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A WARM WELCOME FROM RENAISSANCE UNIVERSITY FAMILY

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SADHANA SHIVHARE W/O SHRI PARSHURAM SHIVHARE V. STATE OF RAJASTHAN

In a significant development on the regulation of liquor shops, the Rajasthan High Court raised serious constitutional concerns over the allotment of a composite liquor shop in a densely populated public market near temples and schools. Justice Sameer Jain observed that such allotments prima facie violates Article 21 (right to life and safe environment) and Article 47 (State’s duty to improve public health) of the Constitution.

The case arose when the petitioner, who had been duly allotted a liquor shop under the Excise Policy 2021–22 in Kishanpole Bazar, Jaipur, challenged a relocation notice dated August 13, 2025, issued by the State citing “public resentment.” The petitioner argued that the shop was sanctioned, the site plan approved, and the license valid till 2025–26 with no breach of conditions, making the sudden order arbitrary.

The Court noted that while no one has a vested right to trade in liquor, the State’s decision to approve such locations under its own temperance guidelines and then seek their relocation reflects inconsistency. It questioned whether the policy of situating liquor

shops in crowded areas aligns with constitutional obligations to safeguard health and life.

The judgment is notable for placing liquor licensing within the framework of fundamental rights and directive principles, holding that governance in such matters cannot be divorced from constitutional morality and public health obligations.

Read the full judgment here:

<https://www.verdictum.in/court-updates/high-courts/rajasthan-high-court/sadhana-shivhare-wo-shri-parshuram-shivhare-vs-state-of-rajasthan-1589926>

GENDER EQUALITY IN ARMED FORCES RECRUITMENT: DELHI HIGH COURT ORDERS APPOINTMENT OF WOMAN CANDIDATE TO IAF POST

Ms. Archana v. Union of India & Others

In a landmark judgment on gender equality in recruitment, the Delhi High Court held that unreserved vacancies in the Indian Air Force Flying Branch cannot be administered in a gender-skewed manner to exclude women candidates. The Court observed that distinguishing between male and female candidates in such cases is “illogical and anachronistic,” reinforcing the constitutional mandate of equality under Articles 14, 15, and 16.

The case arose when the petitioner, Ms. Archana, who had cleared the UPSC NDA exam and was found “Fit to Fly,” was denied appointment despite 20 unfilled vacancies in the Flying Branch. The authorities claimed that those posts were not earmarked for female candidates. The petitioner challenged this interpretation, pointing out that the advertisement had expressly stated that women were encouraged to apply, and the unreserved posts were never classified as “male-only.”

The Court rejected the government’s stance, noting that the recruitment notification did not reserve the 90 general vacancies for men. It emphasised that leaving posts vacant while denying qualified women appointment violated constitutional guarantees and principles of fair opportunity. Relying on the Supreme Court’s

precedent in *Arshnoor Kaur v. Union of India* (2025), the Bench directed that Ms. Archana be appointed forthwith to one of the unfilled vacancies, with all service benefits, including seniority.

The judgment is notable for affirming that unreserved posts must remain open to all eligible candidates, that gender cannot be a ground to deny appointment, and that governance in recruitment must align with constitutional equality and gender justice.

Read the full guidelines here

Read the full judgment here:

<https://www.verdictum.in/court-updates/high-courts/delhi-high-court/ms-archana-v-union-of-india-2025dhc7460-db-administer-advertisement-gender-skewed-manner-woman-candidate-petition-appointment-to-iaf-post-1589866>

JHARKHAND HIGH COURT: MERE PENDENCY OF CRIMINAL CASES, WITHOUT CONVICTION, CANNOT JUSTIFY WITHHOLDING STATUTORY ENTITLEMENTS SUCH AS PENSION AND GRATUITY."

RANCHI UNIVERSITY VS SHANTI DEVI & ORS

A Division Bench of the Jharkhand High Court, comprising Chief Justice Tarlok Singh Chauhan and Justice Rajesh Shankar, delivered a significant ruling that mere pendency of criminal proceedings, in the absence of conviction, cannot justify withholding retiral benefits such as pension, gratuity, or leave encashment. The court reaffirmed that these benefits are statutory rights of an employee and cannot be treated as a matter of discretion.

The respondent was appointed as a Lecturer in Hindi at B.N.J. College on 1 November 1984, initially for one year on a temporary basis. She joined in January 1985 and was transferred on deputation to Ram Lakhan Singh Yadav College in February 2002. Later, in 2003, she was appointed as a member of the Jharkhand Public Service Commission (JPSC) and was sanctioned five years of extraordinary leave in 2004. Subsequently, she was absorbed into the service of Ranchi University. After completing her tenure at JPSC, she rejoined R.L.S.Y. College in November 2009.

On 2 June 2011, she was arrested by the Vigilance Department in connection with certain corruption cases, leading to her suspension the next day. Although she was later released on bail and reinstated in January 2014, she was again suspended in March 2015 due to the continuing pendency of criminal cases alleging involvement in acts

of moral turpitude. Eventually, in December 2018, Ranchi University exercised its powers under Section 67 of the Jharkhand State Universities Act and compulsorily retired her, effective 25 January 2019. Her provident fund dues were cleared in 2020, but crucial retiral benefits including pension, gratuity, and leave encashment remained withheld, prompting her to file a writ petition.

The Division Bench noted that while six vigilance cases had been filed, the respondent was acquitted in three and the remaining three were still sub judice. Importantly, she had never been convicted in any case, nor was there any departmental punishment. Even her suspension orders had been revoked earlier.

The Bench relied on the Supreme Court's decision in *Deoki Nandan Prasad v. Union of India*, which recognized pension as a valuable right connected to past service, not a government bounty. It further relied on *Dr. Dudh Nath Pandey v. State of Jharkhand*, where it was held that under Rule 43 of the Bihar Pension Rules, neither pension nor gratuity can be withheld merely due to pendency of proceedings, nor can leave encashment be denied at any stage.

Given these principles, the High Court concluded that the writ court's direction was correct. Since the respondent had not suffered any conviction or penalty, she was entitled to full retiral benefits. Accordingly, the University's Letters Patent Appeal was dismissed.

Read full guidelines:

https://www.livelaw.in/pdf_upload/ranchi-university-vs-shanti-devi-ors-618687.pdf

CALCUTTA HC DISMISSES PUBLIC INTEREST LITIGATION DEMANDING CBI INQUIRY INTO ALLEGED IRREGULARITIES IN GRANT OF CASTE CERTIFICATES OVER THE LAST FIFTEEN YEARS

THE ALL INDIA MATUA MAHASANGHA & ORS. V. THE STATE OF WEST BENGAL & ORS., WPA(P) 170 OF 2025, CALCUTTA HIGH COURT

The petitioners, The All India Matua Mahasangha and others, filed a Public Interest Litigation (PIL) in the Calcutta High Court seeking cancellation of Scheduled Caste and Scheduled Tribe (SC/ST) certificates allegedly issued to ineligible persons. They also prayed for an investigation by the Central Bureau of Investigation (CBI) or an independent agency into widespread fraudulent certificate issuance during the last 15 years.

At the outset, counsel for the petitioners informed the Court that complaints had already been submitted to the competent authorities, and the concerned Sub-Divisional Officer (SDO) had initiated proceedings. They contended that issuance of false caste certificates is a matter of serious public law, and therefore, the High Court, through its PIL jurisdiction, could intervene. Relying on Supreme Court rulings such as *Indian Bank v. Godhara Nagrik Cooperative Credit Society* (2008), *Ayaaubkhan Noorkhan Pathan v. State of Maharashtra* (2013), and *Institute of Law, Chandigarh v. Neeraj Sharma* (2015), the petitioners argued that the concept of locus standi in PILs has broadened. They also cited *Adarsh Shiksha Mahavidyalaya v. Subhash Rahangdale* (2012), urging that courts must address public wrongs even when individual grievances are

involved. Importantly, they argued that political affiliations of petitioners should not bar a bona fide PIL, citing *State of West Bengal v. Dipak Mishra* (2021).

On the other hand, the State, represented by Senior Counsel Kalyan Bandopadhyay, argued that the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994, along with its 1995 Rules, already provides a statutory mechanism to deal with fraudulent certificates. Section 9 of the Act empowers the issuing authority to cancel or revoke certificates obtained by fraud, while Section 8A creates a State Scrutiny Committee for verification. As petitioners had already complained to the SDO, who had commenced proceedings, their grievances were being addressed within the statutory framework. The State thus argued that the PIL was not maintainable. Reliance was placed on *Dattaraj Nathuji Thaware v. State of Maharashtra* (2005), *Neetu v. State of Punjab* (2007), and *Jaipur Shahr Hindu Vikas Samiti v. State of Rajasthan* (2014), which warned against misuse of PIL jurisdiction.

Private respondents contended that the PIL was politically motivated, as the first petitioner is a religious sect organization and not a representative body of SC/ST communities. They also asserted that some petitioners were political figures misusing judicial process.

After hearing all parties, the Court held that while political affiliations cannot, by themselves, invalidate a PIL, the key issue was whether PIL jurisdiction should be exercised when an effective statutory remedy already exists and is being pursued.

The Court observed that the decisions cited by the petitioners were not directly applicable since they did not concern challenges to caste certificates where specific statutory procedures were in place. Conversely, in *Neetu and Jaipur Shahar Hindu Vikas Samiti*, the Supreme Court clearly held that courts should not entertain PILs when grievance redressal mechanisms exist under law.

The Bench emphasized that the judiciary must be cautious against misuse of PILs. The public interest litigation route is intended to protect marginalized groups, but if remedies are available under established law, petitioners must avail them. Since the petitioners had already approached the SDO, who was considering their complaints, there was no reason to entertain the PIL.

Accordingly, the Court dismissed the petition as non-maintainable but clarified that this will not prevent authorities from proceeding against bogus caste certificates in accordance with law.

Read full guidelines:

https://www.livelaw.in/pdf_upload/display-21-618725.pdf

SUPREME COURT CAUTIONED AGAINST GRANTING ACQUITTALS BY LOOSELY INVOKING THE PRINCIPLE OF 'BEYOND A REASONABLE DOUBT'

SUSHIL KUMAR TIWARI VERSUS HARE RAM SAH & ORS

The Supreme Court on Monday (Sep. 1) cautioned against granting acquittals by loosely invoking the principle of 'beyond a reasonable doubt', emphasizing that minor contradictions in evidence cannot be elevated to the level of reasonable doubt to justify an acquittal.

The Court emphasized that the application of the principle of 'proof beyond reasonable doubt' to acquit the accused should not be used in every case where there were minor inconsistencies, contradictions and deficiencies in the prosecution's case; otherwise the misapplication of this principle results into culprits walking free by taking benefit of doubt.

The bench comprising Justices Sanjay Kumar and Satish Chandra Sharma set aside the Patna High Court's decision, which had acquitted the Respondents who were convicted for the rape of a minor under the POCSO Act, based on the minor contradictions and inconsistencies in the prosecution's case, which had not made the prosecution's case highly improbable.

The High Court had acquitted the accused, citing discrepancies about the victim's age, the incident's timing, proof of pregnancy and abortion, defects in framing of charges, and the legality of a

joint trial. The Supreme Court, however, found each of these grounds unsustainable. It held that variations placing the victim between 12 and 15 years did not matter under POCSO, which only requires proof she was below 18. Minor lapses in recalling date and time could not discredit consistent testimony supported by medical evidence. The Court called the High Court's rejection of pregnancy and abortion records 'preposterous,' noting multiple medical and legal documents proved both.

Regarding the defective charge, the Court ruled under Sections 464 and 215 of the CrPC that no prejudice was caused. As for the joint trial under Section 223 CrPC, the Court clarified that mere irregularity is not enough for acquittal without proof of prejudice or miscarriage of justice. The judgment authored by Justice Sharma reaffirmed the principle that reasonable doubt must be serious, rational, and rooted in evidence, not based on trivial contradictions. The judgment underscored that misuse of the standard may allow guilty persons to escape accountability, which undermines societal confidence in justice.

Resultantly, the Court allowed the appeal, and directed Respondent Nos. 1 and 2 to surrender before the trial court within a period of two weeks from today to suffer the remaining sentence.

STATE AND UNION TERRITORY GOVERNMENTS SHOULD ENSURE THAT CCTV CAMERAS ARE INSTALLED IN EACH AND EVERY POLICE STATION

PARAMVIR SINGH SAINI vs. BALJIT SINGH

The Supreme Court has observed that the State and Union Territory Governments should ensure that CCTV cameras are installed in each and every Police Station functioning under them. Justice RF Nariman led bench observed that these directives shall be implemented both in letter and in spirit as soon as possible. The court has also directed the Central Government to install CCTV cameras and recording equipment in the offices of central agencies like CBI, NIA etc.

The court issued these directives while disposing SLP filed by one Paramvir Singh Saini, which raised issues regarding audio-video recordings of statements and the installation of CCTV cameras in police stations generally. The court, while impleading the states and Union Territories, had noted that in *Shafhi Mohammad v. State of Himachal Pradesh* (2018) 5 SCC 311, it was directed that the first phase of implementation of crime scene videography must be introduced by 15th July, 2018, at least at some places as per viability and priority determined by the COB. It was also directed therein that with a view to check human rights abuse, CCTV cameras be installed in all police stations as well as in prisons.

The bench, also comprising Justices KM Joseph and Aniruddha Bose said while issuing the following directives:

1. In order to ensure that no part of a Police Station is left uncovered, it is imperative to ensure that CCTV cameras are installed at all entry and exit points; main gate of the police station; all lock-ups; all corridors; lobby/the reception area; all verandas/outhouses, Inspector's room; Sub-Inspector's room; areas outside the lock-up room; station hall; in front of the police station compound; outside (not inside) washrooms/toilets; Duty Officer's room; back part of the police station etc.,
2. CCTV systems that have to be installed must be equipped with night vision and must necessarily consist of audio as well as video footage. In areas in which there is either no electricity and/or internet, it shall be the duty of the States/Union Territories to provide the same as expeditiously as possible using any mode of providing electricity, including solar/wind power. The internet systems that are provided must also be systems which provide clear image resolutions and audio.
3. The storage of CCTV camera footage which can be done in digital video recorders and/or network video recorders. CCTV cameras must then be installed with such recording systems so that the data that is stored thereon shall be preserved for a period of 18 months. If the recording equipment, available in the market today, does not have the capacity to keep the recording for 18 months but for a lesser period of time, it shall be mandatory for all States, Union

Territories and the Central Government to purchase one which allows storage for the maximum period possible, and, in any case, not below 1 year. It is also made clear that this will be reviewed by all the States so as to purchase equipment which is able to store the data for 18 months as soon as it is commercially available in the market. The affidavit of compliance to be filed by all States and Union Territories and Central Government shall clearly indicate that the best equipment available as of date has been purchased.

4. The duty and responsibility for the working, maintenance and recording of CCTVs shall be that of the SHO of the police station concerned. It shall be the duty and obligation of the SHO to immediately report to the DLOC any fault with the equipment or malfunctioning of CCTVs. If the CCTVs are not functioning in a particular police station, the concerned SHO shall inform the DLOC of the arrest / interrogations carried out in that police station during the said period and forward the said record to the DLOC. If the concerned SHO has reported malfunctioning or non-functioning of CCTVs of a particular Police Station, the DLOC shall immediately request the SLOC for repair and purchase of the equipment, which shall be done immediately.

5. The Director General/Inspector General of Police of each State and Union Territory should issue directions to the person in charge of a Police Station to entrust the SHO of the concerned Police Station with the responsibility of assessing the working condition of the CCTV cameras installed in the police station and also to take

corrective action to restore the functioning of all non-functional CCTV cameras. The SHO should also be made responsible for CCTV data maintenance, backup of data, fault rectification etc.

CCTV At Offices Of Central Agencies Also

The court has directed the Central Government to install CCTV cameras and recording equipment in the offices of: (i) Central Bureau of Investigation (CBI) (ii) National Investigation Agency (NIA) (iii) Enforcement Directorate (ED) (iv) Narcotics Control Bureau (NCB) (v) Department of Revenue Intelligence (DRI) (vi) Serious Fraud Investigation Office (SFIO) (vii) Any other agency which carries out interrogations and has the power of arrest.

State and District Level Oversight Committee

The court added that Oversight Committees should be constituted at State and District levels ."State Level Oversight Committee must consist of: (i) The Secretary/Additional Secretary, Home Department; (ii) Secretary/Additional Secretary, Finance Department; (iii) The Director General/Inspector General of Police; and (iv) The Chairperson/member of the State Women's Commission. (i) The Divisional Commissioner/ Commissioner of Divisions/ Regional Commissioner/ Revenue Commissioner Division of the District (by whatever name called); (ii) The District Magistrate of the District; (iii) A Superintendent of Police of that District; and (iv) A mayor of a municipality within the District/ a Head of the Zilla Panchayat in rural areas.", it observed. The

judgment also mentions the obligations of these committees.

The Centre was also asked to file an affidavit on the constitution and workings of the Central Oversight Body.

Human Right Commissions/ Courts Can Summon CCTV Footages

The court observed that Human Right Commission/Courts can summon such CCTV footages while dealing with complaints against police. It observed:

Whenever there is information of force being used at police stations resulting in serious injury and/or custodial deaths, it is necessary that persons be free to complain for a redressal of the same. Such complaints may not only be made to the State Human Rights Commission, which is then to utilise its powers, more particularly under Sections 17 and 18 of the Protection of Human Rights Act, 1993, for redressal of such complaints, but also to Human Rights Courts, which must then be set up in each District of every State/Union Territory under Section 30 of the aforesaid Act. The Commission/Court can then immediately summon CCTV camera footage in relation to the incident for its safe keeping, which may then be made available to an investigation agency in order to further process the complaint made to it.

THE SUPREME COURT'S RECENT JUDGMENT CLARIFIES THE LIMITS AND RESPONSIBILITIES OF HIGH COURTS UNDER SECTION 100(5) OF THE CIVIL PROCEDURE CODE (CPC),

C.P. FRANCIS VS C.P. JOSEPH AND ORS.

The Supreme Court's recent judgment clarifies the limits and responsibilities of High Courts under Section 100(5) of the Civil Procedure Code (CPC), insisting that reasons must be recorded when framing an additional question of law in second civil appeals—a power to be used only in exceptional cases, not routinely.

Factual Background

The case arose from the Kerala High Court's handling of a civil dispute over a joint family will dated January 27, 2003. The will vested ownership of two properties in the appellant, on the condition that he pay specified sums to his siblings within five years of both parents' passing. The trial and first appellate courts upheld the will's validity. The High Court, however, overturned their findings by introducing and relying on a legal question concerning Section 67 of the Indian Succession Act—a question neither pleaded nor debated in earlier proceedings.

The Issue before the Supreme Court was whether the High Court can frame an entirely new substantial question of law at the appellate stage, and if so, under what circumstances, particularly regarding

procedural safeguards and the need to record reasons. The use of the proviso to Section 100(5) CPC allows High Courts this power, but the Supreme Court underlined that it must be exercised sparingly and with careful justification.

Court's Reasoning

The Supreme Court emphasized several principles:

- The power granted under Section 100(5) CPC is discretionary, not a routine tool to be used freely. It must be invoked only for compelling, strong reasons, clearly recorded in the judgment.
- Any new substantial question of law must be rooted in the parties' pleadings and findings of lower courts; it should go to the root of the dispute.
- The High Court should formulate such questions only if a substantial question of law was involved at the time of admission to second appeal. Additional questions may only be added if justified by exceptional circumstances.
- Reasons for framing the additional question must be recorded, and not merely stated in passing or at the time of dictating the judgment. Transparency and accountability in judicial reasoning are essential.
- The opposite party must be put on notice and have a fair opportunity to contest the new question. Dictating questions in judgment without argument or hearing is improper and violates principles of natural justice.
- The question must be truly substantial, affecting the case's outcome and not a mere legal technicality or abstract issue.

The bench, comprising Justice Ahsanuddin Amanullah and Justice SVN Bhatti, noted that in the present case, the Kerala High Court

failed on these counts. The High Court introduced a new legal ground late in the proceedings, never pleaded in lower courts, and did so without giving reasons or notice to the opposite party.

Here, the High Court found the will void under Section 67 of the Succession Act, despite this issue not forming part of the original pleadings or being raised during trial. The Supreme Court criticized this approach, pointing out that admissions of parties must be made through recognized legal avenues—either in pleadings or in evidence. The High Court acted upon facts and relationships never properly established before it and drew legal conclusions on questions not disclosed in the record.

The Supreme Court allowed the appeal, overturning the High Court's judgment, and clarified that additional substantial questions of law in second appeals must be carefully scrutinized and justified, ensuring procedural fairness and transparency at all stages. The judgment protects litigants from being taken by surprise and ensures appellate courts focus on core issues raised during the trial and appellate processes. Ultimately, courts should not decide cases on grounds neither pleaded nor argued, upholding due process and the integrity of judicial proceedings.

MOTOR ACCIDENT CLAIMS | IF CLAIMANT DOESN'T PRODUCE INCOME PROOF, INSURER MUST FURNISH APPLICABLE MINIMUM WAGES NOTIFICATION: SUPREME COURT

HITESH NAGJIBHAI PATEL VERSUS BABABHAI NAGJIBHAI RABARI & ANR.

The Supreme Court recently increased the compensation awarded to a minor, who sustained permanent disability in a road accident, from ₹8.65 lakh to ₹35.90 lakhs, holding that a minor cannot be classified as a non-earning individual for determining income. Instead, the Court ruled that the minor's income should be treated as equivalent to the minimum wage for a skilled worker notified in the State where the cause of action arose.

“It is now a well-entrenched and consistently reiterated principle of law that a minor child who suffers death or permanent disability in a motor vehicle accident, cannot be placed in the same category as a non-earning individual for the purposes of assessing the amount of compensation because the child was not engaged in gainful employment at the time of the accident. In such a case, the computation of compensation under the head of loss of income ought to be made by adopting, at the very least, the minimum wages payable to a skilled workman as notified for the relevant period in the respective State where the cause of action arises.”, the court observed.

Also, a direction is issued by the Court that in cases where the income of the claimant/deceased has not been properly established,

it shall be the obligation of the insurance company to furnish the schedule of minimum wages prevalent in the respective state where the cause of action arose. The Court asked circulation of a copy of the order to the High Courts, who in turn, will circulate one copy each to the respective Motor Accident Claims Tribunals in their State.

A bench of **Justices Sanjay Karol and Prashant Kumar Mishra** set aside the Gujarat High Court's decision which awarded compensation to the Appellant ignoring his head of loss of income treating him to be non-earning.

The Court referenced the case of *Baby Sakshi Greola v. Manzoor Ahmad Simon and another 2024 LiveLaw (SC) 978*, where it also awarded compensation to a minor girl, victim of a road accident, as per the minimum wage notified for a skilled worker at the time of the accident.

On this basis, the Court fixed the minor's notional monthly income at ₹6,836, added 40% towards future prospects, applied a multiplier of 18, and factored in 90% permanent disability. It further awarded enhanced sums under non-pecuniary heads, including ₹5 lakh for pain and suffering, ₹3 lakh for loss of marriage prospects, and ₹5 lakh for an artificial limb.

A SPECIAL THANKS TO

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