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# ILI Newsletter

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## Editorial

“War is a last resort, but when duty calls, fulfil it with honour.” The recent unfolding of ‘Operation Sindoor,’ wherein India launched a calibrated air-and-missile campaign, striking nine terrorist camps and two Pakistani airbases in May 2025, resonates well with the above axiom. While the visceral demand for retribution following a brutal act on Indian citizens is undeniably potent, the execution of calibrated cross-border military action unfurls a complex tapestry of legal, ethical, and geopolitical threads, ranging from self-defense, territorial integrity, rights of civilians, the Indus water treaty, and doctrine of restraint.

India’s recent military action against Pakistan-based terrorist targets have revived debates on the right of self-defence under international law. While India termed it as an action not against Pakistan, but against the non-state actors who were responsible for the act of terrorism at Pahalgam. The critics in Pakistan denounced it as a breach of Article 2(4), claiming territorial integrity violations. India outmanoeuvred these old rhetorics with the Charter’s narrow exception, citing proportionality and necessity. Later at the United Nations, India framed Operation Sindoor as a defense of civil order, lamenting Pakistan’s “theatre of deception” and warning of its role as a terror harbour. Diplomatically, this mirrored the duality of force and dialogue- while rhetoric hardened, India’s diplomacy emphasized clarity, not escalation. Apart from the display of its hard power, another significant event on display was India’s suspension of the Indus Waters Treaty, a transaction seldom employed since 1960, made it abundantly clear that even environmental and hydro-legal frameworks may bend before existential security concerns. The treaty, a linchpin of regional water diplomacy, introduces afresh the hydro-political risk of possible long-term disruption of water flows, thereby highlighting how counterterrorism intersects not only with diplomacy but also trans-boundary ecology and human security.

Beyond the strictures of international law, the ethical imperative concerning civilian rights casts a long shadow. While India’s doctrine of restraint, eschewing ballistic weapons and focusing on terrorist infrastructure, represented a conscious attempt to harmonize self-defense with civilian protection, echoing ‘Just War’ theory, particularly the principles of non-combatant immunity and proportionality. Pakistan, on the other hand, tossed away all sorts of such principles by deliberately attacking civilian residential complexes in border areas and the Jammu region. Stooping further, it installed military equipment on the rooftops of civilians’ homes within its territory, violating International Humanitarian Law, specifically the principle of distinction and the prohibition against using civilian buildings for military purposes.

Beyond legal formalities, the operation marked a watershed in next-generation warfare. Precision-guided strikes by Akash and BrahMos missiles- products of indigenous defense labs, have inaugurated a new era of minimal-contact strategic signalling, striking hard yet short of nuclear thresholds. The bombings at Nur Khan and Shorkot airbases, which reportedly prompted a Pakistani ceasefire request, underscored India’s defense sector effectiveness at global scale.

In sum, Operation Sindoor was not merely a military operation, but a policy crucible, forcing a reappraisal of international law, diplomacy, philosophy, and next-generation warfare, all within a nuclearized, trans-border regional order. The operation legitimizes the fact that the patience of a nation confronted by persistent cross-border terrorism wears thin, and as noted by the Atlantic Council, the harbours of terrorists & state-sponsored terrorism must understand that “new Indian template” can strongly deal with terrorism across borders under nuclear overhang. While debates at the UN continue, and the wider global judiciary may yet test the durability of doctrines and principles that seek both to deter and to defend in an era of relentless asymmetry, India responded to its duty and fulfilled it with honour.

**Sr. Prof. (Dr) V. K. Ahuja**

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### Inside

Activities at the Institute.....	02	Visits to the Institute.....	17
Forthcoming Events.....	16	Legislative Trends.....	17
Examinations.....	16	Legal Jottings.....	19
Research Publications.....	17	Faculty News.....	23
Library.....	17	Case Comments.....	24
E-learning Courses.....	17		

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## NEW PRESIDENT OF ILI



**Hon'ble (Mr.) Justice Bhushan Ramkrishna Gavai**  
(Chief Justice of India/President, ILI)

Hon'ble (Mr.) Justice Bhushan Ramkrishna Gavai was appointed as the 52<sup>nd</sup> Chief Justice of India with effect from 14<sup>th</sup> May, 2025. His Lordship began his legal career in 1985 and served as the Standing Counsel for several civic bodies, as well as Government Pleader and Public Prosecutor at the Nagpur Bench of the Bombay High Court. He was elevated as an Additional Judge of the Bombay High Court in 2003, became a permanent judge in 2005, and was appointed to the Supreme Court of India in May 2019.

His Lordship's judicial contributions have profoundly enriched Indian constitutional jurisprudence. He has been a part of several Constitution Benches that delivered landmark verdicts, including upholding the abrogation of Article 370, striking down the Electoral Bonds Scheme, and affirming the validity of the 2016 demonetisation policy. His judgments consistently underscore the primacy of the Constitution, the rule of law, and the protection of fundamental rights. In a notable ruling, Justice Gavai strongly condemned the practice of "bulldozer justice", emphasizing that the executive cannot demolish properties merely on the basis of accusations or convictions without following due process. This judgment reaffirmed the principles of judicial oversight and the doctrine of separation of powers. Equally remarkable is his jurisprudence on social justice, where he has supported the principle of sub-classification within Scheduled Castes and advocated for the application of the "creamy layer" principle to ensure the equitable distribution of reservation benefits among the most marginalized communities. His Lordship has also made significant contributions to environmental jurisprudence, delivering decisions aimed at protecting forest areas, promoting sustainable development, and mandating uniform demolition protocols. These reflect his deep commitment to environmental protection, social equity, and judicial accountability.

## ACTIVITIES AT THE INSTITUTE

### ILI -NATIONAL HUMAN RIGHTS COMMISSION (NHRC) TRAINING PROGRAMMES

#### Two-Days Training Programme for First Class Judicial Magistrates on “Human Rights: Issues and Challenges” held on June 28-29, 2025.

The Indian Law Institute, in collaboration with the National Human Rights Commission, organized a two-day training program titled "Human Rights: Issues and Challenges" for First Class Judicial Magistrates. Held at the Plenary Hall of the Indian Law Institute in New Delhi, the event aimed to enhance the understanding and enforcement of human rights within the judiciary. The Programme was inaugurated by Hon'ble (Mr.) Justice Ujjal Bhuyan, Judge, Supreme Court of India.

Hon'ble Lordship emphasised the pivotal role of Judicial Magistrates as the first point of contact between citizens and the justice delivery system. His Lordship emphasized that the protection of human rights commences at the grassroots level of the judiciary, where magistrates engage daily with vulnerable sections of society. He stressed that constitutional values must inform and guide every judicial decision, regardless of how routine it may appear. His Lordship urged the participants to perceive their role not merely as adjudicators but as custodians of constitutional rights, reminding them that every bail order, remand proceeding, and interaction with an accused person presents an opportunity to affirm and uphold human dignity.



Hon'ble (Mr.) Justice Ujjal Bhuyan lighting the ceremonial lamp at the inaugural session of the programme.



Hon'ble (Mr.) Justice Ujjal Bhuyan, Judge Supreme Court of India along with Sr. Prof. (Dr.) V.K. Ahuja, Director, ILI and Shri Shreenibas Chandra Prusty, Registrar, ILI.

In the first session on “Human Rights – An Overview,” Sr. Prof. (Dr.) V. K. Ahuja, Director, Indian Law Institute, provided a comprehensive exposition on human rights jurisprudence, tracing its evolution from the principles of natural law to contemporary constitutional frameworks. He elucidated that human rights are inherent, inalienable, and universal, transcending cultural and geographical boundaries. The session explored the historical progression of human rights from the Magna Carta to the Universal Declaration of Human Rights and their subsequent incorporation into the Indian Constitution. Dr. Ahuja emphasized that the Fundamental Rights enshrined in Part III and the Directive Principles of State Policy under Part IV collectively constitute India’s human rights charter, reminding judicial officers of their duty to strike a balance between individual liberty and collective welfare in the administration of justice. In Session II on “Role of NHRC in Protection and Promotion of Human Rights,” Shri Samir Kumar, Joint Secretary, NHRC, elaborated on the statutory mandate of the National Human Rights Commission as established under the Protection of Human Rights Act, 1993. He outlined the Commission’s quasi-judicial powers, investigative mechanisms, and its collaborative framework with the judiciary for the protection and promotion of human rights. The session

highlighted specific instances where NHRC interventions have led to systemic reforms in areas such as police custody practices, prison conditions, and the treatment of marginalized communities. Shri Kumar emphasized the pivotal role of judicial magistrates as key partners in the NHRC’s mission, noting that they are often the first to encounter human rights violations and possess the authority to provide immediate relief and ensure accountability.



Dr. Sapna Bansal addressing the participants of the training programme

In Session III on “Human Rights of Vulnerable Groups,” Dr. Sapna Bansal, Associate Professor, G.D. Goenka University, focused on the distinct challenges faced by vulnerable populations, including women, children, the elderly, persons with disabilities, and marginalized communities. She elaborated on the concept of intersectionality and how overlapping forms of discrimination intensify human rights violations. The session discussed landmark judgments and legal frameworks that safeguard vulnerable groups, such as the *Vishaka Guidelines* on workplace harassment, principles under the Juvenile Justice Act, and legislation protecting the rights of persons with disabilities. Dr. Bansal underscored the crucial role of magistrates in identifying indicators of vulnerability and applying appropriate legal protections to ensure that access to justice remains uninhibited by social, economic, or physical barriers.



Prof. (Dr.) B. T. Kaul addressing the participants of the training programme

In Session IV on “Criminal Justice Administration and Human Rights,” Prof. (Dr.) B. T. Kaul, Former Chairperson, Delhi Judicial Academy, addressed the inherent tension between effective law enforcement and the protection of human rights within the criminal justice system. He discussed the principles of fair trial, presumption of innocence, and the right to legal representation as foundational to human rights jurisprudence. The session examined critical concerns such as custodial violence, illegal detention, and the magistrate’s pivotal role in preventing human rights violations during investigation and trial proceedings. Prof. Kaul underscored that the right to a speedy trial is an essential human right, emphasizing that undue delays in the justice system amount to violations of the right to life and personal liberty. He urged magistrates to proactively manage their caseloads while upholding procedural safeguards and ensuring justice without delay.



Mr. Sunil Gupta delivering lecture at the training programme

In Session V on “Judiciary and Prison Reforms,” Mr. Sunil Gupta, Former Law Officer, Tihar Jail, shared insights drawn from his extensive experience in prison administration. He highlighted the deplorable conditions prevailing in many correctional institutions, noting that overcrowding, inadequate healthcare, poor sanitation, and violence often amount to serious human rights violations. The session emphasized the crucial role of magistrates in monitoring remand conditions, ensuring timely medical care for prisoners, and conducting regular inspections of detention facilities. Mr. Gupta stressed that the objective of imprisonment must be reformation rather than mere punishment, underscoring that magistrates have a responsibility to ensure that custodial conditions uphold human dignity and do not constitute cruel, inhuman, or degrading treatment.



Mr. H. S. Randhawa delivering the lecture at the training programme

In Session VI on “Cyber Security – Issues and Challenges,” Mr. H. S. Randhawa, Assistant Commissioner of Police, Cyber Crime Unit, addressed the emerging human rights concerns in the digital era, including privacy violations, cyber bullying, online harassment, and digital surveillance. He discussed how cybercrimes often have a disproportionate impact on vulnerable groups, particularly women and children, and highlighted the complexities involved in the investigation and prosecution of such offenses. The session examined the delicate balance between national security imperatives and the protection of individual

privacy rights, emphasizing the significance of robust data protection frameworks. Mr. Randhawa underscored the magistrate’s critical role in authorizing digital searches and surveillance, ensuring that constitutional safeguards are upheld. He further emphasized the importance of technological literacy among magistrates to enable informed and judicious decision-making in cases involving digital evidence and cyber offenses.



Prof. (Dr.) Purvi Pokhariyal addressing the participants of the training programme

In Session VII on “Forensic Justice and Human Rights,” Prof. (Dr.) Purvi Pokhariyal, Dean, National Forensic Sciences University (NFSU), discussed the pivotal role of forensic science in ensuring fair trials and preventing wrongful convictions. She explained that scientific evidence, when accurately collected, preserved, and analyzed, serves to protect both the rights of the accused and the integrity of the justice system. The session addressed key issues such as the use of DNA evidence, delays in forensic analysis, contamination of evidence, and the right to independent forensic examination. Dr. Pokhariyal emphasized that magistrates play a vital role in ensuring adherence to proper forensic procedures, guaranteeing the accused access to independent forensic expertise, and preventing the misuse of scientific evidence in ways that could undermine fundamental rights.



Prof. (Dr.) Pradeep Kumar Kulshrestha addressing the participants of the training programme

In Session VIII on “Role of Judiciary in Developing Human Rights Jurisprudence,” Prof. (Dr.) Pradeep Kumar Kulshrestha, Dean, School of Law, Bennett University, concluded the programme by reflecting on the judiciary’s vital role in shaping and advancing human rights law in India. He analyzed landmark Supreme Court judgments that have expanded the ambit of fundamental rights, including the rights to privacy, a clean environment, and equality and dignity for LGBTQ+ individuals. The session underscored that judicial contributions at every level including those by magistrates play a significant role in the evolution of human rights jurisprudence. Prof. Kulshrestha urged participants to recognize their responsibility as active contributors to this ongoing process, emphasizing that progressive and rights-oriented interpretation of law at the grassroots level is essential for driving systemic reform and fostering constitutional growth. The programme concluded with distribution of certificates followed by feedback session.



Director, ILI presenting certificates to the participants of the training programme.



Participants of the NHRC Training programme along with distinguished invitees

### **One Day National Conference on IP and Music: Feel the Beat of IP on April 25, 2025.**

The Indian Law Institute in collaboration with Department for Promotion of Industry and Internal Trade,(DPIIT) Gujarat National Law University and Indian Society of International Law organised a one day National Conference on **IP and Music: Feel the Beat of IP on April 25, 2025.**



Hon'ble (Mr.) Justice Ujjal Bhuyan lighting the ceremonial lamp of the inaugural session

The one day conference was a vibrant confluence of creativity, law, and culture on the occasion of World Intellectual Property Day 2025. The theme, “IP and Music: Feel the Beat of IP,” resonates deeply in a world where music is more than mere sound; it is the pulse of our shared humanity, the voice of our traditions, and the soundtrack of innovation. Music, as we all know, is a universal language. It tells stories, shapes identities, and forges connections across borders and generations. Yet, behind every melody, every lyric, and every beat, stand creators whose imagination and dedication deserve not only our admiration but also our protection and support. This conference has

been a literal embodiment of “tal se tal milna”. In fact, the celebration was particularly significant, as we witnessed an era where technology is transforming the music landscape at an unprecedented pace. Therefore, this initiative and collaboration of eminent institutions namely, Department of Promotion of Industry and Internal Trade IPR Chair at Gujarat National Law University, Indian Law Institute and Indian Society of International Law, much like the “Triveni raga”, have brought about the perfect blend of legal intellect, academic vision, and cultural consciousness. The success of this event was evident in the depth of dialogue, the diversity of perspectives, and the shared commitment to advancing both the rights of creators and the interests of society at large. It was a celebration of music’s power to unite, to heal, and to inspire and of the law’s vital role in nurturing that power.

The inaugural session commenced with the evocative lines of Gurudev Rabindranath Tagore, quoted by Hon’ble Justice Ujjal Bhuyan: “The world speaks in pictures, and my soul answers in music.” His Lordship highlighted that Intellectual Property Rights (IPR) encompass rights relating to property that arise from one’s intellect.



Hon’ble (Mr.) Justice Ujjal Bhuyan addressing the participants of the programme.



Director, ILI felicitating Hon’ble Justice Ujjal Bhuyan Judge, Superme Court of India.

Session I explored the theme “The Future of Music Copyright, AI, Streaming, and Monetisation”, which was comprehensively discussed by the esteemed speakers. On the occasion of World IP Day 2025 – “IP and Music: Feel the Beat of IP”, Mr. Nishchal Anand, Partner, Panda Law delivered a presentation on “AI-Generated Music and Copyright Challenges.” He traced the evolution of the music industry from phonograms, cassettes, and CDs to the digital streaming era and elaborated on the various categories of rights involved, including sound recording, underlying works, and performance and publicity rights. He concluded with a thought-provoking discussion on the challenges that artificial intelligence poses to copyright protection.



Felicitating Prof. (Dr.) Manoj Kumar Sinha, President, ISIL & Vice-Chancellor, DNLU, Jabalpur and Former Director, ILI in the one day conference.

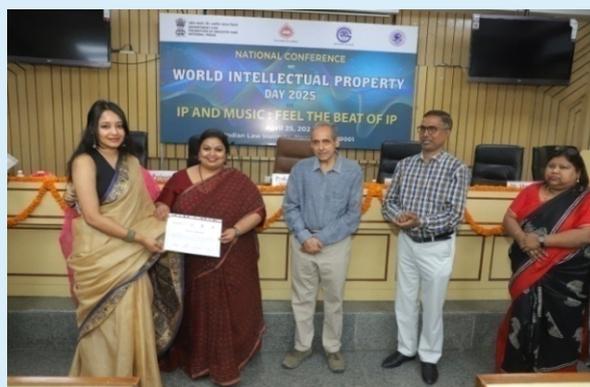
Mr. Neel Mason, Managing Partner, Mason & Associates presentation focused on “Digital Music Licensing and Fair Compensation.” Citing data that 69% of total music revenues in the U.S. and 62% in India originate from the digital domain, he examined issues related to privacy and fair dealing. Through a

comparative analysis of platforms such as YouTube and Spotify, he also expressed concerns about the implications of AI-generated works on existing copyright frameworks. Session II featured an engaging presentation on Traditional Cultural Expressions (TCEs), emphasizing their significance and the need for their preservation and legal protection.



Dr. Shikhar Ranjan addressing the participants in the technical session.

First speaker Dr. Shikhar Ranjan, Director, AALCO introduced Traditional Cultural Expressions (TCEs) as intergenerational, community-based knowledge systems encompassing spiritual, medicinal, and artistic dimensions. He emphasized their global relevance and highlighted the pressing need for both cultural and economic protection to prevent exploitation. Mr. V. C. Mathews, Partner, Fox Mandal & Associates underscored the legal ambiguities surrounding TCE ownership, critiquing the Western intellectual property framework for its inability to recognize communal authorship and for exposing traditional works to misuse under public domain status. The third speaker, Dr. Jupi Gogoi, Assistant Professor (SG), Faculty of Law, University of Delhi illustrated these challenges through case studies of commercial misuse in popular media, pointing to the recurring absence of attribution, consent, and benefit-sharing mechanisms in the use of traditional expressions.



Prof (Dr.) V.G. Hegde, presenting the certificates to participants at the valedictory session of the conference

Finally, Dr. Archa Vasishtha, Assistant Professor, Faculty of Law, University of Delhi advocated for a comprehensive protection framework for TCEs that goes beyond existing IP laws, grounded in ethical and value-based justifications. She proposed the development of a *sui generis* legal system to safeguard collective cultural rights and ensure fair recognition of traditional communities as custodians of cultural heritage.

The valedictory address was graced by the Chief Guest, Prof (Dr.) V.G. Hegde, Professor, CILS, JNU, Delhi who spoke about the International laws and the logistical requirements needed for their effective implementation. He emphasized that the human rights approach should start from the very foundation of the judicial system. He discussed the importance of integrating human rights considerations into all aspects of international laws. Dr. Arya A. Kumar, Associate Professor, ILI was the Programme Coordinator.



Participants of the training programme

**Five Days Training Programme on Fundamental of Law for IDES Officers on April 21- 25, 2025**

A Five-Day Training Programme on “Fundamentals of Law for IDES Officers” was organized on April 21–25,2025. The programme was jointly conducted by the Indian Law Institute (ILI), New Delhi, and the National Institute of Defence Estates Management (NIDEM). The training aimed to enhance the officers’ understanding of both the theoretical and practical aspects of law, thereby equipping them with legal insights relevant to their roles in the Indian Defence Estates Service (IDES).



Participants of the Training programme along with distinguished invitees

The Programme was inaugurated by the Chief Guest, Prof. (Dr.) A.P Singh, Vice Chancellor of Dr Ram Manohar Lohia National Law University, Lucknow with the lighting of lamp along with other dignitaries and the valedictory address was given by the Chief Guest, Hon’ble Justice Bhanwar Singh, Former Judge, Allahabad High Court.

**Five Days Training Programme on “Arbitration, Mediation and Related Matters” for Railway Officials on May 19- 23, 2025**

The Indian Law Institute (ILI), in collaboration with Northern Railway, jointly organized a five-day workshop on “Arbitration, Mediation and Related Matters” from May 19 – 23, 2025 at the ILI campus in New Delhi. The workshop was aimed at equipping railway officials with theoretical knowledge and practical skills pertaining to the evolving domain of Alternate Dispute Resolution (ADR). Given the growing reliance on arbitration and mediation to decongest courts and resolve commercial disputes efficiently, especially in the infrastructure-heavy railway sector, this workshop served a timely and crucial function. The sessions featured a blend of academic scholars, senior advocates, judicial luminaries, and experienced administrative professionals who collectively shaped an intensive and intellectually rigorous dialogue.



Hon’ble (Ms.) Justice Mukta Gupta lighting the ceremonial lamp at the inaugural session of the training programme



Sr. Prof (Dr.) V.K. Ahuja felicitating Hon’ble (Ms) Justice Mukta Gupta Former Judge, High Court of Delhi

The inaugural session on May 19, 2025 was graced by Hon'ble Ms. Justice Mukta Gupta, former Judge of the Delhi High Court, as the Chief Guest. She delivered a thought-provoking address that set the tone for the proceedings. Justice Gupta reflected on the transformation in dispute resolution culture in India, highlighting the judiciary's active encouragement of parties to seek alternative forums like mediation and arbitration. She particularly emphasised the significance of these mechanisms in public sector disputes, where time, reputation, and public money are at stake. Drawing from her judicial experience, she spoke about how courts are increasingly interpreting Section 89 of the Civil Procedure Code purposively, not merely as a procedural provision but as a legislative mandate for consensual resolution. She also noted that institutional mediation and arbitration are not simply optional supplements but are quickly becoming indispensable instruments in modern governance. Justice Gupta concluded by underlining the need for public officials to be well-versed in ADR processes so as to make informed and strategic decisions while handling contractual and legal issues in the public interest.

The Guest of Honour, Shri Ashok Kumar Verma, General Manager of Northern Railway, shared administrative insights on the complexities and challenges faced by the railway administration in resolving disputes. He candidly noted that litigation in public contracts often leads to significant delays in execution, cost overruns, and strained vendor relationships. He welcomed the initiative of holding such workshops that combine academic and legal expertise to help railway officials better understand contract law, arbitration clauses, risk allocation, and settlement strategies. He stressed the importance of proactive dispute avoidance mechanisms, such as pre-arbitral negotiations, and the need for building institutional capacity within the Railways to respond more agilely to legal disputes. His address struck a practical chord and highlighted the administrative urgency behind such initiatives.



Sr. Prof. (Dr.) V.K. Ahuja delivering the welcome address in the training programme

The Welcome Address was delivered by Sr. Prof. (Dr.) V.K. Ahuja, Director of the Indian Law Institute. He outlined the structure and objectives of the workshop, situating it within a broader legal-educational context. Dr. Ahuja explained that while ADR has grown significantly in private commercial matters, its uptake in public sector undertakings still faces institutional inertia. The workshop, he said, aimed to bridge this gap by offering a platform for critical engagement with the procedural, doctrinal, and comparative dimensions of arbitration and mediation (Dr.) Arya A. Kumar, Associate Professor, proposed the vote of thanks, acknowledging the efforts of all organisers and the enthusiastic participation of officials from Northern Railway.

Following the inaugural, Dr. V.K. Ahuja continued with a technical session on the foundational concepts of ADR, focusing on the meaning of “dispute,” the jurisprudence of out-of-court settlements, and the judicial reading of Section 89 CPC. He presented important Supreme Court precedents such as *Afcons Infrastructure Ltd. v. Cherian Varkey Construction* and *Salem Bar Association v. Union of India* to demonstrate how courts have construed ADR not just as a facilitative option but as an institutional imperative. He called attention to the paradigm shift towards negotiation, conciliation, and mediation in matters that were once considered strictly adversarial.

This was followed by two detailed sessions by Prof. Raman Mittal, Professor, Campus Law Center, Faculty of Law, University of Delhi who unpacked the core principles of contract law in a manner tailored to railway administration. His first session discussed the stages of contract formation, including offer, acceptance, consideration, and the distinctions between void and voidable contracts. Using practical examples from railway tenders and public procurement contracts, Prof. Mittal explained how misunderstandings or ambiguities in contract drafting often lead to prolonged disputes. His second session delved into the performance of contracts under the Indian Contract Act, 1872. He stressed that railway officials must understand not only their legal obligations under a contract but also the consequences of breach, frustration, and delay, especially in high-stakes infrastructure contracts. His sessions were noted for their doctrinal clarity and real-world application.

Day two opened with a session by Dr. Sanjeev Kumar Garg on the General Conditions of Contract (GCC) that govern railway agreements. He provided a clause-wise analysis of the GCC and explained how it integrates statutory obligations, departmental protocols, and commercial safeguards. His session was particularly well-received by participants who regularly deal with the drafting, vetting, and enforcement of such contracts. Dr. Sanjay Diwakar then provided a detailed historical overview of the Arbitration and Conciliation Act, 1996, tracing its roots to the UNCITRAL Model Law and outlining the various amendments that have sought to make Indian arbitration more effective, time-bound, and transparent. He clarified the differences between institutional and ad hoc arbitration and elaborated on the structure of arbitral tribunals, the role of party autonomy, and the limited scope of court intervention.

In the afternoon, Senior Advocate J.P. Sengh conducted two back-to-back sessions on the conduct of arbitral proceedings and challenges to arbitral awards. In the first session, he guided

the participants through the stages of arbitration—from the notice of arbitration to the arbitral award—and explained how procedural fairness and natural justice must be preserved even outside courtrooms. In his second session, he examined the grounds on which arbitral awards can be set aside under Section 34 of the Act. Drawing from landmark cases like *Renusagar v. General Electric* and *Venture Global v. Satyam Computers*, he illustrated how courts have interpreted public policy, patent illegality, and procedural defects.

The third day began with another insightful session by Sr. Adv. J.P. Sengh, this time on the finality and enforcement of arbitral awards. He emphasised that once the statutory period for challenge lapses or a challenge is dismissed, the award becomes enforceable as a decree of the court. He also drew attention to the enforcement difficulties often faced by government departments and suggested strategies for early compliance and dispute closure. Prof. B.T. Kaul followed with a session on labour laws, drawing attention to how industrial disputes involving public sector employees often intersect with broader questions of constitutional and administrative law. He explained the roles of conciliation officers, tribunals, and the Labour Commissioner and stressed the importance of maintaining fairness and transparency in employment-related arbitration.



Snippets from the training programme.

Prof. S. Selvakumari then introduced the participants to the law of evidence, with a special focus on types of evidence relevant to arbitration—direct, circumstantial, electronic, and hearsay. Her analysis of evidentiary admissibility, especially with reference to electronic records, was particularly useful for disputes involving technical documentation. Prof. Anoop Awasthi concluded the day with a session on limitation law and how its application impacts arbitration proceedings. He examined the implications of Sections 3 and 5 of the Limitation Act and explained how delays in invoking arbitration or filing enforcement petitions can sometimes defeat otherwise valid claims.



Participants of the training programme

Day four was dedicated to deepening the understanding of procedural remedies and mediation. Senior Advocate Aman Hingorani provided a panoramic overview of appellate mechanisms, including writs, appeals, SLPs, reviews, and revisions, especially in the context of arbitration-related litigation. He also provided insights into the evolving jurisprudence of the Supreme Court in balancing arbitral autonomy with judicial oversight. Advocate Veena Ralli then led two engaging sessions on mediation. In the first, she discussed the process of appointing a mediator and the structural design of a successful mediation. In the second session, she elaborated on mediation proceedings, settlement agreements, and their enforceability under the Arbitration and Conciliation Act. Drawing from her practical experience in the Delhi Mediation Centre, she highlighted how mediation fosters voluntary compliance and preserves business relationships.

In the final session of the day, Ld. Sanjay Jain, former Additional Solicitor General, spoke on the law of contempt. He described the contours of civil and criminal contempt, especially in the context of defiance of arbitral awards or mediated settlements. He drew attention to judicial precedents that impose penalties on public authorities for wilful disobedience and emphasised that adherence to legal mandates is a hallmark of public accountability.

The final day of the workshop began with Prof. Sunanda Bharti's session on international developments in mediation, particularly the UNCITRAL Model Law and the Singapore Convention. She examined India's role in shaping global mediation discourse and discussed the legal challenges and opportunities associated with cross-border online mediation. She proposed that railway disputes with international contractors may increasingly require familiarity with these frameworks. Dr. Sapna Bansal then provided an erudite exposition on principles of natural justice and administrative law. Her discussion on *audi alteram partem*, duty to give reasons, and institutional bias helped participants appreciate how these principles underpin both litigation and ADR proceedings in the public domain.

Prof. Anoop Awasthi delivered the final substantive session on issues of *res judicata*, stay of suits, notice requirements, and the execution of decrees. He weaved these civil procedure doctrines into the broader arbitration framework and illustrated their importance through practical railway litigation scenarios.



Felicitating Hon'ble (Mr.) Justice C.T. Ravi Kumar, Former Judge, Supreme Court of India



Felicitating Shri V. P. Singh, Principal Chief Engineer, Northern Railway

The workshop concluded with a valedictory session chaired by Hon'ble Mr. Justice C.T. Ravikumar, former Judge, Supreme Court of India, and Sh. V.P. Singh, Principal Chief Engineer, Northern Railway. Justice Ravikumar praised the workshop for creating a cross-sector dialogue between legal and administrative minds. He reiterated the judiciary's commitment to strengthening ADR in public institutions and emphasized that arbitration and mediation are not merely procedural alternatives but expressions of democratic justice. V.P. Singh applauded the practical relevance of the sessions and encouraged railway officials to internalise the principles discussed and apply them in routine decision-making and dispute resolution. Sr. Prof.(Dr.) V.K Ahuja, Director ILI delivered the welcome address and Dr. Arya A. Kumar Associate Professor, ILI proposed vote of thanks. The workshop concluded with the distribution of certificates to the participants of the training programme.



Snippets from the valedictory session of the training programme



Participants of the training programme

### Special Lecture on Right to Education of Persons with Visual Impairment and Unveiling of Braille Version of the Constitution of India on April 21, 2025

The Indian Law Institute (ILI) organised a special lecture on “Right to Education of Persons with Visual Impairment” along with the ceremonial unveiling of the Braille Version of the Constitution of India, on April 2025.



Felicitating Hon'ble (Mr.) Justice Suryakant, Judge, Supreme Court of India



Felicitating Prof. (Dr.) N.K. Chakrabarti, Vice Chancellor of NUJS, Kolkata.

The programme commenced with a warm Welcome Address by Senior Professor (Dr.) V.K. Ahuja, Director ILI. He emphasised India's commitment to inclusive education and accessibility for all, highlighting that India was the first nation to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. He remarked that this early ratification reflects India's dedication to upholding the rights and dignity of persons with disabilities and fostering a truly inclusive society.

This was followed by an address by the Guest of Honour, Prof. (Dr.) N.K. Chakrabarti, Vice Chancellor of NUJS, Kolkata, mentioned the critical role of academic and legal institutions in promoting accessibility and educational equity for the visually impaired.



Snippets from the book release programme

The event witnessed the unveiling of the Braille Version of the Constitution of India, marking a significant milestone towards making the supreme law of the land accessible to all citizens, regardless of visual ability.



Hon'ble (Mr.) Justice Surya kant, Judge, Supreme Court of India addressing the august gathering

The highlight of the event was the Special address delivered by the Chief Guest, Hon'ble Mr. Justice Surya Kant, Judge, Supreme Court of India. Justice Surya Kant spoke about how the Indian Constitution guarantees the Right to Education and inclusive education under Article 21A and aligns with the principles of equality, dignity, and non-discrimination. He elaborated on the existing legal infrastructure supporting the rights of persons with disabilities, including legislation such as the Rights of Persons with Disabilities Act, 2016. He also emphasised that as a society, we have a moral obligation to ensure that no individual is left behind and that accessibility and inclusivity must be core values in law and practice.



Group photograph of the dignitaries along with distinguished invitees and participants of the programme

The event concluded with a formal vote of thanks delivered by Dr. Arya A. Kumar, Associate Professor. The event served as a reaffirmation of ILI's commitment to promoting inclusive legal education and ensuring that persons with disabilities have equal access to constitutional and educational resources.

### **Books Release-April 17, 2025**

The highly anticipated book, "*A Study on Third Gender in India*", was officially released on April 17, 2025 at the prestigious Indian Law Institute, New Delhi. The event marked a significant moment in the ongoing discourse surrounding gender identity and rights in India, particularly focusing on the third gender community. The occasion was graced by the presence of Hon'ble Justice Sandeep Mehta, Judge, Supreme Court of India who served as the Chief Guest for the evening, adding a momentous touch to the occasion.

The event commenced with an insightful Opening address by Sr. Professor (Dr.) V K Ahuja, Hon'ble Director of the Indian Law Institute. In his address, Prof. Ahuja highlighted the importance of the book and its timely release. He specifically referred to landmark cases such as *National Legal Services Authority v. Union of India* and *Justice K.S. Puttaswamy v. Union of India*, underscoring how these pivotal rulings paved the way for a broader legal and societal understanding of gender issues in India.

Professor Ashok Kumar Nagawat, Hon'ble Vice-Chancellor, Delhi Skill and Entrepreneurship University, took the stage and presented a refreshing, scientific perspective on gender. His address provided an innovative approach to understanding gender beyond traditional frameworks, challenging common perceptions and offering a thought-provoking view on the subject.

Professor Dhananjay Joshi, Hon'ble Vice-Chancellor, Delhi Teachers University,

followed with a gracious address, offering his words of wisdom and appreciation for the book's contribution to the ongoing conversation about the rights and recognition of the third gender in India. His remarks were met with applause for the dedication and hard work of the authors.

Dr. Niharika, Assistant Professor, Faculty of Law, University of Lucknow, one of the authors, then shared an engaging overview of the book's objectives and significance. She elaborated on the research and the underlying themes that shaped the book, providing the audience with a deeper understanding of its purpose and its importance in the context of contemporary legal and social frameworks.

The highlight of the evening came with the address by Hon'ble Justice Sandeep Mehta, Judge, Supreme Court of India whose speech was nothing short of exceptional. He delved into the intricate aspects of the book, emphasizing its relevance in advancing legal discourse surrounding the third gender. Justice Mehta discussed not only the complexities of gender as understood in the legal framework but also the evolving jurisprudence related to transgender rights, bringing to light the significance of the book in this crucial moment in history.

The event concluded with a heartfelt vote of thanks delivered by Dr. Varun Chhachhar, Associate Professor, Faculty of Law, University of Lucknow, the co-author of the book. Dr. Chhachhar expressed gratitude to all the distinguished guests, speakers, and attendees for making the event a success.

The entire event was anchored by Dr. Anna Mirza, Associate Professor, Delhi University who ensured the smooth flow of the proceedings and kept the audience engaged throughout the evening. The event also saw the presence of students, lawyers, and academicians.



Snippets from the book release programme

This book stands as an important contribution to the scholarly work on gender rights in India and aims to spark further discussions and research on the legal, social, and cultural dimensions of the third gender in the Indian context.

### Yoga Day Celebrations

International Yoga Day was celebrated at the Indian Law Institute on June 21, 2025, as part of a global initiative promoting health and well-being. This worldwide observance honours the ancient Indian practice of yoga and its profound impact on mental, physical, and spiritual harmony, transcending cultural and geographical boundaries. The theme for International Yoga Day 2025, “*Yoga for One Earth, One Health,*” highlighted the interconnectedness between human health and the health of our planet. On this occasion, a Yoga session was organised at the Institute, where all employees actively participated and practised various Yoga Asanas under guidance. Participants were also encouraged to continue practising yoga at home with their families, fostering mass awareness about the holistic health benefits of yoga and promoting a balanced lifestyle.



Yoga Day Celebrations held at ILI

### Workshop on CPR, Cardiac Health and Cervical Cancer Awareness on April 01, 2025

A comprehensive Health Awareness Workshop was organised at the Indian Law Institute on April 1, 2025, focusing on crucial aspects of preventive healthcare. The session covered CPR (Cardiopulmonary Resuscitation) techniques, cardiac wellness, and cervical cancer prevention, aiming to equip participants with essential life-saving skills and promote awareness about maintaining heart and reproductive health. The workshop underscored the importance of early detection, regular health check-ups, and adopting a healthy lifestyle for overall well-being.



Snippets from the Programme

The event was jointly organized by Dr. Sameer Mehrotra, Unit Head and Chief of Interventional Cardiology & Electro physiology at Artemis Hospital, and Dr. Meeta Maheshwari, Director of Heart &

Rhythm Care. The workshop was successfully conducted, offering valuable insights into life-saving practices and preventive healthcare. Students actively participated, engaging with the experts and contributing to the interactive sessions

### **Health Check-up Camp on June 26, 2025**

On June 26, 2025, a series of health checkup camps were successfully conducted at the Indian Law Institute, offering students and staff access to essential medical screenings.



Snippets from the Programme

The initiative included: a general health checkup organized by CK Birla Hospital and an eye checkup camp facilitated by Centre for Sight, followed by a dental screening camp conducted by Clove Dental. The event was well-received, with enthusiastic participation from students, who engaged actively in the preventive health activities. The camps underscored the Institute's commitment to promoting wellness and awareness within the academic community.

## **FORTHCOMING EVENTS**

- The Indian Law Institute (ILI), in collaboration with Northern Railway will jointly organise a three-day workshop on “Arbitration, Mediation and Related Matters” on July 24 – 26, 2025 at the ILI, New Delhi
- Indian Law Institute in collaboration with NHRC will organise a Two-Day Training Program for Police Personnel on “Police and Human Rights: Issues and Challenges” on August 23-24, 2025.

## **EXAMINATIONS**

### **All India Admission Test for LL.M**

The All India Admission Test for LL.M.-2025 was held on May 11, 2025. The result for the said entrance test was declared on May 29, 2025. The Viva-Voce for the shortlisted candidates were held on July 2-4, 2025 and the final result was declared on July 08, 2025.

### **Ph.D. Entrance Test**

The Viva-Voce for admission to Ph.D. Programme were held on May 27-28, 2025. The final result was declared on May 29, 2025.

### **Award of Ph.D. Degree**

The viva-voce/ open defense of thesis of Ms. Vasudha Bali was held on July 14, 2025. She has been awarded the Degree of Philosophy (Ph.D. in Law) on July 15, 2025.

### **LL.M. Programme**

LL.M. 2<sup>nd</sup> Semester End Examination for the LL.M. 1 year programme for the Session 2024-2025 was held during May 16, 2025 to May 29, 2025.

## PG Diploma Programme

The Annual Examination for PG Diploma Courses for the Session 2024-25 was held during April 08, 2025 to April 28, 2025. The result of the same was declared on July 01, 2025.

## RESEARCH PUBLICATIONS

### Released Publications

- *ILI Newsletter* Vol XXVII Issue I (January-March, 2025).
- Journal of the Indian Law Institute, Vol 66(4) (October-December, 2024)

### Publications on the Anvil

- *ILI Newsletter* Vol XXVII Issue III (July-September, 2025).
- Journal of the Indian Law Institute, Vol 67(1) (January-March, 2025)
- Book on “Indigenous Justice Delivery System in India” Editors: Sr. Prof. (Dr.) V.K. Ahuja, Director, ILI, Prof (Dr.) Anurag Deep, Professor, ILI and Mr. Avinash Kumar Paswan, Ph.D Scholar, ILI.
- Book on “Gender Justice: Contemporary Developments” Editors: Sr. Prof (Dr.) V.K. Ahuja, Director, ILI and Dr. Arya. A. Kumar, Associate Professor, ILI.

## LIBRARY

Library added 10 books on the subjects of Criminal Law, Arbitration, Constitutional Law etc.

## E-LEARNING COURSES

### Online Certificate on Cyber Law and Intellectual Property Rights Law

E Learning courses of three months duration on “Cyber Law” (50<sup>th</sup> batch) and “Intellectual Property Rights and Information Technology in the Internet Age” (61<sup>st</sup> batch) were commenced from April 21, 2025.

## VISITS TO THE INSTITUTE

- 9 Students from Dr. M.G.R. Educational and Research Institute (Deemed to be University) Periyar EVR High Road, Maduravoyal, Chennai visited the institute on April 7, 2025.
- 20 students from Jitendra Chauhan College of Law, Mithibai College Building, Mumbai visited the institute on April 15, 2025.
- 21 students from Sri Guru Granth Sahib World University Fatehgarh Sahib, Punjab visited the institute on April 16, 2024.
- 31 students from PGS National College of Law, Mathura visited the institute on April 16, 2025.
- 66 students from Bimal Chandra College of Law, Kandi, West Bengal visited the Institute on May 7, 2025.
- 39 students from Arunachal Law Academy, Lekhi, Itanagar, Arunachal Pradesh visited the institute on May 07, 2025.
- 18 students from Manu Law College, Lakhimpur, Uttar Pradesh. visited the institute on May 13, 2025.
- 60 students from Shri Krishna Academy of Legal Education, Alwar, Rajasthan visited the institute on May 14, 2025.

## LEGISLATIVE TRENDS

### THE “TRIBHUVAN” SAHKARI UNIVERSITY ACT, 2025

(Act No. 11 of 2025)

The "Tribhuvan" Sahkari University Act, 2025 (Act No. 11 of 2025) is an Indian law enacted on April 3, 2025, that established the Institute of Rural Management Anand (IRMA) as a

university named the "Tribhuvan" Sahkari University. The Act aims to provide education and training in the cooperative sector, promote cooperative research and development, and strengthen the cooperative movement in India under the vision of "Shakar Se Samriddhi" (Prosperity through Cooperatives).

### **THE BOILERS BILL, 2025 ACT** (Act No 12 of 2025)

The Boilers Act, 2025 (Act No. 12 of 2025) is a new Indian law that repeals the Boilers Act 1923, and establishes a modern, centralized framework for regulating boilers and ensuring safety from explosions. Key aspects include mandatory registration, standardized inspection, and a focus on safety, with provisions for penalties and enforcement to protect life and property in industries using boilers. The Act aims to unify safety standards across the country and modernize boiler operations and manufacturing.

### **THE IMMIGRATION AND FOREIGNERS ACT, 2025** (Act No 13 of 2025)

The Immigration and Foreigners Act, 2025 (Act No 13 of 2025) is a new Indian law that came into effect on September 1, 2025, replacing four older acts to consolidate and modernize regulations for foreign nationals. Key features include the establishment of a Bureau of Immigration, mandatory reporting requirements for hotels, universities, and carriers, stricter penalties for forged travel documents, the creation of an integrated database for tracking foreigners, and the empowerment of the Central Government to regulate areas frequented by foreigners.

### **THE WAQF (AMENDMENT) ACT, 2025** (Act No 14 of 2025)

The Waqf (Amendment) Act, 2025 (Act No. 14

of 2025) is a significant reform of India's Waqf to improve the management and administration of Waqf properties by increasing government involvement, introducing technology, and updating definitions and registration processes, though it has faced opposition and legal challenges over concerns about religious autonomy and control. Key provisions include the requirement for non-Muslim members on Waqf Boards and the repeal of the "Waqf by user" concept for future Waqf properties. The Supreme Court has partially stayed parts of the Act, pending further rule-making.

### **THE MUSSALMAN WAKF (REPEAL) ACT, 2025** (Act No. 15 of 2025)

The Mussalman Wakf (Repeal) Act, 2025, is a law enacted in India to repeal the Mussalman Wakf Act, 1923, and consolidate the governance of Waqf properties under the more comprehensive Waqf Act, 1995. The repeal aims to establish uniformity, improve transparency and accountability, and eliminate inconsistencies in the administration of Waqf properties, ensuring they are managed more efficiently and effectively under a single, modernized legal framework.

### **THE BANKING LAWS (AMENDMENT) ACT, 2025** (Act No. 16 of 2025)

The Banking Laws (Amendment) Act, 2025 (Act No. 16 of 2025) is an Indian legislation that came into effect on August 1, 2025, introducing 19 amendments across five key laws to modernize India's banking sector. Its main objectives are to enhance governance and transparency, improve depositor and investor protection, strengthen public sector bank audits, and increase the tenure of directors in cooperative banks. Key changes include allowing up to four nominees per account, raising the "substantial interest" threshold to ₹2 crore, and shifting reporting for cash reserve ratios to fixed calendar periods.

## THE PROTECTION OF INTERESTS IN AIRCRAFT OBJECTS ACT, 2025 (Act No 17 of 2025)

The Protection of Interests in Aircraft Objects Act, 2025 (Act No. 17 of 2025) is an Indian law that provides legal backing for the Cape Town Convention and its Aircraft Protocol, creating a framework to protect the interests of aircraft financiers and lessors. Passed in 2025, it aims to simplify and standardize aircraft leasing and financing, reduce costs for Indian airlines by improving investor confidence, and align India's aviation legal system with global standards. This law establishes a clearer, more reliable system for registering and enforcing international interests in aircraft, thereby fostering growth in India's aviation market.

### LEGAL JOTINGS

#### **In 498A IPC case, expresses concern over misuse of dowry and cruelty provisions.**

The term “cruelty” is subject to rather cruel misuse by the parties, and cannot be established simpliciter without specific instances, to say the least. The tendency of roping these sections, without mentioning any specific dates, time or incident, weakens the case of the prosecutions, and casts serious suspicion on the viability of the version of a Complainant. In an appeal filed by the convict against the order passed by the Allahabad High Court, which had upheld the convict's conviction under Section 498A of the Penal Code, 1860 ('IPC'), and Section 4 of the Dowry Prohibition Act, 1961 ('DP Act, 1961'), the Division Bench of B.V. Nagarathna and Satish Chandra Sharma\*, JJ. expressed concern over the misuse of Sections 498A IPC and Sections 3 and 4 of the DP Act, 1961. The Court highlighted a growing trend where complainant-wives indiscriminately array aged parents, distant relatives, and married sisters living separately as accused in matrimonial disputes. The Bench observed that such practices undermine the credibility of the allegations and vitiate the very core

intent of these protective legal provisions. The Court further emphasised that the term “cruelty” under Section 498A IPC is often subject to misuse and cannot be established by general or vague allegations alone. It must be supported by specific instances detailing the time, date, and manner of the alleged cruelty. The Court remarked that invoking these penal provisions without providing clear, concrete instances significantly weakens the prosecution's case and raises serious doubts about the credibility of the complainant's version. Given these considerations, the Court allowed the appeals, set aside the judgment passed by the High Court, and acquitted the convict of all charges under Section 498A IPC and Section 4 of the DP Act, 1961. Background The marriage between the convict and the complainant took place on 12-02-1997. The couple resided together for only 12 days. The complainant alleged that she was subjected to mental and physical harassment, dowry demands, and abuse by the convict and his family. She further claimed that she was expelled from the matrimonial home while pregnant and later suffered a miscarriage due to physical assault. Despite efforts at reconciliation, she filed a complaint on 20-12-1999. The Trial Court convicted the convict under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961, while acquitting him of charges under Sections 323 read with 34 and 506 IPC. The conviction and sentence were upheld by both the Additional Sessions Judge and the High Court in appeal and revision, respectively. Issue Whether the High Court vide impugned order whilst exercising its revisionary jurisdiction, was correct in upholding the conviction of the convict under Section 498A IPC and Section 4 D.P. Act, 1961. Analysis and Decision The Court examined Section 498A of the IPC and Section 4 of the Dowry Prohibition Act, 1961, and noted that an act of ‘cruelty’ for the purposes of Section 498A corresponded to willful conduct of such a nature that it could cause danger to the life, limb, or health of the woman, this included both mental and physical health. It also acquitting

the convict and his parents under Sections 323 read with 34 IPC and 506 IPC. However, it appeared that the conviction of the convict under Section 498A IPC and Section 4 of the DP Act, 1961, was based merely on the assumption that the allegations and depositions of the complainant, corroborated by her father, were true. While acknowledging the possibility of emotional or mental distress faced by the complainant, the Court emphasized that a cursory or plausible view cannot serve as conclusive proof of guilt under Sections 498A IPC and 4 of the DP Act. It cautioned against the risk of misuse of these provisions in matrimonial disputes. The Court also took note of the fact that the FIR dated 20-12-1999 was lodged after the convict had already filed a divorce petition on 06-02-1999 under Section 13 of the Hindu Marriage Act, 1955. Considering this, along with the limited cohabitation period of about one year, the Court found the FIR to be lacking in genuineness. The Court acknowledged that the High Court, while exercising its revisionary jurisdiction, ought to have scrutinized the correctness of the Trial Court's decision in light of the material on record, which revealed no incriminating evidence against the convict sufficient to sustain a conviction under Section 498A IPC or Section 4 of the Dowry Prohibition Act, 1961. Although the Court did not accept the convict's argument that the impugned order was passed in absentia, it affirmed that the High Court, within its revisionary powers, was fully competent to examine the sustainability of the FIR and the proceedings arising therefrom. The Court remarked that had this been done, it could have spared the convict six additional years of litigation, which had already extended over two decades. Furthermore, the Court expressed concern over the misuse of Sections 498A IPC and 3 and 4 of the DP Act, 1961, highlighting a growing trend where complainant-wives indiscriminately array aged parents, distant relatives, and married sisters living separately as accused in matrimonial disputes. This practice, the Court observed, undermines the credibility of the allegations and vitiates the core intent of these protective provisions. The Court emphasised that the term "cruelty" under

Section 498A IPC is frequently subject to misuse and cannot be established merely by general allegations without specific instances. The tendency to invoke these penal provisions without reference to any definite date, time, or incident significantly undermines the prosecution's case and raises serious doubts about the credibility of the complainant's version. The Court underscored the importance of specificity in criminal complaints, as these form the basis for engaging the State's criminal machinery. It was further noted that the marriage between the convict and the complainant had already been dissolved, and the divorce decree had attained finality. In such circumstances, the Court observed that continuing prosecution would amount to an abuse of the process of law. Accordingly, the Court allowed the appeals and set aside the judgment passed by the High Court, which had upheld the convict's conviction under Section 498A IPC and Section 4 of the Dowry Prohibition Act, 1961. The convict was acquitted of all charges.

[*Rajesh Chaddha v. State of Uttar Pradesh*, 2025 SCC On Line SC 1094, decided on 13-05 2025].

### **Minimum three-year legal practice requirement for eligibility in civil judge exams.**

The Supreme Court of India recently reinstated the mandatory three-year legal practice requirement for eligibility for Civil Judge (Junior Division) exams, requiring candidates to submit a certificate of practice to the High Courts and State Governments, which must be issued by a Principal Judicial Officer or a senior advocate. This decision reversed the 2002 ruling that removed the requirement, aiming to ensure judicial candidates have sufficient practical experience and professional maturity. Key Aspects of the 3-Year Practice Rule Mandatory Requirement:

Aspiring Civil Judges (Junior Division) must have a minimum of three years of legal practice at the bar. Effective Date: The experience is calculated from the date of provisional enrollment with the State Bar

Council. Certification: Candidates must provide a certificate verifying their practice, which should be issued by the Principal Judicial Officer of that court or an advocate with at least 10 years of standing, endorsed by a Principal Judicial Officer. Prospective Application: The new rule will apply to future judicial recruitment cycles and will not affect current processes. The 3-year practice rule was first mandated by the Supreme Court in the All India Judges Association vs. Union of India case (1993). Removal of Requirement: In 2002, the Supreme Court removed this requirement, allowing fresh graduates to appear for the exams directly based on recommendations from the Shetty Commission. The Supreme Court reversed its 2002 decision in a judgment dated May 20, 2025, bringing back the mandatory three-year practice requirement. The Court emphasized the need for candidates to have courtroom exposure and professional maturity to handle judicial responsibilities effectively.

Uniformity: The ruling aims to ensure uniformity in eligibility criteria across all states for judicial service

[*All India Judges Association v. Union of India*, 2025 SCC On Line SC 1184, decided on 20-05-2025].

**Under no circumstances, is an involuntary or forced narco-analysis test permissible under law’.**

In a criminal appeal against Patna High Court’s decision, which had allowed narco-analysis testing of accused persons during an ongoing criminal investigation, the Division Bench of Sanjay Karol and Prasanna B. Varale, JJ. held that compelling an accused to undergo such a test without free consent violates their fundamental rights under Articles 20(3) and 21 of the Constitution. Reaffirming its decision in *Selvi v. State of Karnataka*, (2010) 7 SCC 263, the Court reiterated that involuntary

administration of narco-analysis tests is unconstitutional and any information obtained there from cannot be used as evidence. Background the case arose from an FIR lodged alleging dowry harassment and disappearance of the complainant’s sister, who was married to the accused/ appellant. The Patna High Court, while hearing the present appellant’s bail plea, accepted a submission from the Investigating Officer that narco-analysis tests would be conducted on all accused and witnesses. The appellant challenged this direction before the Supreme Court, citing constitutional protections and prior precedents, especially the *Selvi* which deemed such involuntary tests impermissible. Analysis and Decision Involuntary Narco-Analysis Tests Are Unconstitutional. The Court held that the direction for narco-analysis without consent was clearly unconstitutional. Relying on *Selvi* the Bench reiterated that involuntary tests violate both the right against self-incrimination under Article 20(3) and the right to life and personal liberty under Article 21. The High Court’s order was called contrary to the established principles of bail jurisprudence under Section 439 of the Code of Criminal Procedure, 1973 (CrPC). The Court emphasised that a bail hearing is not the stage to order investigative techniques, particularly ones that intrude upon fundamental rights. Voluntary Narco-Analysis Reports Cannot Alone Establish Guilt. The Court held that even when narco-analysis tests are administered voluntarily, their results cannot form the sole basis of conviction. Relying on *Vinobhai v. State of Kerala*, 2025 SCC Online SC 178 and *Manoj Kumar Soni v. State of M.P.*, 2023 SCC OnLine SC 984, the Court noted that although disclosure statements hold significance as a contributing factor in unriddling a case, in our opinion, they are not so strong a piece of evidence sufficient on its own and without anything more to bring home the charges beyond reasonable doubt. The Court clarified that only those facts discovered post-test, corroborated through Section 27 of the Evidence Act, 1872, may have evidentiary value and even then, cannot stand alone to prove guilt. No Indefeasible Right to Demand Narco-Testing On the issue of whether an

accused can demand such a test, the Court clarified that while a person may volunteer for a narco-analysis test at the stage of defence evidence (under Section 233 CrPC), there is no absolute or indefeasible right to such testing. The court concerned must evaluate the voluntariness, safeguards, and overall context before permitting it. The accused has a right to voluntarily undergo a narcoanalysis test at an appropriate stage. We deem it appropriate to add that the appropriate stage for such a test to be conducted is when the accused is exercising his right to lead evidence in a trial. However, there is no indefeasible right with the accused to undergo a narcoanalysis test. The Court reiterated the Selvi guidelines, mandating that consent be informed, recorded before a magistrate, and undertaken with medical, legal, and procedural safeguards. Decision Setting aside the High Court's interim order, the Court concluded that any direction to conduct forced narco-analysis is unconstitutional. Hence, the impugned decision was set aside. The bail application of the appellant was directed to be decided afresh in accordance with law.

[*Amlesh Kumar v. State of Bihar*, 2025 SCC On Line SC 1326, Decided on: 09-06-2025].

### **A consensual relationship turning sour not ground for criminal prosecution.**

In an appeal filed against the judgment of the Bombay High Court, wherein the petition under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of criminal proceedings was dismissed, involving allegations under Sections 376, 376(2)(n), 377, 504, and 506 of the Penal Code, 1860, the Division Bench of B.V. Nagarathna and Satish Chandra Sharma, JJ. observed that the present case did not involve a false promise to marry from the outset. The Court held that a consensual relationship, which subsequently deteriorates or results in estrangement between the parties, cannot form the basis for invoking the criminal machinery of the State. It further emphasised that such actions unnecessarily burden the

courts and irreversibly damage the reputation of individuals accused of serious offences. Taking into account that the accused was a young individual of 25 years with his entire future ahead of him, the Court was of the considered opinion that subjecting him to a protracted criminal trial would not subserve the ends of justice. To prevent undue hardship and miscarriage of justice, the Court found it appropriate to quash the criminal proceedings at this stage. Accordingly, the appeal was allowed. The impugned order of the Bombay High Court was set aside. Consequently, the accused was discharged from the case. Background A criminal case was registered at the behest of a complaint, alleging that during the period 08-06-2022 till 08-07-2023, the accused forcibly had sexual intercourse with her on false assurance of marriage. The complainant who had been previously married, had obtained Khulanama from her ex-husband and had been residing with her 4-year-old son at her parental home, while the accused, a 23-year-old student of Bachelor of Science (Agriculture) at Krishna College of Agriculture was residing as a tenant next door, with three other men since 25-05-2022. It was alleged by the complainant that in July 2022, the accused had entered her house at night and said that once she obtains divorce from her husband, he would instantly marry her and on this pretext had sexual intercourse with her, despite her denial. There was a specific allegation that he committed unnatural sex with her. Soon thereafter, the accused reduced his interactions with the complainant and did not answer her phone calls and left for his hometown. It was further alleged that the complainant had visited the accused's native village, where she met his parents and other relatives. However, the accused's family members allegedly refused the proposal of marriage between them on the ground that they belonged to different religions. It was further alleged that when the complainant refused to leave their residence, the accused's parents, along with his brother and uncle, physically assaulted and abused her,

and forcibly pushed her aside. The complaint in respect of this incident was also registered after a delay of 23 days from the date of the alleged occurrence. The accused, on the other hand, narrated a different sequence of events. He denied the allegations and asserted that the relationship between him and the complainant was consensual and initiated by the Complainant herself. Consequently, the accused preferred a petition seeking quashing of the criminal proceedings. However, the said petition was dismissed by the High Court. Aggrieved by the dismissal, the accused preferred the present appeal. Analysis and Decision, The Court, after examining the record and the allegations in the FIR, said that even if the allegations were taken at face value, there was nothing to indicate that the consent of the complainant had been obtained against her will or merely on a false assurance of marriage. The Court noted that the accused and the complainant had been acquainted since 08-06-2022, and the complainant herself admitted that they interacted frequently and had fallen in love. Although the complainant alleged that the accused had engaged in sexual relations with her without consent, she continued the relationship for over a year and had visited him at lodges on two separate occasions, which did not align with her version of events. The Court found her narrative inconsistent with her conduct. The Court further observed that the consent of the complainant, as defined under Section 90 of the IPC, could not be said to have been obtained under a misconception of fact. There was no material on record to suggest any inducement or misrepresentation by the accused to obtain such consent, nor was there any evidence to support the claim that he had no intention of fulfilling a promise to marry. It was also brought to light that the Khulanama (divorce) was executed at a time when the parties were already in a relationship and the alleged incidents had already occurred. The Court noted the incongruity of the complainant engaging in a physical relationship on the promise of marriage while she was still legally married to another person. Even otherwise, such a promise

was inherently unenforceable and illegal as against the accused. On the issue of criminal intimidation under Section 506 IPC, the Court held that there was no credible evidence of coercion or threat of injury. The relationship between the parties had appeared cordial throughout, and it was only after the accused graduated and returned to his hometown that the complainant became agitated. The Court also took note of the complainant's uninvited visit to the accused's native village, interpreting it as a sign of emotional disturbance and mental unrest, rather than the result of any threat or abuse. The Court observed that the criminal prosecution appeared to have been initiated with an ulterior motive stemming from emotional distress and disappointment. Furthermore, the Court emphasised the improbability of a previously married woman, with a four-year-old child, continuing a prolonged and voluntary physical relationship with a person who had allegedly exploited or assaulted her. In conclusion, the Court opined that this was not a case of a false promise to marry from the outset. Rather, it was a case where a consensual relationship had deteriorated over time. The Court cautioned against the misuse of criminal law to settle personal scores, stating that the criminal justice system should not be invoked where a consensual relationship turns sour. Such misuse, the Court noted, not only burdens the judiciary but also unjustly maligns the accused, especially in offences as serious as those under Section 376 IPC. Taking into consideration that the accused is a young individual of 25 years of age, with his entire life and career ahead of him, the Court was of the considered view that subjecting him to an impending criminal trial would not serve as the ends of justice. In the interest of justice and to prevent undue hardship, it was deemed appropriate to quash the proceedings at this stage itself. Accordingly, the appeal was allowed. The impugned order was set aside. The accused was accordingly discharged from all proceedings.

[*Amol Bhagwan Nehul v. State of Maharashtra*, Citation: 2025 SCC On Line SC 1230.]

## FACULTY NEWS

### Sr. Prof (Dr.) Ahuja, Director, ILI

- *Guest of Honour* at Inaugural Session of X Edition of National Moot Court Competition, 2025 at North cap University, Gurugram on April 10, 2025. *Guest of Honour* at Inaugural Session of 5<sup>th</sup> Padamshri Dr. N. N. Jain National Moot Court Competition, 2025 at PIMR Indore on April 16, 2025.
- *Special Guest* at Inaugural Session of National Conference on Indianisation of Legal System at Dr. B.R. Ambedkar National Law University, Sonapat on April 20, 2025
- Delivered a special lecture on *Alternative Dispute Resolution* in Training Program on Fundamentals of Law for Defence Estate Officers, jointly organised by Indian Law Institute and National Institute of Defence Estate Management (NIDEM) on April 25, 2025.
- Delivered a special lecture on *Mediation* in Training Program on Fundamentals of Law for Defence Estate Officers, jointly organised by Indian Law Institute and National Institute of Defence Estate Management (NIDEM) on April 25, 2025.
- Delivered special lecture on *Career Advancement Scheme* for Faculty Members at Maharashtra National Law University Nagpur on May 10, 2025.
- Delivered special lecture on *Alternative Dispute Resolution* in Training Program on Fundamentals of Law for Defence Estate Officers, jointly organised by Indian Law

Institute and Northern Railways on May 19, 2025.

- Delivered special lecture on *Artificial Intelligence and Copyright* at National Law University and Judicial Academy, Assam on June 2, 2025. Delivered special lecture on *Human Rights: An Overview* in Training Program on Human Rights: Issues and Challenges for Judicial Officers, jointly organised by Indian Law Institute and National Human Rights Commission on June 28, 2025.
- Delivered special lecture at Faculty Development Programs/ Training Programs on *Ethical Values – Integrity, Honesty and Sense of Commitment in Research and Publications* in Capacity Development Program, organised jointly by NLU Delhi, ILI, GNLU, RMNLU, NLUJ, MNLU Nagpur, CNLU, NLUT, NUSRL and Symbiosis Pune on June 30, 2025.

## CASE COMMENTS

### *Pragya Prasun and Ors. v. Union of India (UOI) and Ors.* with

*Amar Jain v. Union of India (UOI) and Ors.*  
MANU/SC/0605/2025: (2025 INSC 599)  
Decided on April 30, 2025

In the case of *Pragya Prasun and Others v. Union of India*, the Supreme Court dealt with the issue of how People with Disabilities (PwD), especially those who are blind or acid attack survivors with facial disfigurements, face serious problems while trying to access basic services like opening a bank account. These days, most services require people to go through a digital KYC (Know Your Customer)

process, which includes taking a live photo (usually by blinking), reading text on a screen, or signing on a device. But for many people with visual impairments or facial injuries, these steps are impossible to complete on their own. The petitioners highlighted three key challenges in the digital KYC process for persons with disabilities. First, the term “liveness”, required under RBI’s KYC Master Directions, is not clearly defined, leading regulated entities to adopt exclusionary methods like eye-blinking or reading on-screen text, tasks that are difficult or impossible for visually impaired users. Second, most digital KYC platforms do not meet the accessibility standards under the Rights of Persons with Disabilities (RPwD) Rules, 2017, lacking essential features like screen readers, camera alignment aids, or voice prompts, making independent completion impossible for blind users. Third, there is a widespread lack of awareness and training among officials and service providers. To make matters worse, the RBI’s rule against “prompting” during KYC prevents users from seeking assistance, further isolating them. Together, these barriers effectively exclude disabled individuals from accessing basic services, violating their right to equality and independent living.

Understanding this, the Supreme Court gave clear directions to the government and different regulatory bodies (like RBI, SEBI, IRDAI, PFRDA, and the telecom department) to make digital services more friendly and accessible for persons with disabilities. The Court said that rules must be changed or updated to allow alternate methods to complete the KYC process. For example, instead of blinking for a live photo, people should be allowed to verify themselves through voice recognition, head movements, or thumb impressions if they cannot sign. The Court also stressed that help

should be allowed. If someone needs assistance to read an OTP or click a photo, they should not be disqualified or rejected just because they did not complete the process independently. The Court made it clear that asking for help is not cheating; it is a part of being inclusive and fair.

The Court said that all digital platforms like websites, mobile apps, and devices used for KYC must follow accessibility standards. This means they should work properly with screen readers, have voice instructions, and allow users to zoom in or listen to text. If someone cannot use a digital method at all, paper-based or offline KYC should still be available as an option, without delay or extra burden. The Court also directed government regulators to issue formal instructions and circulars to ensure that these changes are followed by all banks, telecom companies, and financial service providers. They were also told to train their staff to better understand the needs of people with disabilities and offer real support when needed. Government bodies should conduct regular checks and audits to make sure all companies are following the new accessibility rules. In simple terms, the Court stated that just because someone cannot see or blink or sign in the usual way does not mean they should be left out of essential services. Everyone has the right to access banking, telecom, and government schemes. It is the duty of the system to adjust and make things work for everyone. In order to make the process of digital KYC accessible to persons with disabilities, the Court issued several directions to the respondents.

***V.K.Ahuja***

***Arathy Ramachandran v. Bijay Raj Menon***  
2025 SCC On Line SC 981  
Decided on April 29, 2025

In this significant judgement the Supreme Court set aside the Kerala High Court's order granting the father interim custody of two minor children for fifteen days each month. The Court found that the High Court's decision lacked a careful evaluation of the consequences of such an arrangement and that alternating custody every fortnight would be detrimental to the children's physical, emotional and

psychological well-being. The case arose from a custody dispute between the appellant-mother, employed in India with the flexibility to work from home, and the respondent-father, working in Singapore as a General Manager. Their children a girl aged eight and a boy aged three had become the focus of the litigation. The principal issues before the Court were whether an equal division of interim custody served the paramount welfare of the children, what criteria should govern custody where parents reside in different countries, and the extent to which factors such as nutrition, companionship and emotional stability should influence the Court's determination. Allowing the mother's appeal, the Supreme Court restored sole interim custody of the three-year-old son to her and modified the father's custodial access to the daughter, granting him custody on alternate weekends and a supervised four-hour interaction with the son on one of those days. It also directed video calls twice a week and ordered the father to arrange for a child counsellor during his supervised meetings. Emphasising the availability of nutritious homecooked food, companionship and a stable environment as decisive factors, the Court underscored that the welfare of the child remains the paramount consideration. It further

instructed the Family Court to expedite the main guardianship petition. Through these directions, the Court effectively articulated what may be termed the "Holistic Welfare Test" for interim custody one that requires a comprehensive evaluation of environmental, nutritional, emotional and developmental factors rather than mere equality of parental time.

The Court's reasoning drew upon established precedents such as *Gaurav Nagpal v. Sumedha Nagpal* (2009) 3 SCC 413, which held that the touchstone of custody decisions is the welfare of the child, not the statutory rights of parents; *Nil Ratan Kundu v. Abhijit Kundu* (2008) 9 SCC 413, which highlighted the importance of a safe and stable environment; *Shilpa Aggarwal v. Aviral Mittal* (2010) 1 SCC 591, which ruled that relocation abroad does not automatically disqualify a parent from custody but requires proof of a comparable environment; and *Roxann Sharma v. Arun Sharma* (2015) 8 SCC 318, which reaffirmed that children below five should ordinarily remain with the mother. Building on these authorities, the Supreme Court held that stability outweighed arithmetical equality of time. The fortnightly switch, though appearing even-handed, disrupted the children's routine, schooling and sibling bonding, especially since the parents lived in different countries.

The Court also found that the father's dependence on restaurant food was harmful to the children's nutrition and that the absence of any caretaker in his Singapore accommodation rendered the arrangement unsafe. By contrast, the mother could provide home-cooked food, family companionship and a supportive household including grandparents. Splitting the siblings for half the month, the Court observed, could have inflicted long-term emotional harm.

Accordingly, the Court favoured a proportional and structured access arrangement that maintained the father's relationship with the children without jeopardising their welfare. The father's failure to comply with earlier directions to hire a nanny further indicated limited capacity to full. The judgment has significant implications for family law practice. It elevates the evidentiary threshold for parents seeking shared custody by requiring proof of a comprehensive, child-centred support system covering nutrition, supervision, social interaction and emotional health. It also guides Family Courts in applying Section 17 of the Guardians and Wards Act, 1890, by integrating modern welfare indicators such as diet, counselling, sibling relationships and geographical practicality. The decision promotes structured visitation through weekend custody and video calls, discouraging mechanical 50-50 splits unless both households can equally safeguard the child's welfare. It also encourages the involvement of professional counsellors during transitional custody phases.

Ultimately, the Court's approach marks a decisive shift in Indian custody jurisprudence from a "time-share" model that prioritises parental rights to a "quality-share" paradigm focused on the lived experience of the child. By incorporating nutrition, companionship, emotional security and compliance behaviour into the legal calculus, the Supreme Court reaffirmed that welfare cannot be divided by days on a calendar. The ruling balances the legitimate interests of non-custodial parents in maintaining meaningful relationships with the overriding need to ensure the child's holistic well-being. The case thus stands as a landmark precedent, consolidating a child-first, evidence-based approach that prioritises quality of care over quantity of access. This judgement paved way for the new Holistic Welfare Test added as Supreme Court's new Guideline on Interim Child-Custody.

**Arya A.Kumar**