**Regular[[1]](#footnote-1) Legal Updates & Points**

**(Date: 06-07 April 2022)**

[[**https://www.legalmines.com**](https://www.legalmines.com)]

|  |  |
| --- | --- |
| **[1]** | **Word/ Doctrine / Maxims of the Day:**  **Doli capax** / **Doli incapax**  : **Doli capax  and Doli incapax**  are Latin terms. Doli capax means a person capable of forming necessary intent to commit a crime or tort, especially by reason of age. Section 83 of the Indian Penal Code, 1860 is based upon this maxim which says that child between the age of 7 to 12 years is doli capax. On the other hand, doli incapax means a person incapable of forming the intent to commit a crime or legal wrong preferably by reason of his age. Section 82 of the Indian Penal Code, 1860 is based upon this maxim whereby child below the age of 7 years is doli incapax. |
| **[2]** | **Question (?) / Issue for Discussion of the Day:** Discuss the provisions as to emergency under the Indian Constitution alongwith relevant case laws. |
| **[3]** | **Law / Bill of the Day: Criminal Procedure (Identification) Bill, 2022**: The Rajya Sabha passed the Criminal Procedure (Identification) Bill, 2022 on 06-04-2022 which enables investigating officers to collect the biometric details The Bill was passed in the Lok Sabha on 04-04-2022. The Bill provides for legal sanction for taking appropriate body measurements of persons who are required to give such measurements and will make the investigation of crime more efficient and expeditious and will also help in increasing the conviction rate. The Bill proposes to allow Police to collect finger impressions, palm prints impressions, footprint impressions, photographs, iris and retina scans, physical and biological samples. It also proposes the collection of behavioural attributes including signatures, handwriting or any other examination referred under Section 53 or Section 53-A of Cr.P.C. The record of measurements shall be retained for a period of 75 years from the date of collection. This Bill will turn into an enactment after getting assent from the President of India under Article 111 of the Constitution of India. The **Identification of Prisoners Act, 1920** is proposed to be repealed under the Bill. |
| **[4]** | **Memorable Case Laws**:   1. **Vishaka Vs State of Rajasthan (1997)** – This case relates to sexual harassment at the workplace and violation of the fundamental rights of 'Gender Equality' and the 'Right of Life and Liberty'. The immediate cause for the filing of this writ petition is an incident of alleged brutal gang rape of social worker in a village of Rajasthan. In this case the three-judges Bench of the Hon’ble Supreme Court of India laid down guidelines known as Vishaka Guidelines for protection of women against sexual harassment at workplaces for the time being there is no such law enacted by legislature. The Vishaka Guidelines have played important role in enactment of *Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*. 2. **Lily Thomas Vs. Union of India (AIR 2000 SC 1650**): In this case the Supreme Court had to decide on the status of the earlier marriage where a non-Muslim gets converted to the ‘Muslim’ faith with no real change or belief without divorcing from the first wife. It was held that mere conversion of religion would not result in the marriage’s dissolution solemnized in accordance with the Hindu Law unless a decree of divorce is being obtained.Further, it was also stated that though freedom of religion is a matter of faith, the said freedom cannot be used as a garb for evading other laws where the spouse becomes a convert to ‘Islam’ to avoid the first marriage. |
| **[5]** | **Memorable Points (Cr.P.C.)**:Memorable points**[[2]](#footnote-2)** as to **Criminal Procedure Code, 1973** (total ***12 points as to Cr.P.C. already covered*** *under previous issues of “Regular Updates*”) are as under —   1. The Cr.P.C., 1973 consists of total \_\_\_\_\_\_Sections—**484 Sections** 2. As per Section\_\_\_\_\_\_of the Cr.P.C., civil force may be used by any Executive Magistrate or officer in charge of a police station or, in the absence of such officer in charge, any police officer, *not below the rank of a sub-inspector* to disperse unlawful assembly—**Section 129** 3. As per Section\_\_\_\_\_\_of the Cr.P.C., armed force may be used by the Executive Magistrate of the highest rank who is to disperse unlawful assembly—**Section 130** 4. **Chapter\_\_\_\_\_**of the Cr.P.C. deals with the trial before a Court of Session—**Chapter XVIII** 5. As per Section\_\_\_\_\_of the Cr.P.C., in every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor—**Section 225**. 6. **True/ False**: Where, in a trial before the Court of Session, the accused is not represented by a pleader, and where it appears to the Court that the accused has not sufficient means to engage a pleader, the Court shall assign a pleader for his defence at the expense of the State—**True** **(**Refer **Section 304** of the Cr.P.C., 1973**)** 7. As per Section\_\_\_\_\_of the Cr.P.C., the judgment in every trial in any Criminal Court or original jurisdiction shall be pronounced in open Court—**Section 353.** |
| **[6]** | **Memorable Points (Misc.)**: Memorable points under Indian Constitution and various miscellaneous important Acts are as under (total **370 *points already covered*** *under previous issues of “Daily Updates*”)—   1. **Constitution of India, 1950:** The total number of members in the Legislative Council of a State having such a Council shall not exceed \_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the total number of members in the Legislative Assembly of that State—**One Third (**ReferArticle 171 of the Indian Constitution**)** 2. **Code of Civil Procedure:** CPC**:** Sales of immovable property in execution of decrees may be ordered by any Court other than—**Court of Small Causes**. (Refer Rule 82 to Order 21 of CPC.) 3. **Indian Evidence Act, 1872:** As per Section\_\_\_\_of the Indian Evidence Act, 1872, no fact need be proved in any proceeding which the parties thereto or their agents agree to admit at the hearing, or which, before the hearing, they agree to admit by any writing under their hands, or which by any rule of pleading in force at the time they are deemed to have admitted by their pleadings—**Section 58** 4. **Indian Penal Code, 1860:** Rash driving or riding on a public way is a punishable offence under Section\_\_\_\_\_of the IPC, 1860—**Section 279** 5. **Transfer of Property Act, 1882**: **True / False**: As per Section 3 of the TPA, 1882, the term "**instrument**" means a non-testamentary instrument—**True** 6. **Indian Contract Act, 1872**: **True/ False:** A person who is usually of unsound mind, but occasionally of sound mind, may not make a contract when he is of sound mind—**False** (Refer Section 12 of the ICA, 1872) 7. **Partnership Act, 1932:** Effect of non-registration of firm is detailed under Section\_\_\_of the Partnership Act, 1932—**Section 69** 8. **Sale of Goods Act, 1930**:**True/ False**: Under the Sale of Goods Act, 1930, the term “goods” means every kind of moveable property other than actionable claims and money—**True** (Refer Section 2(7) of the SOGA, 1930) 9. **Specific Relief Act, 1963:** As per Section\_\_\_\_\_of the SRA, 1963, Specific relief can be granted only for the purpose of enforcing individual civil rights and not for the mere purpose of enforcing a penal law—**Section 4**. 10. **Negotiable Instrument Act, 1881:** Bank's slip or memo having thereon the official mark denoting that the cheque has been dishonoured, presume the fact of dishonour of such cheque, unless and until such fact is disproved. It so provided under Section\_\_\_\_of the NI Act—**Section 146** |
| **[7]** | **G. K. / Current Affairs**:   1. The total number of members in the Legislative Council of a State shall in no case be less than—**Forty**. 2. As per Article\_\_\_\_\_\_\_of the Indian Constitution, no discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties—**Article 211**. 3. The ‘liberty, equality and fraternity’ enshrined in the Preamble of Indian Constitution, is inspired by which revolution?—**French Revolution** 4. Which Schedule of the Indian Constitution contains languages—**8th Schedule** 5. Article \_\_\_\_of the Indian Constitution deals with the Uniform Civil Code (UCC)—**Article 44.** |

**\*\*\*\*\*\*\*\*\*\***

**Thanking You!**

1. . **Earlier, it was published as “*Daily Legal Updates and Points”*** [↑](#footnote-ref-1)
2. . *The readers please be informed that total* ***83 points* (***the Indian Penal Code, 1860***) *, 84 points*** *(CPC)**and* ***93 (****Indian Evidence Act****) memorable points*** *have been covered under previous issues of “Daily Legal Updates & Points” now known as* ***“Regular Legal Updates and Points”.*** [↑](#footnote-ref-2)