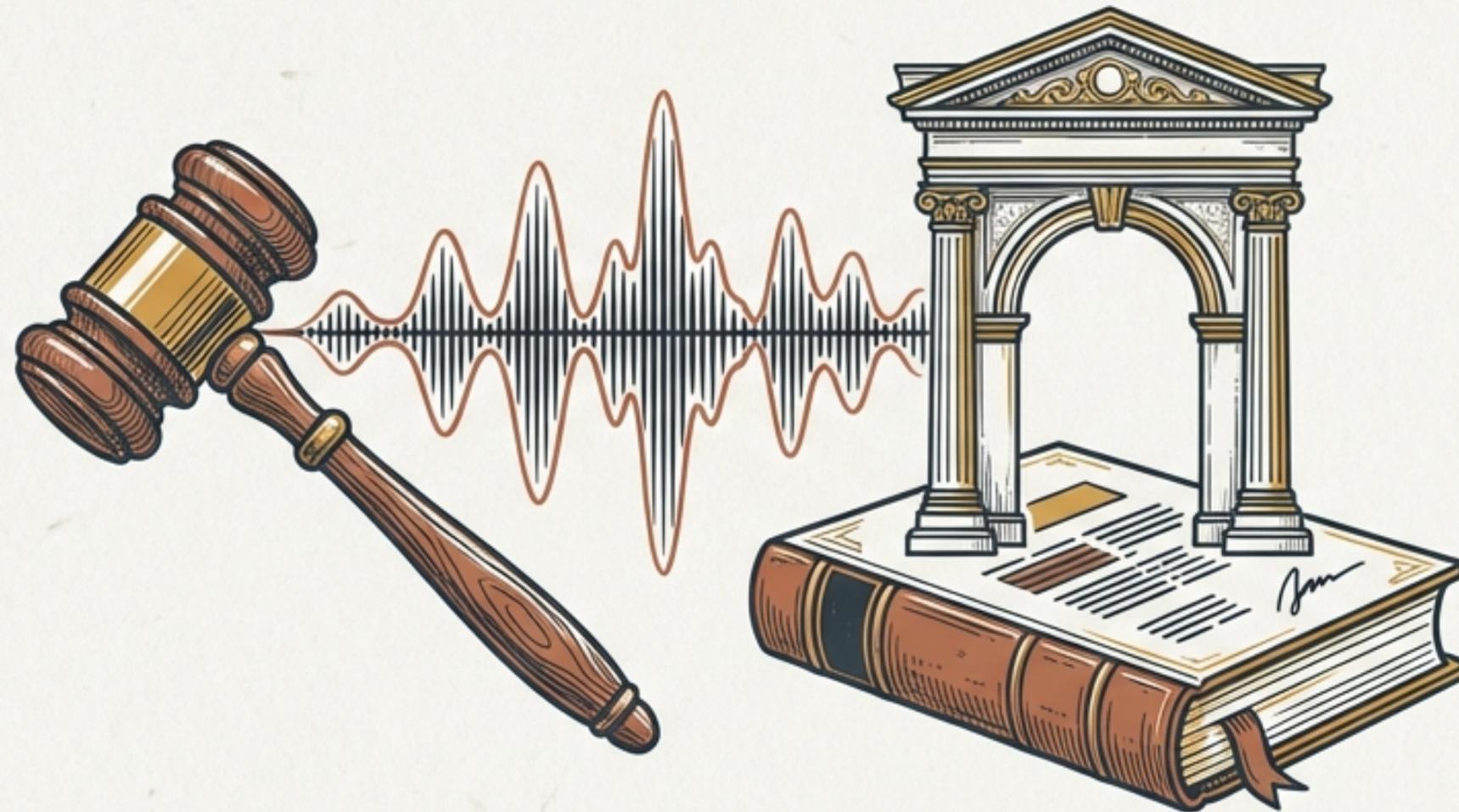


# LEGAL ROUNDUP

February, Week 3



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Constitutional Rights • IP Evolution • Penal Code Interpretations

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WEEKLY LEGAL DIGEST

# The Docket

## 01. PERSONAL LIBERTY

Gujarat's Marriage Rules vs. The Supreme Court.



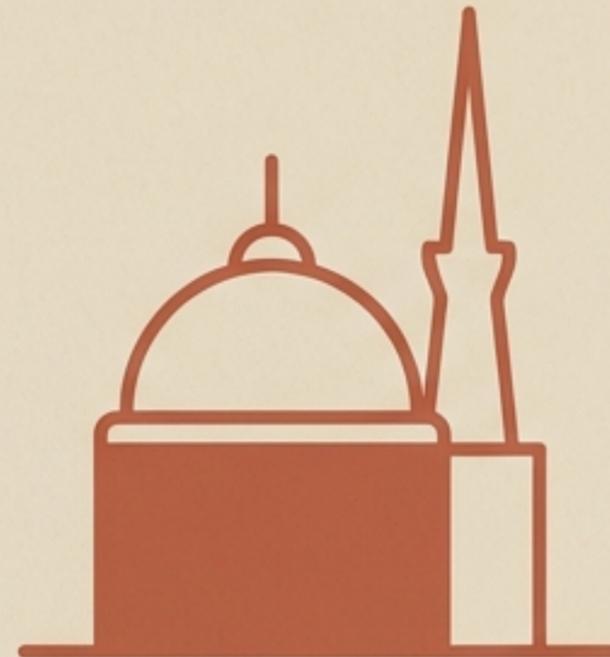
## 02. INTELLECTUAL PROPERTY

The 'Sound' of a Brand (Kingfisher Case).



## 03. CONSTITUTION CHALLENGE

The Places of Worship Act, 1991.



## 04. CRIMINAL JUSTICE

The Letter of the Law (Pre-2013 Rape Definitions).



# Permission to Wed?

Gujarat's move to mandate parental consent for marriage registration faces a constitutional wall.



**Proposed rule requiring parental consent.**



**Undermines Individual Agency & Autonomy.**

**Critique:** Senior Advocate Jayna Kothari notes this acts as a legal barrier to interfaith and intercaste marriages, specifically undermining the agency of women.

# Autonomy Over Authority

## Shafi Jahan v KM Ashokan (2018)

Right to choose a partner is absolute. Overruled 'Parens Patriae'.

## Laxmibai Chandaragi B vs. State of Karnataka (2021)

Consent of 'family, community, or clan' is NOT required for adults.

## Shafi Jahan v KM Ashokan (2018)

Right to choose a partner is absolute. of violence; protected inter-caste unions.

## Lata Singh v State of UP (2006)

Benita Seendoma

Recognized family as a potential site of violence; protected inter-caste unions.

**“The choice of an individual is an inextricable part of dignity.”  
— Supreme Court of India.**

# Beyond the Logo



## The News

Kingfisher's iconic 'Oo la la la le o' jingle is now a registered trademark.

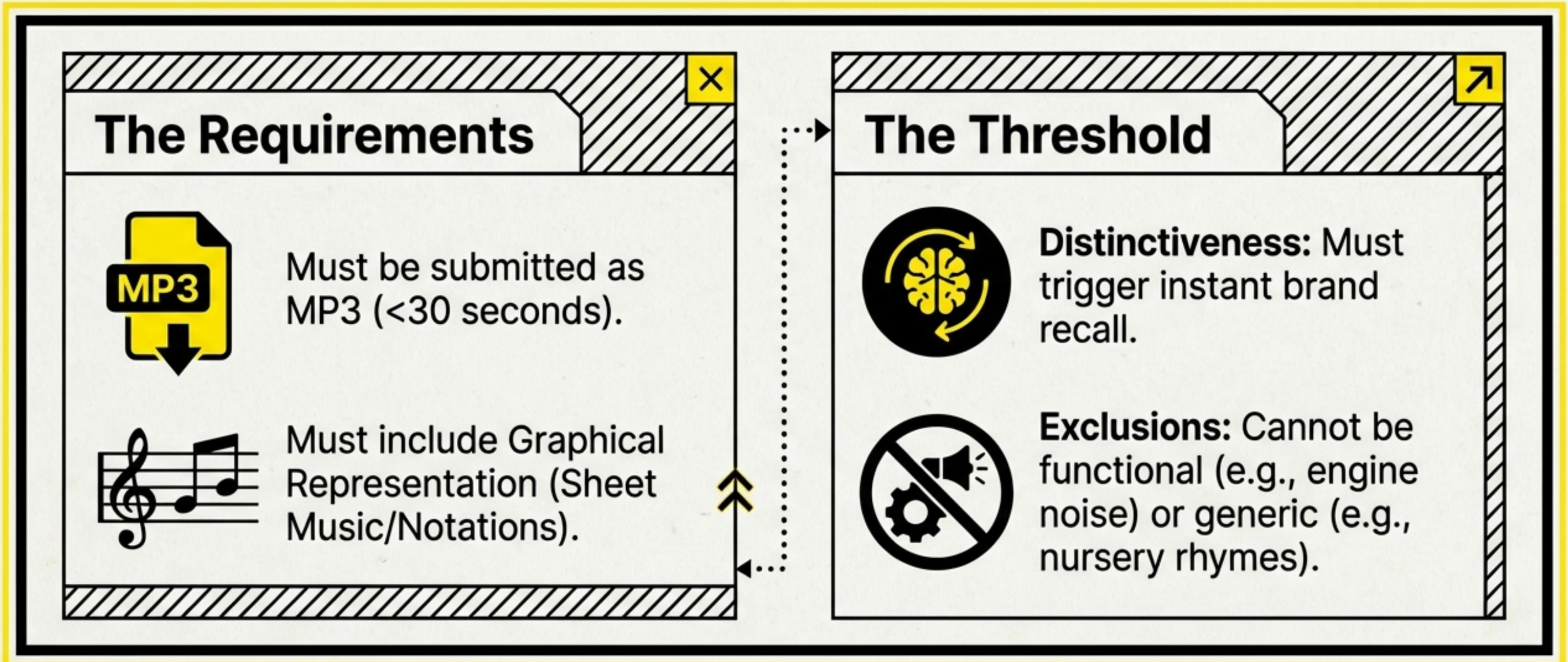
## The Concept

Non-Conventional Trademark: The sound itself acts as the source identifier for the commercial product.

## Precedents in India:

- Yahoo's Yodel (2008)
- ICICI Bank Jingle
- Netflix 'Ta-dum'

# The Litmus Test for Sound



**Global Context:** Shield Mark BV v. Joost Kist (EU) – Vague descriptions fail; precise musical notation is required.

# Freezing History: The 1991 Act

Aug 15, 1947

Sept 1991

2019

Present

## The Cut-Off

## The Enactment

## The Exception

## The Challenge

Religious character of all sites is frozen as of this date.

Passed to prevent "retrogression" of secularism.

Ayodhya Verdict (Ram Janmabhoomi excluded).

Act challenged in SC; claims it blocks judicial review.

# The Supreme Court's Pivot

## The Challenge

- 1947 date is arbitrary.
- Denies remedy for destruction by invaders.
- Judicial review is a basic feature.



## The Defense

- Act is a non-derogable obligation of secularism.
- Reopening disputes causes communal disharmony.

**CURRENT STATUS:** CJI Sanjiv Khanna has stayed "effective interim orders" (surveys) but refused to halt proceedings entirely.

# The Definition of Offence

**Why a High Court acquitted an accused rapist based on a 2004 interpretation of the Penal Code.**



**Incident Date**



**Legal Amendment**

**The Ruling Logic:** The court applied the law as it stood at the time of the offence. Under pre-2013 Section 375, 'Peno-vaginal penetration' was the essential condition. In this case, lack of full penetration resulted in an acquittal for Rape, but conviction for Attempt.

# Then vs. Now: Section 375

## Pre-2013 (The 'Chastity' Era)

- **Focus:** Procreation/Lineage.
- **Definition:** Narrow.  
Penile-vaginal  
vaginal penetration only.
- **Outcome:** Non-penetrative acts treated as 'Attempt' or 'Molestation'.



## Post-2013 (The 'Autonomy' Era)

- **Focus:** Bodily Integrity.
- **Definition:** Expanded.  
Penetration by penis, object, or  
body part to *\*any\** extent.  
Includes mouth, urethra, anus.
- **Trigger:** The 2012 Delhi Gang Rape protests led to the Criminal Law (Amendment) Act, 2013.



# The Weekly Brief



**Marriage:** Constitutional courts consistently rule that adult agency supersedes parental or community consent.



**IP Rights:** Sound marks are valid but require rigorous proof of distinctiveness and graphical notation.



**Secularism:** The Supreme Court is balancing the validity of the Places of Worship Act against the right to judicial review.

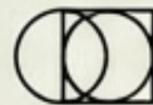


**Criminal Law:** Penal statutes are non-retrospective; crimes are judged by the definition of the law at the time of the offence.



**See you next week.**

Stay informed. Stay legal.



# Thank You



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