult of her marriage and her love for her spouse. Khan spent nearly three years behind bars before being released on

might not have allowed it. Nevertheless, the woman stood with her husband through thick and thin; they have two



bond in April 2018. The couple later got back together and added a second daughter to their household. The woman's attorney contended before the High Court that she was eighteen years old at the time of the occurrence and that she had freely chosen to get into a consensual relationship with Khan. The Delhi Police, however, objected to it since, according to her school records, she was under eighteen. The Court concluded its consideration of the case by noting that the parties were married even though the law

daughters together and have been married for nearly a decade. "...in the present case, the future of families of the parties and the two daughters born out of this wedlock, one aged 08 years, who is school going, and the other 2 ½ years old, and the wife who is a house-maker and their beautiful harmonious life, they have built together in the last 09 years, is at stake," the judge stated. In the end, the Court dismissed the case, stating that if this isn't done, real and effective justice won't be served.

## Prohibiting From Using Labels And Packaging That Resemble Parachute Oil

Continue from page-2 Marico filed a commercial lawsuit against KLF, claiming that the latter was selling oil in a misleadingly similar blue bottle with identical labels, infringing on its trademarks. Marico stated that he learned about KLF's products in July 2023 and went to court right away to ask for a restraining order against KLF. On August 18, 2023, the High Court issued an ex-parte ad-interim injunction pro-

hibiting KLF from using the purportedly infringing packaging since it was determined to be misleadingly similar to Parachute's blue bottles/containers, broken coconut device, coconut tree device, and overall trade dress. KLF, who was offended by the ruling, filed the current application to have the injunction order vacated under Order 39 Rule 4 of the CPC. According to Rule 4's proviso, if a party applying for an injunction intentionally

makes a false or misleading statement in the application, the injunction may be revoked. Judge Chagla came to the conclusion that KLF Nirmal Industries was unable to prove Marico intentionally made false or deceptive claims.

It dismissed the application after determining it lacked merit. Until further orders are received, the ad-interim order will remain in effect. A hearing on the subject has been scheduled for January 11, 2024.