

SUPREME COURT OF INDIA
Advocate -on-Record Examination - June 2025
PAPER-IV LEADING CASES

Time: 3 hours

Total Marks:100

PART A (40 Marks)

Instructions to Candidates:

- (i) Answer any two questions from Part A.**
- (ii) Each question carries 20 marks and should be answered within 500 words.**

1. Examine the impact of the Supreme Court's judgments in *Shreya Singhal v. Union of India* and *Puttaswamy v. Union of India* on the protection of fundamental rights in the digital era. How do these cases balance the individual freedoms and State regulation? Can there be a right to be forgotten in the digital world?
2. Critically examine the evolving role of the judiciary in ensuring environmental accountability in extractive industries with reference to Supreme Court judgements. How has the Supreme Court balanced economic development, environmental protection, and government's responsibility in this context? Which are the environmental principles that the Supreme Court has judicially evolved in the context of environmental protection? What is the principle of ecocentrism, how does it differ from the earlier environmental principles? Explain with reference to case law.

3. Analyze the interpretation of 'material resources of the community' under Article 39(b) of the Indian Constitution in light of the landmark judgement of the Supreme Court. How did the Court balance individual property rights with the obligations of the government to promote public welfare? Discuss the implications of this judgment on property owners and legislation related to urban development and social welfare. Do material resources include digital resources and data as well? Justify your answer.
4. Explain whether merit, efficiency and equality are distinct concepts in the context of reservations laws in India. Is Article 16(4) an exception to Article 16 (1)? Does Article 16(1) permit reasonable classification? Can a provision under Article 16(4) be made by an executive order? Can there be reservations in the matter of promotions? If so, what should be the basis of such policy for reservations in promotions? Briefly trace the evolution of law in this regard. Can economic criterion alone be the basis for affirmative action?

PART B (60 Marks)

Instructions to Candidates:

- (i) Answer any six questions from Part B.
- (ii) Each question carries 10 marks and should be answered within 250 words.
- (iii) Please answer the questions with respect to provisions of law and case law.

1. In the context of a central excise legislation providing for specific procedure and time limit for claim of refund of tax already paid by the manufacturer, answer the following questions:

- a) Can a writ proceeding be instituted for refund of tax collected under a provision that has been declared unconstitutional? If so, what is the constitutional right for a claim of refund? **(2 marks)**
- b) Can a suit proceeding be instituted for refund of tax collected under a provision that has been declared unconstitutional? If so, what is the statutory right for a claim of refund? **(2 marks)**
- c) In both the situations under (a) and (b) above, can it be claimed by a person who has not challenged the vires of the statutory provisions and against whom the assessment has attained finality? **(2 marks)**
- d) Is there a limitation period on the basis of which courts can examine whether suits and writs filed under (a) and (b) are time barred or not? **(2 marks)**
- e) Person A challenges the vires of the charging provision of the tax statute and the High Court upholds the levy, against which no appeal is preferred. Later in the case of Person B the Supreme Court declares the levy unconstitutional. Can Person A obtain a refund? If so, what is the remedy? **(2 marks)**

2. In the context of arbitration proceedings involving signatories and non-signatories to a written arbitration agreement, answer the following questions:

- a) Can the principle of alter ego or piercing the corporate veil be the basis of application of the "group of companies" doctrine? Explain. **(2 marks)**

- b) Can the phrase “claiming through or under” in section 8 of the Arbitration and Conciliation Act, 1996, be interpreted to entities covered under the “group of companies” doctrine? Explain. **(2 marks)**
- c) What is the scope of the power of the referral court under section 8 and 11, when either a party to arbitration agreement seeks to implead a non-signatory or a non-signatory seeks to implead itself at the stage at of referral? **(2 marks)**
- d) Enlist four factors that the court must consider while applying the ‘group of companies’ doctrine? **(4 marks)**

3. In the context of the advisory jurisdiction conferred on the Supreme Court of India under Article 143 of the Constitution of India, answer the following questions:

- a) Is the advice tendered by the Supreme Court binding on the President? **(2 marks)**
- b) Can a Presidential reference contain a query directly questioning the correctness of the law laid by the Supreme Court in a judgment that has attained finality inter parties? Explain . **(3 marks)**
- c) On what grounds can the Supreme Court refuse to answer a reference? **(2 marks)**
- d) Is the interpretation placed on a constitutional provision by the Court in exercise of the jurisdiction under Article 143 binding on Supreme Court and High Courts? Justify **(3marks)**

4. In the context of the Tenth Schedule, of Constitution of India disqualification of legislators and the Speakers powers, answer the following questions:

- a) What is a *quia timet* action in the context of the Speaker's powers under the Tenth Schedule? Is a *quia timet* action maintainable against the Speaker? Can a mandamus be issued to the Speaker to decide a disqualification petition within a certain time limit? **(3 marks)**
- b) Are actions of the Speaker under Paragraph 6(1) of the Tenth Schedule immune from judicial scrutiny? Explain as to under what provisions and to what extent are such decisions immune from judicial scrutiny. **(2 marks)**
- c) Can the Speaker of a legislative Assembly preside over its sitting while a resolution for their removal is under consideration? State the relevant constitutional provision. Can a Speaker decide the issue of disqualification of MLAs, when a notice of intention to move remove the Speaker has been given under Article 179? **(2 marks)**
- d) Which entity appoints the Whip and Leader of the Party in the House? **(1 mark)**
- e) Does the order of disqualification have prospective or retrospective effect? What happens to validity of resolutions that have taken in the interregnum, that is, during the time the disqualification petition was pending before the Speaker? **(2 marks)**

5. In the context of criminal law and right to liberty, answer the following questions:

- a) Can a person accused of an offence punishable with imprisonment for a term which may be less than seven years, or which may extend to

seven years, be arrested only on the satisfaction that there exists reasonable suspicion that he committed the offence? If not, what conditions must be satisfied before such arrest is made? **(2 marks)**

- b) Apart from Article 21, which constitutional provision directly affords protection against illegal arrests and detention, and what are the safeguards built into the said provision? **(2 marks)**
- c) Can an order granting anticipatory bail be restricted for limited time period? **(2 marks)**
- d) Under what circumstances can a non-bailable warrant be issued under the Code of Criminal Procedure, 1973? **(2 marks)**
- e) What is the provision in the Code of Criminal Procedure, 1973 concerning default bail? Can default bail be granted in the absence of a written application for the same? **(2 marks)**

6. Answer the following questions in the context of patent law:

- a) Are the concepts of 'patentability' and 'invention' same under the Patent Act, 1970? **(3 marks)**
- b) In the context of pharmaceutical patents, what constitutional parameters and principles, must inform the law on patentability ? **(3 marks)**
- c) Discuss the scope of product and process patents in pharmaceutical sector pre and post the Patent Amendments Act, 2002 in the context of India's obligations under Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement ? **(4 marks)**

7. In the context of the insolvency law, amendment to the IBC in 2019 and the role of the resolution professional, answer the following:

- a) What is the prescribed time limit for insolvency resolution process under the extant provisions of IBC 2016. Whether the same can be extended or not. Please explain. **(3 marks)**
 - b) Whether the validity of section 30 and section 12 of IBC 2016 have been upheld by this Hon'ble Court and if yes, to what extent? **(2 marks)**
 - c) Please explain the scope of the approved resolution plan with respect to the extant provisions under IBC 2016. **(2 marks)**
 - d) Please summarise the role of a resolution professional with reference to IBC 2016 and the extant regulations of 2016. **(3 marks)**
8. In the context of the competition law, providing for anti-competitive agreements, abuse of dominant position and penalty under the Competition Act, 2002, answer the following questions:
- a) Please explain the jurisdiction of the Director General / CCI to investigate into any contravention into the provisions of the Act. **(3 marks)**
 - b) Whether section 27 provides for application of the doctrine of proportionality. Explain. **(3 marks)**
 - c) Whether sub-section (3) of section 3 of the Competition Act contemplates of agreements causing an appreciable adverse effect on competition. Please explain. **(2 marks)**
 - d) Whether bid rigging and collusive bidding comes under the under the scope of anti-competitive agreements. Please explain. **(2 marks)**
