ISSN - 2455-7242

# ILI Newsletter

Indian Law Institute
(Deemed to be University)

July-September, 2025

Volume XXVII Issue-III

## Editorial

The recent entreaties by Hon'ble CJI Justice B. R. Gavai and Hon'ble Justice Surya Kant that mediation must be more than an instrument of courts and should be woven into the moral and practical fabric of civic life, ought to be read as a call to re-sculpt our national character- to move from adversarial ethos towards a culture of conciliation. Their insistence highlights a structural bottleneck, i.e., many disputes could be mediated, but there is a lack of human infrastructure to provide quality mediation. Justice Gavai's admission of a national shortage of qualified mediators is not merely anobservation of a logistical deficit- but an indictment of a systemic lacuna that our legalinstitutions are uniquely positioned, and indeed obligated, to address.

The pedagogical models of legal education at our institutes of legal learning have beenpredicated on the theatre of the courtroom. Lawyers trained here are seen as formidable gladiators of litigation, adept in argument and counter-argument. Amidst prioritising the skills of argument, they inadvertentlyneglect the science of resolution. The adversarial system, indeed indispensable, cannot be thesole prism through which justice is perceived and delivered. As law's teleology includes socialpeace as much as legal correctness, then mediation can't remain an optional adjunct, but anessential and existential modality of law's civic vocation. Herein lies the crucible for thetransformation of law schools. The time is ripe for elevating the 'soft skills' of active listening,psychological acuity, impartial facilitation, and structured negotiations to the pedestal of 'HardSkills' of case law analysis and statutory interpretation. International precedents over the sameare instructive here. Clinical programs at Harvard University, University Mediation Clinics in Scotland and the United Statesare ensuring that soft-skills aligned pedagogy, supervised practice, and community engagementproduce skilled mediators while simultaneously expanding access to justice. By pairingtheoretical instructions with reflection, co-mediation, and societal placements, thesepedagogical models inculcate core mediation techniques and ethical discipline in graduates.Law schools here serve as centres for upskilling and reskilling bar members, transforming seasoned advocates into accredited mediators.

To lay the foundation of a paradigm shift in legal learning and practice, the Bar Council ofIndia in 2020 introduced mediation (with conciliation) as a compulsory subject to be taughtin law schools in India. The course among others emphasised providing an amalgamationof both soft and hard skills, required to make mediation an efficient tool for amicable, peaceful,and amicable settlement of disputes between parties without intervention of courts. However,the course garnered a lackadaisical support, considering the missing public ethos for mediationin legal practice. Therefore, in tune to make mediation a success and imbibe it in Indian legallandscape and culture, a collaborative approach incorporating all the stakeholders must be anon-negotiable first. To begin with, law schools should recalibrate curricula to prioritise mediation theory & practice, incorporating role-play and assessed clinic hours. As part of the clinic expansion, law school mediationclinics must be linked to local courts and legal service authorities to ensure students havehands-on training with real experts on real disputes, after due permissions and associatedformalities. The clinical legal cells of law schools can be of great help in this endeavour. Byentering into formal collaboration with bar councils, judicial academies, and accreditedmediation institutions, these cells can design modular certification programs that satisfyjudicial recognition and market credibility. Further, continuing legal education should be a standard norm, allowing practicing bar members to periodically upskill and reskill without interrupting their practice. Lastly, the central and state governments, in close coordination with localadministration, organize public campaigns to normalise mediated settlements as a legitimateand honourable path of settlement. These nudges can address the cultural skepticism thatequates mediation with capitulation.

The judiciary and legislature have undoubtedly laid the foundation stone of this transition, butit is the law schools that must supply the players. With policies and laws having laid down clearpathways, law schools now tread on this with exemplary intellectual rigour and institutionalcommitment to materialize the vision of accessible and humane dispute resolution. Moreso, inthe land of Lord Krishna – "The Mediator of the Universe", recourse to mediation in bothpersonal and professional lives is only a way of living, preached and professed here for ages.

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



Inside



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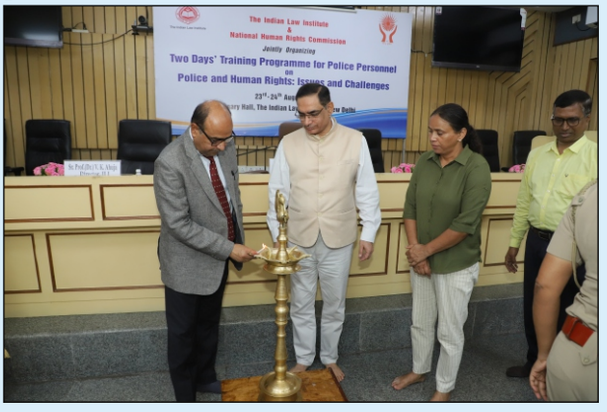
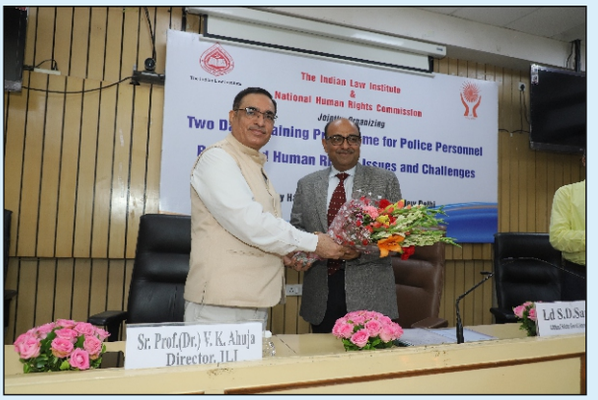
## ILI-NATIONAL HUMAN RIGHTS COMMISSION (NHRC) TRAINING PROGRAMMES

### Two-Day Training Program for Police Personnel on "Police and Human Rights: Issues and Challenges" held on August 23-24, 2025

A pivotal two-day training programme was collaboratively organised by the Indian Law Institute and the National Human Rights Commission on 23-24th August 2025. The programme, titled "Police and Human Rights: Issues and Challenges," was specifically designed for police personnel to address the critical intersection between law enforcement functions and the protection of human rights. It aimed to sensitise officers to constitutional mandates, international human rights standards, and evolving judicial perspectives governing policing practices.

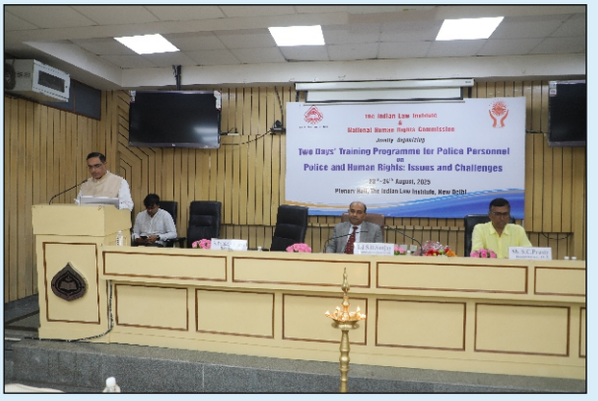
The event was held at the Plenary Hall of the Indian Law Institute, New Delhi, and featured a distinguished panel of speakers drawn from academia, senior law enforcement officials, and representatives of human rights institutions. The deliberations focused on contemporary challenges in policing, accountability mechanisms, custodial safeguards, and the need for rights-based approaches in maintaining public order.




**Inaugural Session of the training programme. (Senior Prof (Dr.) V.K. Ahuja, Shri S. D. Sanjay, Joint Secretary, NHRC)**

The first day of the program commenced with registration and high tea, followed by the inaugural session. The day was structured into four technical sessions, each focusing on a distinct aspect of human rights in the context of policing.




**Sr. Prof. (Dr.) V.K. Ahuja, Director ILI addressing the participants of the programme.**

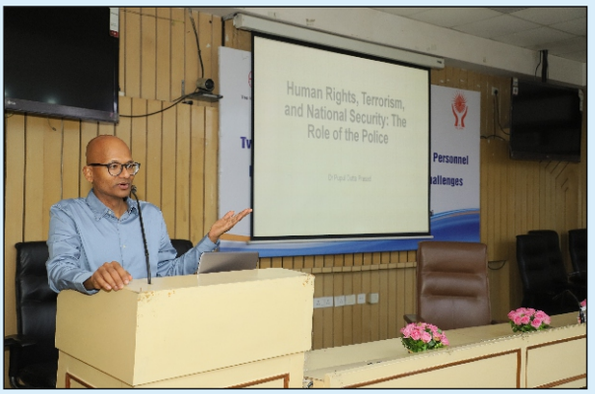
The technical sessions commenced with an inaugural address by Sr. Prof. (Dr.) V.K. Ahuja, Director, the Indian Law Institute, who delivered a comprehensive overview of human rights. His presentation laid the foundational framework for the entire programme, tracing the historical evolution of human rights, examining their philosophical underpinnings, and analysing their codification in both international instruments and domestic legal systems. He underscored the universal, inalienable, and indivisible character of human rights, emphasising that these principles form the bedrock of democratic governance and the

rule of law. Sr. Prof (Dr.) Ahuja further elaborated on the constitutional safeguards enshrined under the Indian Constitution, particularly the significance of Fundamental Rights and their enforceability through judicial remedies.

Setting the tone for the sessions that followed, Prof Ahuja emphasised that a nuanced and well-informed understanding of human rights is indispensable for police personnel in the discharge of their duties. He underscored that effective law enforcement must function within a robust framework of legality, accountability, and unwavering respect for human dignity. Such an approach, he noted, not only ensures compliance with constitutional mandates but also fosters public confidence in policing institutions and reinforces the foundational values of the Constitution.

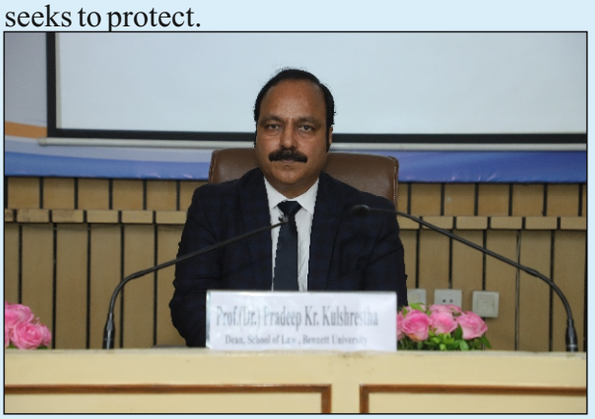
Shri Samir Kumar, Joint Secretary, NHRC, elaborated on the crucial role of the National Human Rights Commission. He detailed the commission's mandate, functions, and powers, explaining how the NHRC acts as a watchdog for human rights violations in the country. He discussed the process of lodging complaints, the investigative procedures followed by the commission, and its recommendations to the government. Shri Kumar shared case studies and landmark interventions by the NHRC, illustrating its impact on protecting the rights of citizens, particularly in cases involving law enforcement agencies.

Mr. O.P. Vyas, Chairperson, CWC, GNCTD delivered a session on some of the most critical and sensitive issues in policing. He addressed the legal and human rights standards governing arrest procedures, citing guidelines established by the Supreme Court in cases like D.K. Basu. The session explored the absolute prohibition of custodial torture and violence, custodial deaths, and forced disappearances. Mr. Vyas stressed the importance of accountability and transparency in police operations to prevent such grave violations and to build public trust in the institution of policing.




**Mr. O.P. Vyas, addressing the participants of the training programme.**

Dr. Pupul Dutta Prasad, IPS, IG(HP)tackled the complex and often contentious relationship between national security imperatives and the protection of human rights. She discussed the challenges faced by police in combating terrorism while adhering to the rule of law. The address focused on the need to strike a delicate balance, ensuring that counter-terrorism measures are effective yet respectful of fundamental freedoms. Dr. Prasad highlighted the legal frameworks governing anti-terrorism operations and underscored the principle that sacrificing human rights in the name of security is ultimately counterproductive and undermines the very values a democratic state seeks to protect.

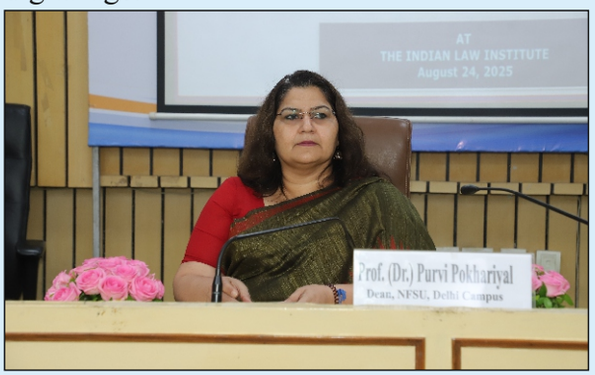


**Prof. (Dr.) Pradeep Kulshreshtha delivering the lecture in the training programme.**

Prof. (Dr.) Pradeep Kulshreshtha, Dean, School of Law, Bennett University, opened the day with a session dedicated to the protection of vulnerable groups, specifically women and children. He discussed the special legal provisions and protocols in place, such as the POCSO Act and laws against domestic

violence and sexual harassment. He emphasized the need for a victim-centric and gender-sensitive approach from the police when handling such cases. The session covered best practices for investigation, the importance of creating a safe and non-intimidating environment for victims, and the role of police in preventing crimes against women and children.

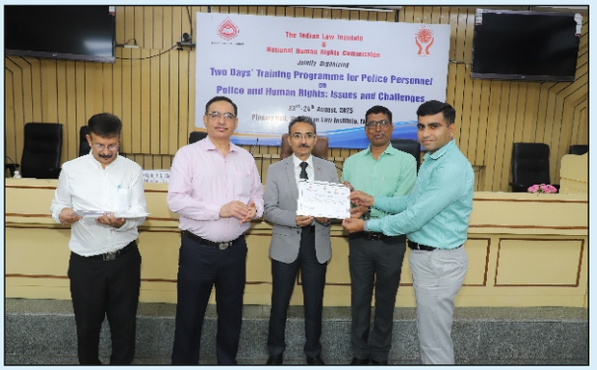
Mr. H.S. Randhawa, Assistant Controller of Police, Cyber Unit, IFSO, Special Cell, Delhi Police, addressed the rapidly evolving challenge of cybercrime. His presentation covered the various types of digital crimes, from financial fraud and hacking to online harassment and data theft. He provided insights into the technical aspects of investigating such crimes, including evidence collection from digital devices and navigating the legal framework of the Information Technology Act. He also touched upon the human rights implications, such as the right to privacy in the digital age.




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

Prof. (Dr.) Purvi Pokhariyal, Dean, NFSU, Delhi Campus, explored the intersection of forensic science and the justice system. She highlighted how the proper and ethical use of forensic evidence is crucial for ensuring fair trials and upholding the rule of law, thereby protecting human rights. The session discussed the importance of maintaining the integrity of crime scenes, the chain of custody for evidence, and the scientific reliability of forensic techniques. She explained how robust forensic justice can help prevent wrongful convictions and ensure that the guilty are held accountable based on objective evidence.

Sh. Anil Kishore Yadav, IPS, Director, NPMD and Special Project Division, BPRD, synthesized many of the themes discussed over the two days, focusing on the investigative process. He spoke about the necessity of conducting investigations that are not only effective in solving crimes but are also fair, impartial, and compliant with human rights norms. Topics included the rights of the accused during investigation, the principles against self-incrimination, the importance of due process, and the use of modern, scientific interrogation techniques over coercive methods.

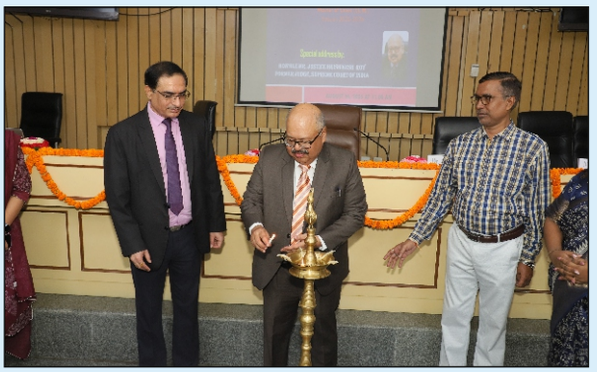


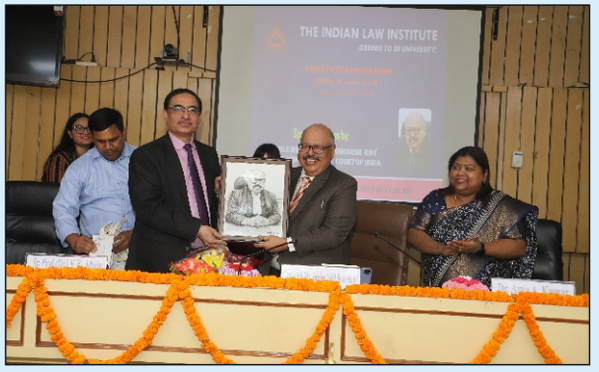

**Snippets from the valedictory session of the training programme**

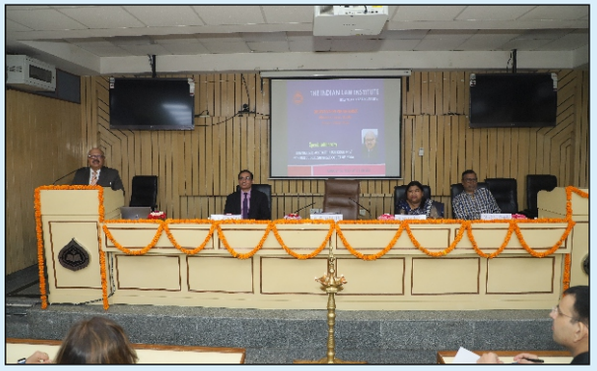
The two-day programme concluded with a formal valedictory session, marking the culmination of insightful deliberations and meaningful engagement. During the session, certificates of participation were distributed to the police personnel in attendance, acknowledging their active involvement and commitment to strengthening a rights-based approach to policing.

## Orientation Programme for LLM (2025-26 batch) on August 0 6, 2025

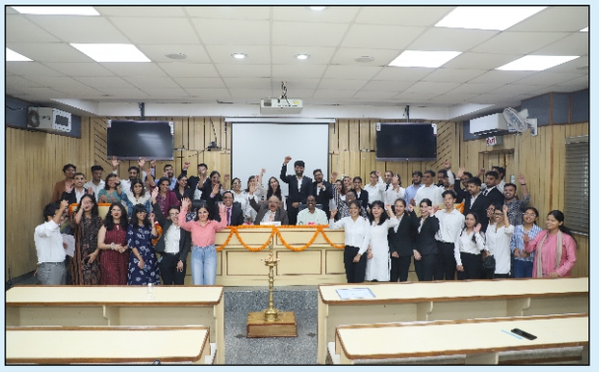
The Orientation Programme for the LL.M. batch 2025–26, held on August 6, 2025 marked the commencement of the academic journey for the newly admitted LL.M students. The programme began with the ceremonial lighting of the lamp, symbolising knowledge, wisdom, and the pursuit of academic excellence. The event was graced by the august presence of Hon'ble (Mr.) Justice Hrishikesh Roy, Former Judge, Supreme Court of India, who delivered an inspiring address. In his remarks, he encouraged students to uphold constitutional values, maintain ethical standards in legal practice, and pursue academic excellence with dedication and integrity. Faculty members and dignitaries extended a warm welcome to the students and encouraged them to actively participate in academic research, skill development, and professional growth. The programme reflected the Institute's commitment to nurturing academic curiosity, professional competence, and collaborative learning among its students.





**Snippets from LL.M Orientation programme**

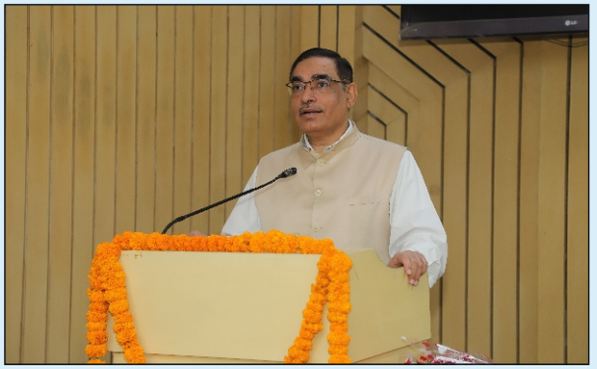


**Group Photograph of LLM Orientation programme**

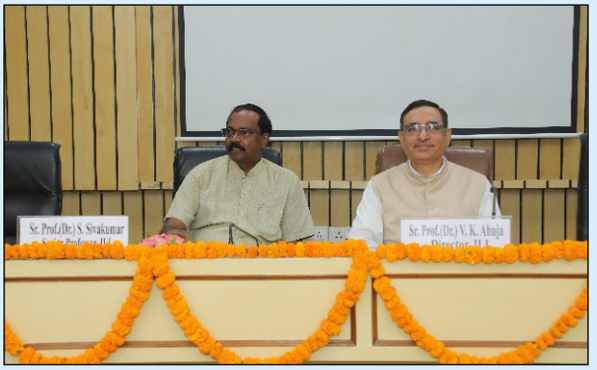
## Sports Day Celebrations held on August 29, 2025

A healthy body is as important as a healthy mind. With this aim, the Indian Law Institute organized a Sports Day Event on account of the National Sports Day. National Sports Day is celebrated nationwide in India on August 29 every year. As part of the Sport Day celebrations, the Indian Law Institute organized a series of engaging and intellectually stimulating events on August29, 2025 at ILI. These events aimed to honor the birthday of Major Dhyan Chand, the hockey prodigy, while fostering sports spirit, teamwork, and collective learning

The event began with the Inaugural Session and a special address by Senior Prof. (Dr.) V.K. Ahuja, Director, ILI and Senior Prof. (Dr.) S. Sivakumar. They highlighted the importance of engaging in sports activities. Moreover, they also highlighted the importance of the emerging field of sports law and the need for exploring the new avenue in the field of law.

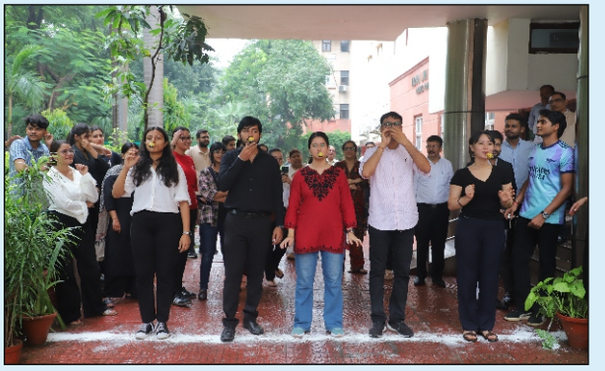


The first event in the series was the organization of distinct competitions. These included chess, carom, skipping and lemon-spoon races. The event began with the Inaugural game of chess and carom between Senior Prof. (Dr.) V.K. Ahuja, Director, ILI and Senior Prof.(Dr.) S. Sivakumar.

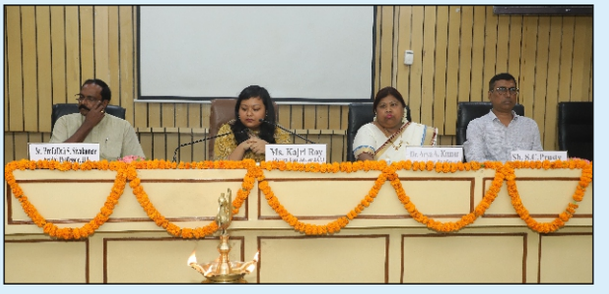



**Snippets from the sports day celebrations held at ILI**

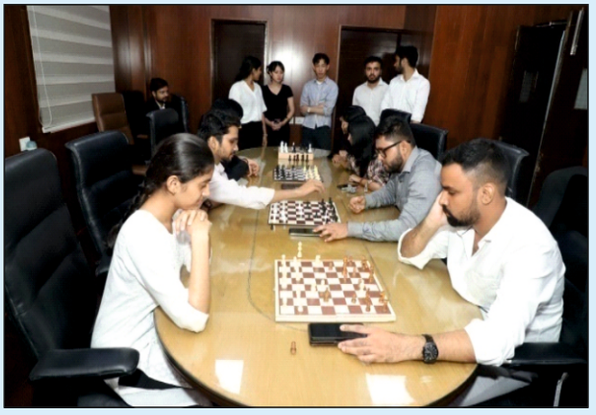
As part of the celebrations, Adv.Kajri Roy, legal advisor, BCCI was cordially invited to deliver a special lecture on "Sports Law and Governance in India" for the LL.M.students.

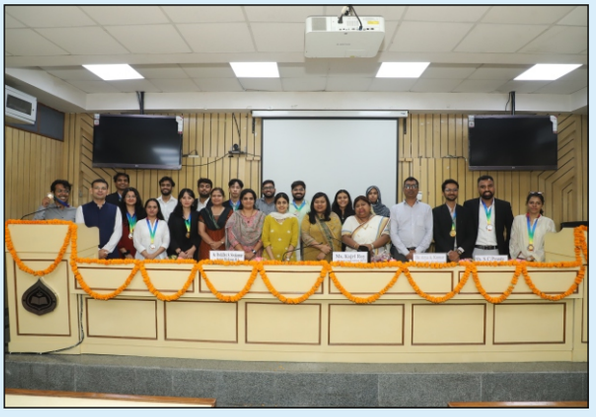


**Inaugural session of the Sports day celebrations**




Ms Roy shared her profound insights on this emerging field of law and how the legal professionals working in the field of sports law act as a link between the sports organizations and sports professionals. She also shared the diverse fields of law like IPR, personality rights, human rights and health law which are applicable in the field of sports and highlighted the enactment of new legislation in the arena of sports law.



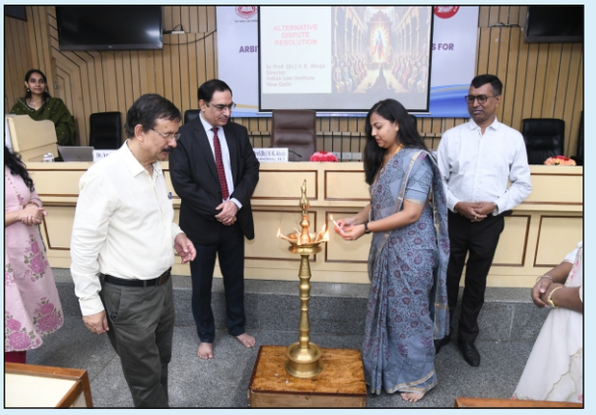


**Snippets from the sports day celebrations**

The event concluded with awards distribution ceremony, whereby Ms. Kajri Roy distributed medals and certificates to the winners

## Three Days workshop on "Arbitration, Mediation and Related Matters" for Railway Officials on July 24-26, 2025

The Indian Law Institute (ILI), in collaboration with Northern Railway, jointly organized a three-day workshop on "Arbitration, Mediation and Related Matters" from July 24 to July 26, 2025, at Indian Law Institute. The workshop aimed to provide participants with a comprehensive understanding of alternative dispute resolution (ADR) mechanisms, particularly arbitration and mediation, and their growing relevance in resolving commercial and institutional disputes efficiently. The programme brought together legal scholars, practitioners, and officials from Northern Railway, facilitating meaningful discussions on the practical and legal dimensions of dispute resolution.



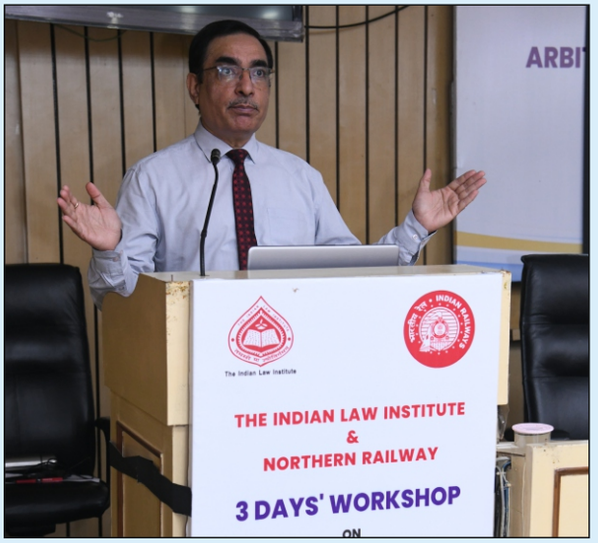
**Director ILI lighting the ceremonial lamp at the inaugural session of the programme**

Through a series of lectures, interactive sessions, and discussions, experts highlighted key aspects of arbitration procedures, mediation techniques, and recent developments in the field of dispute resolution in India. The workshop also focused on institutional framework governing arbitration and mediation, challenges in dispute settlement, and the role of ADR in reducing litigation and promoting efficient justice delivery.

The initiative reflected the continued commitment of the Indian Law Institute to capacity building, professional training, and the promotion of effective dispute resolution mechanisms in collaboration with public institutions.

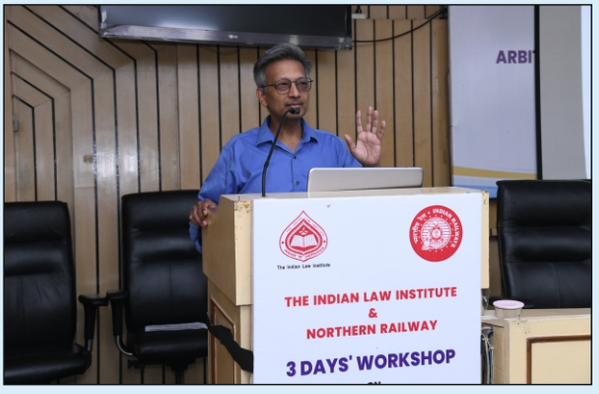
The collaboration between the Indian Law Institute and Northern Railway signifies a proactive commitment to institutional capacity building in the domain of commercial and public law. For an entity with the scale and complexity of the Indian Railways, constant engagement with contractors, vendors, and the public necessitates a deep, practical understanding of legal frameworks governing disputes and contractual obligations. The three days workshop was designed to provide Railway officials with the legal acumen required to manage contracts effectively, prevent disputes at the source, and navigate the mechanisms of dispute resolution under the Arbitration and Conciliation Act, 1996, and the Code of Civil Procedure (CPC), 1908. By focusing equally on substantive law (Contract Law) and procedural law (ADR, Limitation, Civil Procedure), the curriculum sought to create well-rounded legal administrators capable of safeguarding the Railway's interests while ensuring fairness and transparency.

Day I laid the crucial groundwork, focusing first on the mechanics of commercial contracts under the Indian Contract Act, 1872, and subsequently introducing the concept of Alternate Dispute Resolution (ADR) as an essential modern tool for governance.




**Sr. Prof. (DR.) V.K. Ahuja, Director, ILI delivering the lecture**

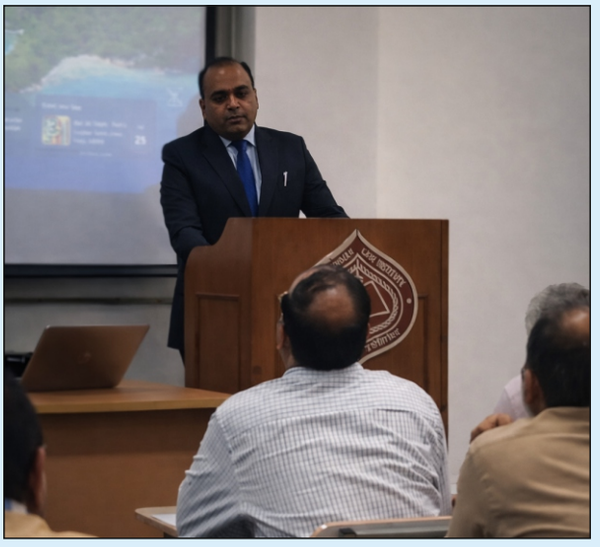
The session on ADR, spearheaded by Sr. Prof. V.K. Ahuja, introduced the concept of resolving disputes outside the conventional court system. The primary legal anchor for this discussion was Section 89 of the Code of Civil Procedure, which empowers a court to refer parties to various ADR methods, including arbitration, conciliation, judicial settlement, and mediation. This section reflects the legislative intent to alleviate the burden on courts and offer faster, more cost-effective resolution pathways. For Railway officials, understanding ADR is paramount, as most large-scale contracts inherently include mandatory arbitration clauses, making these mechanisms the first line of defence against litigation. The emphasis was placed on how ADR preserves business relationships and offers confidentiality, factors often preferred over adversarial court battles.




**Prof.(Dr.) Raman Mittal delivering the lecture**

Prof.(Dr.) Raman Mittal, Professor, DU meticulously covered the anatomy of a valid contract. A contract requires a lawful Offer and a clear Acceptance, leading to Promises. The fundamental element of Consideration, the price paid by one party for the promise of the other, was explored in depth. Crucially, the session detailed factors that render a contract legally null. A Void Contract is unenforceable by law from the beginning (e.g., an agreement without lawful consideration), while a Voidable Contract is one that can be affirmed or rejected at the option of one or more of the parties (e.g., a contract formed under coercion or misrepresentation). This knowledge is essential for drafting and vetting railway tenders and agreements to ensure their inherent enforceability.

The concept of Performance of Contract under the Indian Contract Act was examined, defining when and how parties must fulfil their obligations. Discussions included the doctrine of frustration of contract, wherein performance becomes impossible or unlawful after the contract is made, leading to its discharge. The importance of timely and precise performance, alongside the legal consequences of breach, was highlighted. For a vast organisation with countless contracts running concurrently, understanding the rules for performance and discharge is vital for both enforcing obligations against third parties and protecting the Railway from liability.



**Dr. Sanjeev Kumar Garg addressing the participants of the training programme**

Dr. Sanjeev Kumar Garg's sessions on the General Conditions of Contract (GCC) were of immediate practical relevance. The GCC constitutes a standardised set of clauses that govern most contracts issued by the Railway. These sessions detailed how the GCC operationalises the Indian Contract Act within the specific context of railway projects (e.g., procurement, construction, services). The GCC outlines standard provisions relating to extension of time, termination, payment mechanisms, liquidated damages, and, critically, the dispute resolution mechanism. A thorough grasp of GCC-I and GCC-II is indispensable for Railway officials involved in contract administration, as it provides the rulebook for daily contractual interaction and initial dispute management.

Day II shifted focus to the execution and finality of arbitration the most commonly used ADR mechanism in railway disputes along with a crucial analysis of the Law of Limitation, which determines the permissible window for legal action.

Sr. Adv. J.P. Sengh initiated the discussion on institutional arbitration by detailing the DIAC (Delhi International Arbitration Centre) Rules. This session provided clarity on the structure of Arbitration Proceedings, focusing on the practical implications of the rules concerning Administrative Cost and Arbitrators' Fees. Unlike ad hoc arbitration, institutional rules like those of DIAC provide a fixed, predictable framework for administration, ensuring greater efficiency and transparency in cost calculation. This knowledge empowers officials to budget and manage the financial aspects of arbitration effectively, avoiding unexpected financial burdens.

Continuing the focus on procedure, the workshop covered the Conduct of Arbitral Proceedings, including procedural hearings, evidence presentation, and the drafting of the Arbitral Award. The session emphasised the non-negotiable principle that the Arbitral Tribunal must adhere to natural justice and the terms of the contract while rendering its

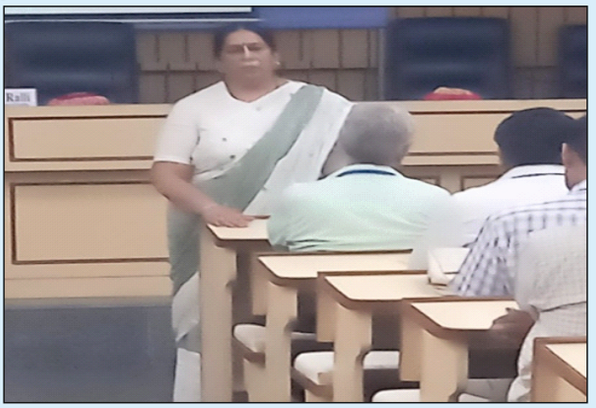
decision. The conditions for Termination of Proceedings, either through a final award or a settlement between the parties, were also outlined. This structured approach to the proceedings ensures that the process is robust against subsequent challenges.

A key session addressed the post-award scenario: the Finality and Enforcement of the Arbitral Award and the narrow grounds for a Challenge to the Arbitral Award with Case Law. Unlike court decrees, an arbitral award is generally final and binding. However, the Arbitration and Conciliation Act, 1996, permits setting aside an award only under specific grounds, primarily related to procedural irregularities, violation of public policy, or the award exceeding the scope of the agreement. Detailed case law analysis provided officials with the necessary legal precedents to defend favourable awards and strategically challenge adverse ones, especially under Section 34 of the Act.

Prof. Anoop Awasthi delivered a critical session on the Limitation of Suits, Appeals and Applications, and the Computation of Period of Limitation. The Limitation Act, 1963, is a procedural law that bars a remedy after a stipulated time period, though it does not extinguish the right itself. For the Railways, understanding when a claim becomes time-barred—be it a claim against a contractor or a challenge to an award—is vital for risk management. The computation of the limitation period, including exclusions for specific circumstances, ensures that legal action is initiated within the statutory timeframe, preventing the loss of substantial rights purely on procedural grounds.

Day III broadened the scope to cover the softer side of ADR Mediation along with the constitutional and administrative laws that regulate the Railway's functioning, culminating in a review of civil procedure and superior court remedies.

The session on the Principles of Natural Justice and Administrative Law is foundational for public functionaries. The principles of audi alteram partem (hear the other side) and nemo judex in causa sua (no one should be a judge in their own cause) are non-negotiable when Railway officials make quasi-judicial or administrative decisions (e.g., blacklisting contractors, imposing penalties). Administrative Law governs the relationship between the executive and the citizen, requiring all government actions to be fair, reasonable, and proportionate. Adherence to these principles is the best defence against challenges to administrative actions via judicial review.



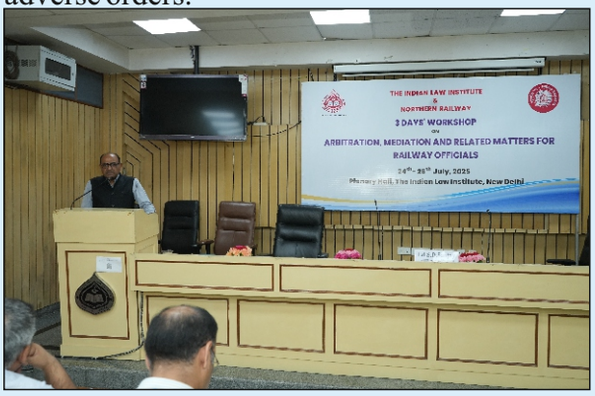
**Adv. Veena Ralli delivering the lecture at the training programme**

Adv. Veena Ralli conducted detailed sessions on Mediation, covering the Appointment of a Mediator and the step-by-step nature of the Mediation Proceeding. Mediation is a voluntary, confidential, and interest-based negotiation facilitated by a neutral third party. It focuses on collaborative problem-solving rather than fault-finding. Crucially, the session also covered Online Mediation and the Enforcement of Mediated Settlement Agreement. The latter is critical, as a valid settlement agreement reached in mediation now holds the same legal sanctity and enforceability as an arbitral award, thanks to recent amendments and the push for digital solutions in dispute resolution. This provides the Railway with another powerful, binding, and less antagonistic resolution tool.

Prof. Anoop Awasthi's second session dealt with core concepts of the Code of Civil

Procedure, 1908 (CPC), which serves as the residual framework for civil litigation. Officials were briefed on identifying Parties to Suits and procedural tactics like the Stay of Suit. The doctrine of Res Judicata (a matter already judged) was explained as a bar to re-litigation, which is a key concept for promoting judicial finality. Practical points like issuing a Notice under Section 80 (mandatory notice before suing the government) were highlighted. Finally, the session tracked the life cycle of a civil case, from Judgement and Decree to the crucial process of Execution of Decree, which is often the most challenging stage of litigation.

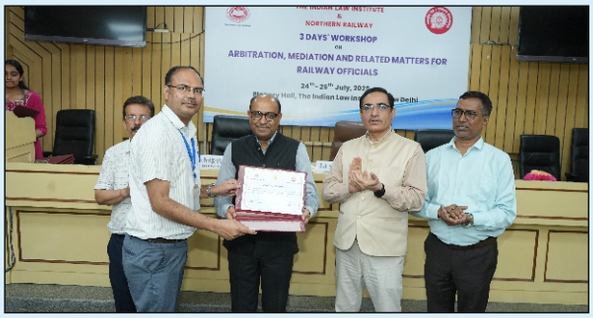
Sr. Adv. Ankit Jain provided an overview of the hierarchy of judicial oversight and remedies available in superior courts. The focus was on constitutional remedies such as Writ petitions (e.g., Mandamus or Certiorari), which are used to challenge the legality of administrative actions. Furthermore, the procedural routes of Appeals to higher courts and the special jurisdiction of the Supreme Court via SLPs (Special Leave Petitions) were detailed. Other critical mechanisms for error correction Reference, Review, and Revision were also covered, providing a complete picture of the avenues available for seeking judicial correction and appellate recourse against adverse orders.

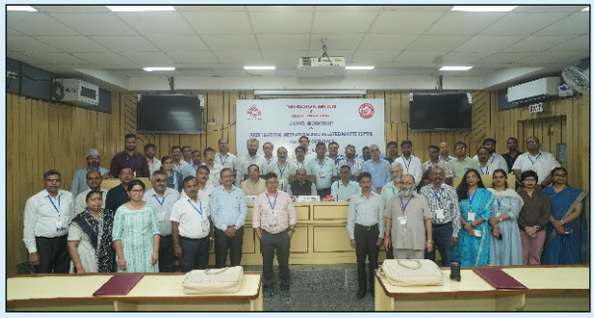



**Ld. S. D. Sanjay delivering the lecture at the training programme**

The final session, led by Ld. S D Sanjay, on Contempt of Court, served as a solemn reminder of the necessity of respecting the judiciary and its orders. Contempt is categorised as Civil (willful disobedience of a court order) or Criminal (scandalising the court or interfering with the course of justice). For government officials, avoiding Civil Contempt is paramount, as failure to comply with court directives, including arbitration-related judicial orders, can result in severe penalties, including imprisonment. The session stressed the need for swift and conscientious compliance with judicial mandates to uphold the rule of law.

The three-day workshop successfully provided Northern Railway officials with a robust, multi-faceted understanding of commercial and administrative law. The combined focus on preventative measures (Contract Law, GCC), efficient resolution mechanisms (Arbitration and Mediation), and the bounds of public authority (Administrative Law and Contempt) creates a highly beneficial synergy.



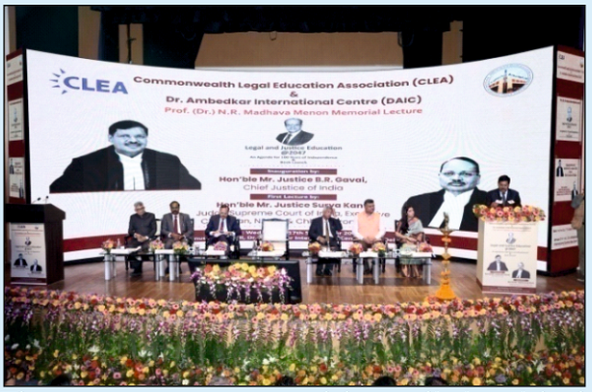
**Snippets from the valedictory session of the training programme**

**First Prof. (Dr.) N. R. Madhava Menon Memorial Lecture& Book Launch**

**Theme: Legal and Justice Education @2047: An Agenda for 100 Years of Independence**

Commonwealth Legal Education Association (CLEA) and the Dr. Ambedkar International Centre (DAIC), New Delhi, hosted the **First Prof. (Dr.) N. R. Madhava Menon Memorial Lecture** on 17th September 2025 at Bhim Hall, New Delhi. The event marked a historic moment in India's academic and legal discourse, commemorating the life and work of **Prof. (Dr.) N. R. Madhava Menon**, universally acknowledged as the *Father of Modern Legal Education in India*. The event was formally **inaugurated by Hon'ble Mr. Justice B. R. Gavai, Chief Justice of India**, who graced the occasion as the **Chief Guest**, while the **First Memorial Lecture** was **delivered by Hon'ble Mr. Justice Surya Kant, Judge, Supreme Court of India; Executive Chairman, NALSA; and Chief Patron, CLEA.**


The memorial lecture inaugurated an annual series dedicated to advancing his legacy and reflecting upon the role of legal education in shaping a just and equitable society, particularly as India moves toward its centenary of independence in 2047.The event successfully honoured the vision and contributions of Prof. N.R. Madhava Menon to modern legal education in India, fostered dialogue on the future of legal and justice education in the context of India@2047.




The event was supported by a distinguished group of institutional partners whose collaboration reflected a shared vision for advancing legal scholarship and justice education. Thomson Reuters served as the Publishing Partner, while the Menon Institute of Legal Advocacy Training (MILAT) as Academic Partner and Indian Law Institute (ILI) and Jamia Hamdard as the Institutional Partners. Together, these institutions bridged legal scholarship, judicial leadership, and educational innovation, reaffirming a collective commitment to promote research, reform, and responsibility in building a just, sustainable, and future-ready legal education ecosystem.

**The Inaugural Ceremony: Reflections on Leadership and Legacy**


Dignitaries at the inaugural session of the programme

The solemn yet intellectually vibrant occasion was graced by eminent dignitaries from various judges from the Supreme Court of India and Delhi High Court, Vice-Chancellors and Senior Academicians, and Faculty members and Students. The Chief Guest, Hon'ble Mr. Justice B. R. Gavai, Chief Justice

of India, delivered a stirring call for introspection within legal institutions to adapt to the social, technological, and ethical imperatives of the 21st century. The presence of Hon'ble Mr. Justice Surya Kant, Judge of the Supreme Court of India, Executive Chairman of NALSA, and Chief Patron of CLEA, highlighted the synergy between judicial thought and educational reform. Dr. R. Venkataramani, the Attorney General for India, contributed rich insights into the jurisprudential legacy of Prof. Menon, emphasizing his unique ability to merge academic vision with institutional pragmatism.


The event was chaired by Prof. (Dr.) S. Sivakumar, Senior Professor at the Indian Law Institute, President of CLEA, and Member of the 21st Law Commission of India, who offered a nuanced perspective on Prof. Menon's transformative impact on legal institutions such as NLSIU, NALSAR, and NUJS. The ceremony commenced with a warm welcome address by Col. Akash Patil, Director of DAIC, who reaffirmed the Centre's commitment to promoting inclusive and justice-oriented research.

In his introductory remarks, Prof. (Dr.) Sivakumar provided a reflective overview of Prof. Menon's contributions to the Commonwealth Legal Education Association and his enduring influence on curricular innovation and clinical legal education. His narrative highlighted how Prof. Menon envisioned law schools not merely as centres of technical training but as crucibles for nurturing ethical consciousness and civic responsibility.

Book Releases: Charting New Frontiers in Law and Society

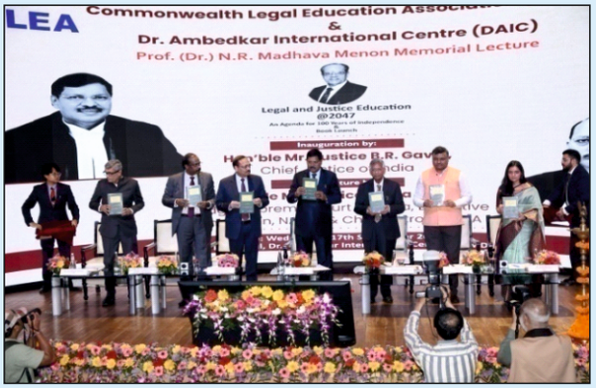
An integral highlight of the event was the release of three major publications that collectively addressed pressing challenges at the intersection of law, policy, and society. The books, each with a foreword by a distinguished judicial authority symbolized the intellectual breadth and interdisciplinary ethos that Prof. Menon championed.


**Snippets from the book release function**

The first, "Sustainability and Subsistence: Legal Strategies for a Green Planet", foreword by Justice B. R. Gavai, foregrounded the jurisprudence of environmental protection and sustainable governance. The second, "Disaster Management Laws in Asia: A Retrospect", with a foreword by Justice Surya Kant, examines comparative frameworks of resilience and crisis management across Asian jurisdictions, drawing lessons for a post-pandemic world. The third, "Law and Society: During and Post Covid Pandemic", foreword by Dr. R. Venkataramani, analyses the deep transformations in legal systems and societal structures that emerged in the wake of the global health crisis.


**Snippets from the book release function**

The introductions to these works were delivered by Mr. Gowrishankar Natesan, Publisher, Thomson Reuters and CEO of Southshore Innovations Pvt Ltd., who commended the collaborative scholarship and editorial rigor that went into their production. Together, the books encapsulated the evolving concerns of modern jurisprudence on sustainability, resilience, and social justice, each of which resonated deeply with Prof. Menon's intellectual vision.




**Snippets from the book release function**

**The Memorial Lecture: "Legal and Justice Education @2047"**

The focal point of the evening was the **First Prof. (Dr.) N. R. Madhava Menon Memorial Lecture**, delivered by **Justice Surya Kant**, who spoke on the compelling theme *"Legal and Justice Education @2047: An Agenda for 100 Years of Independence."* His lecture projected a bold and forward-looking framework for reimagining India's legal education ecosystem as the nation approaches its centenary of self-governance. Justice Surya Kant urged that the next generation of legal education must be guided by constitutional morality, digital fluency, environmental consciousness, and equity-oriented pedagogy.

He emphasised that in an era of rapid globalization, artificial intelligence, and climate emergency, legal institutions must evolve beyond traditionalism. They must train jurists who are not only skilled advocates but also empathetic problem-solvers, committed to sustainability, access to justice, and democratic values. The address blended normative philosophy with pragmatic policy suggestions, urging law schools to integrate technology-driven curricula, experiential learning, and cross-border research collaboration. Justice Surya Kant's lecture thus reaffirmed Prof. Menon's timeless dictum that *"Legal education is social engineering in action."*

The formal proceedings concluded with a **Vote of Thanks** delivered by Ms. Ruchi Sharma D., **Joint General Secretary, CLEA**, who expressed heartfelt gratitude to the dignitaries, organizers, and scholars who made the event a success. She emphasized that the memorial lecture would serve as a continuing bridge between generations of legal thinkers, ensuring that Prof. Menon's ideals remain embedded in the conscience of future legal reforms.Ms. Nabila Zehra, Convenor, CLEA, and Mr. Salman Qasmi, Student Convenor, CLEA-Asia, conducted the proceedings as Masters of Ceremonies

Following the academic sessions, participants gathered at **Shravasti Hall** for a **High Tea and Book Interaction Session**, where **Justice Surya Kant** personally engaged with the authors and researchers. The discussions that ensued were marked by scholarly rigor and mutual inspiration, reflecting CLEA's and DAIC's shared mission to cultivate a global community of legal educators dedicated to social justice, equality, and sustainable development.

**A Continuing Vision: Law, Justice, and India@2047**

The inaugural memorial lecture not only celebrated Prof. Menon's unparalleled contributions to Indian legal education but also institutionalized an enduring intellectual

tradition. It signified the beginning of a sustained dialogue between legal academia, the judiciary, and policy institutions on how to shape the next century of justice education.

As India envisions **"Justice for All by 2047,"** thislecture has set a precedent for academic excellence grounded in constitutional ethics and global inclusivity. This event thus became more than a tribute, it emerged as a roadmap for the future of legal education, one that integrates human dignity, technological progress, and environmental stewardship into a holistic framework of justice.

## ACADEMIC ACTIVITIES

Admission for Ph.D, LL.M. and PG Diploma Course for the Academic Session 2025-26:

The admission process for Ph.D, LL.M. (One Year) and Post Graduate Diploma Courses started on 25.03.2025 as per the schedule approved by the Academic Council. The detail regarding total numbers of admission for the Academic Session 2025 -26 is as under:

| S.No. | Programme | No. of Admitted Students |
|---|---|---|
| 1. | Ph.D | 8 |
| 2. | LL.M. | 47 |
| 3. | Post Graduate Diploma Programme | 343 |
| | Total number of students admitted | 398 |

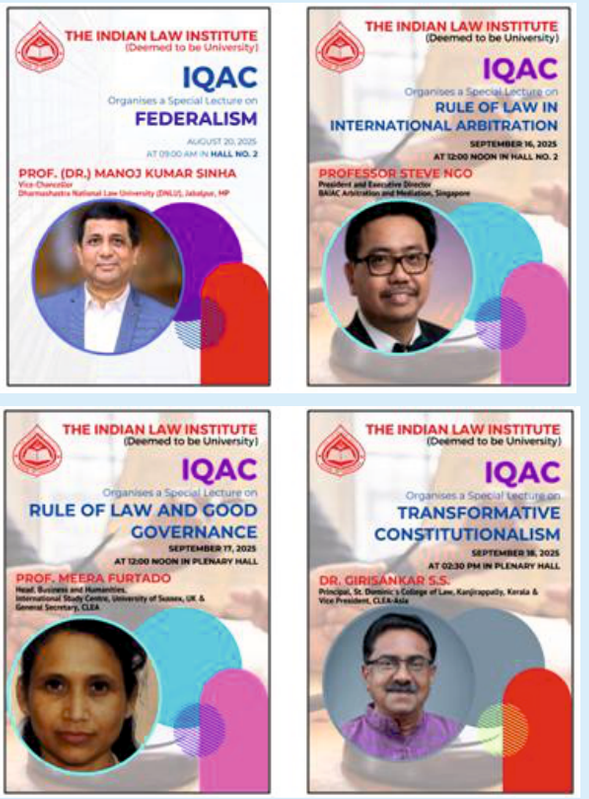
The classes for Ph.D were commenced from 16.07.2025, for LL.M. (One Year) from 06.08.2025 and for PG Diploma from 04.08.2025.

## E-LEARNING COURSES

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

E Learning courses of three months duration on **"Cyber Law"** (51st batch) and **"Intellectual Property Rights and Information Technology in the Internet Age"** (62nd batch) were commenced from August 21, 2025.

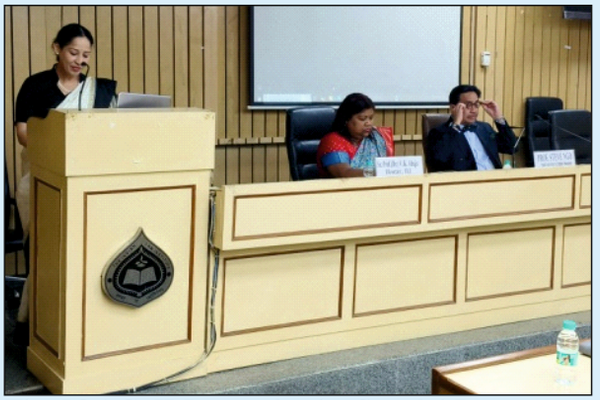
## IQAC LECTURE-SERIES




**Special Lecture on "Federalism" by Prof. (Dr.) Manoj Kumar Sinha on August 20, 2025**

The IQAC of the ILI organized a Special Lecture on "Federalism" on August 20, 2025. The lecture was delivered by Prof. (Dr.) Manoj Kumar Sinha, Vice Chancellor, DNLU, Jabalpur/Former Director, ILI The session explored important aspects on federalism and rule of law and effective governance in contemporary societies.

**Special Lecture on "Rule of Law in International Arbitration" on 16 September 2025 by Professor Steve Ngo**

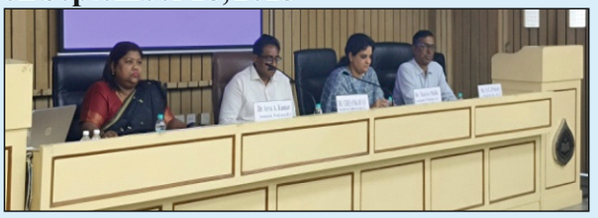


The IQAC, ILI organized a Special Lecture on "Rule of Law in International Arbitration" on September 16, 2025. The lecture was delivered by Professor Steve Ngo, President and Executive Director, BAIAC Arbitration and Mediation, Singapore. The session discussed the significance of the rule of law in ensuring fairness, neutrality, and credibility in international arbitral proceedings.

**Special Lecture on "Rule of Law and Good Governance" by Prof. Meera Furtado on 17 September 2025**

The IQAC of the ILI organized a Special Lecture on "Rule of Law and Good Governance" on 17 September 2025. The lecture was delivered by Prof. Meera Furtado, Head, Business and Humanities, International Study Centre, University of Sussex, UK. The session explored the vital relationship between the rule of law and effective governance in contemporary societies.

**Special Lecture on "Transformative Constitutionalism" by Dr. Girisankar S.S. on September 18, 2025**



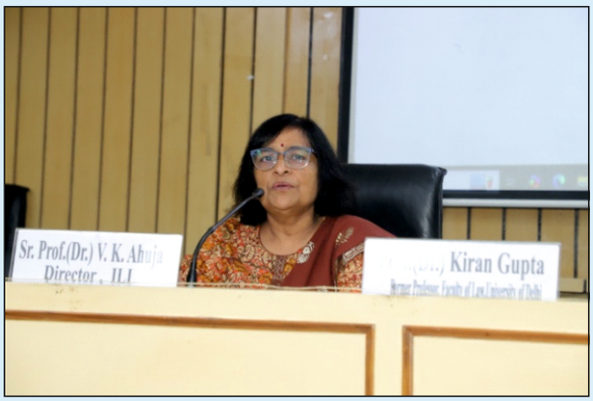
The IQAC of the ILI organized a Special Lecture on "Transformative Constitutionalism" on 18 September 2025. The lecture was delivered by Dr. Girisankar S.S., Principal, St. Dominic's College of Law, Kanjirappally, Kerala, and Vice President, CLEA-Asia. The session examined the evolving role of constitutional principles in advancing social justice and democratic transformation.

**Sensitization Programme on the Prevention of Sexual Harassment (POSH) Act, 2013 on September 25, 2025**

On September 25, 2025 the Indian Law Institute's Internal Quality Assurance Cell (IQAC) organized a Sensitization Programme on the Prevention of Sexual Harassment (POSH) Act, 2013. The purpose of this programme was to educate the supporting staff of the university with respect to gender sensitivity, workplace dignity and the laws that protect women from sexual harassment.


The event started with the Senior Professor (Dr.) V. K. Ahuja, Director of ILI, welcoming the Chief Guest, Professor (Dr.) Kiran Gupta, former professor of the University Indian Law Center of Delhi's Faculty of Law. The speech given by Director Ahuja emphasized that sensitization is an ethical duty that upholds the institution's mutual respect culture rather than just being a legal requirement.

Two brief videos were displayed to the audience in order to emphasize the impact of this session. The first was a short clip that mimicked real-life cases of harassment at work which highlights the moral and emotional aspects of the problem. The second clip provided a succinct legal explanation of the POSH Act, 2013. It focused on out lining the Internal Complaints Committee's (ICC) membership and duties, as well as, the procedural protections that are given to the victims. The complex legal framework became more accessible and easier to comprehend.




**Professor (Dr.) Kiran Gupta Addressing the participants of programme**

In her speech, Professor (Dr.) Kiran Gupta discussed the definition and extent of sexual harassment under POSH Act, 2013 in a way that was both incredibly captivating and relatable. She began by discussing common place instances that could be considered as harassment, describing how some actions that are written off as lighthearted comments or gestures can have detrimental effects on one's mental health and career. The audience was able to relate to the topic beyond legal definitions thanks to her use of everyday straightforward examples.

Professor Gupta also discussed the evolution of law regards to women and sexual harassment in workplace, beginning from landmark reference of *Vishaka v. State of Rajasthan,* 1997. She also discussed the value of institutional procedures, the need for ongoing training to guarantee true compliance and confidentiality of complaints. The audience responded with keen interest and reflections.

The question with respect to shared perspectives and work place boundaries were raised. The role of intention in determining misconduct and the importance of empathy in communication was browsed upon. Professor Gupta also emphasized that the POSH Act is not only punitive but rather educative in nature as it focuses on guiding individuals towards a place wherein respect and professionalism can coexist with each other.

Every member of the institute was encouraged to view the POSH Act as a collective responsibility rather than an external imposition. High emphasis was given to preventive measures like periodic awareness drives, orientation sessions for new staff and stringent functioning of ICC in developing a culture of trust.

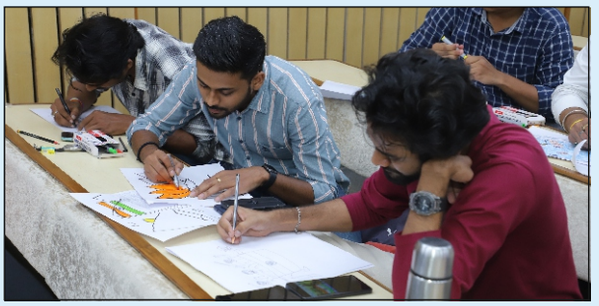
The event concluded with a Vote of Thanks delivered by Dr. Rajesh Kumar, Assistant Professor and Faculty Coordinator, who expressed gratitude to Professor (Dr.) Kiran Gupta for her enlightening session along with Senior Professor V. K. Ahuja, Director, ILI; Dr.) Arya A. Kumar, Associate Professor and Event Coordinator IQAC and; Registrar Shri. S.C. Prusty.

Overall, the event proved to be meaningful and thought provoking for the faculty as well as supporting staff members. In addition to educating the audience on legal consequences of workplace harassment, it also raised their awareness of the need to create an institutional culture that is more inclusive and respectful.

**Group photograph of the programme**

**Activities Organised under Viksit Bharat Abhiyan 1947–2047 on September 25, 2025**

As part of the nationwide celebrations of Sewa Parv 2025 (17 September – 2 October 2025), initiated by the Ministry of Culture, Government of India, the Indian Law Institute, New Delhi, organized a drawing and colouring competition on 26 September 2025. The event was conducted under the theme "Viksit Bharat Ke Rang Kala Ke Sang" and sought to reflect the vision of a developed India by 2047, as envisaged by the Hon'ble Prime Minister, Shri Narendra Modi. The programme aimed to foster creativity, service, and cultural pride among students while ensuring mass participation and cultural outreach in line with the Ministry's guidelines. Participants were provided with free art materials, including drawing sheets, colours, and brushes. The artworks vividly portrayed themes such as innovation, sustainability, justice, equality, and cultural heritage, reflecting diverse interpretations of a developed India.

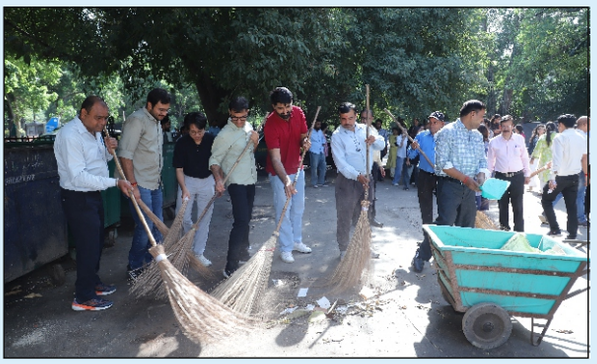


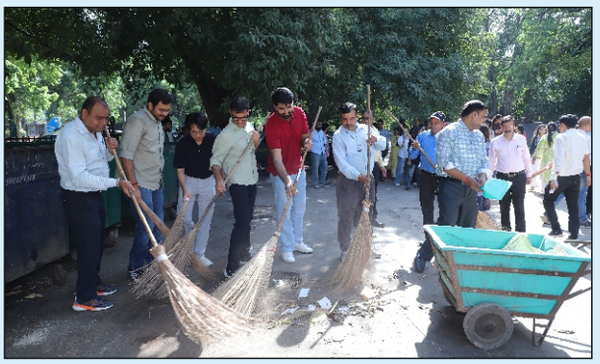
**snippet from the Viksit Bharat Abhiyan 1947-2047 activities held at ILI**

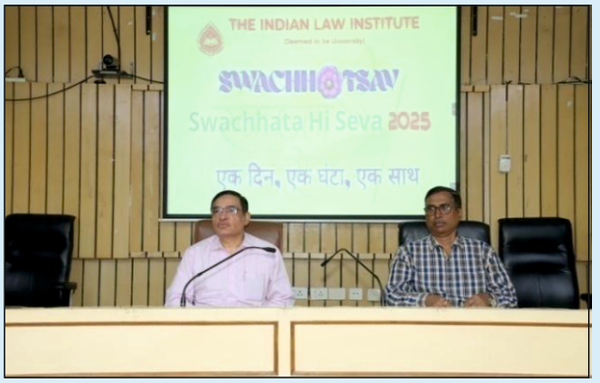
Following the competition, the jury evaluated the entries, and first, second, and third prizes, along with consolation prizes, were awarded in accordance with the Ministry's suggested award structure. All artworks were displayed within the Institute's premises for the academic community, and selected entries are being forwarded for exhibition at the District and State levels under Sewa Parv. The competition was a resounding success, promoting awareness of the vision of Viksit Bharat 2047 and encouraging students to reflect on their role in nation-building. It provided a meaningful platform for artistic expression while nurturing a spirit of service and collective responsibility.

**Swachhta Hi Seva 2025 – 25 September 2025 Report on Special Campaign 4.0: Institutionalizing Swachhata and Good Governance Indian Law Institute (ILI) | on September – October 2025**

The Indian Law Institute (ILI) actively participated in Special Campaign 4.0 under the nationwide initiative Swachhta Hi Seva 2025, with a focused commitment to cleanliness (Swachhata), environmental sustainability, and administrative efficiency during September–October 2025. The campaign emphasized reducing pendency, optimizing office space, streamlining record management, and promoting eco-friendly practices across the Institute. Faculty members, administrative staff, and students collectively engaged in cleanliness drives, responsible disposal of waste, and awareness activities, thereby reinforcing a culture of good governance, institutional discipline, and sustainable practices within the campus.



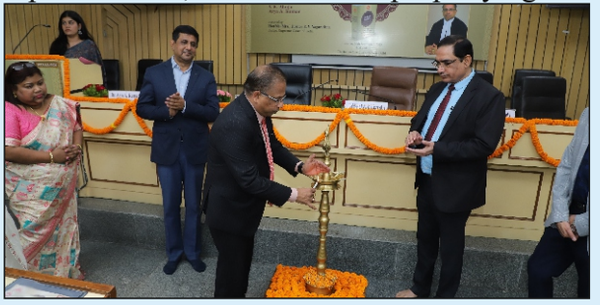





**Snippets from Swachhta Hi Seva 2025**

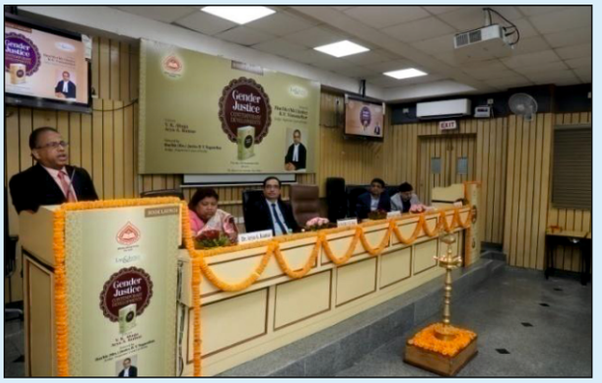
## Books Release-September 30, 2025

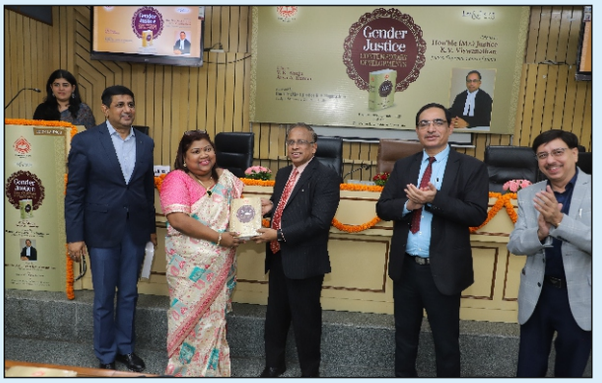
The Indian Law Institute (ILI) hosted the launch of a multidisciplinary edited volume on gender and law, published with contributions from leading legal scholars, practitioners, and academicians. The book titled " Gender Justice: Contemporary Developments" edited by Senior Prof (Dr.) V.K. Ahuja, Director, ILI and Dr. Arya A. Kumar, Associate Professor, ILI published by ILI and Law and Justice Publishing Co. The book examines the intersection of gender with legal, social, and economic factors, addressing issues such as reproductive rights, socio-economic entitlements, gender justice, media representation, and intellectual property rights.

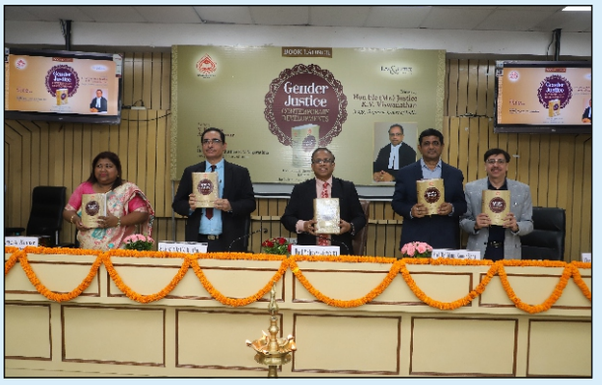


**Inaugural session of the book launch programme**

The launch began with a welcome address by Sr. Prof. V.K. Ahuja, Director, ILI, and a thematic introduction by Dr. Arya A. Kumar , Co editor and Associate Professor, ILI on how women's rights also shape the experiences of ancillary actors such as parents and families.

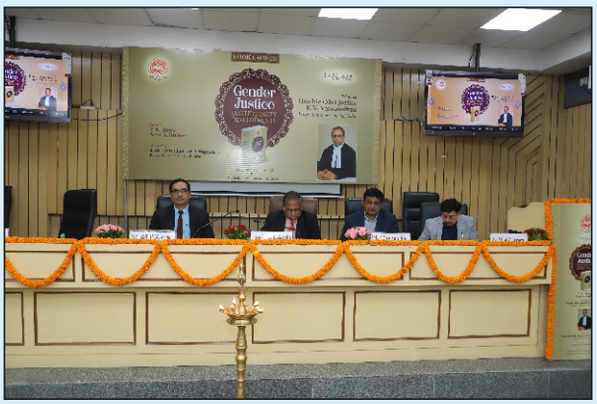


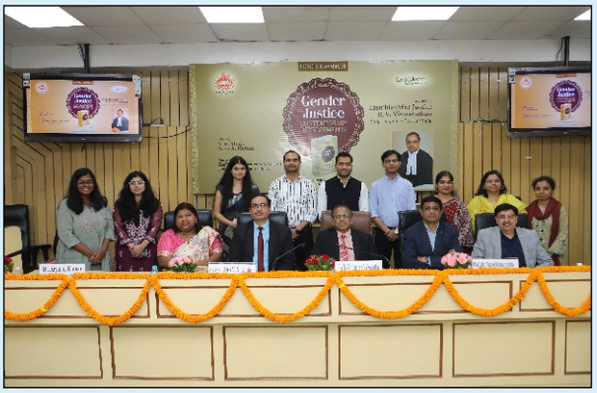




The volume was released by Hon'ble (Mr.) Justice K.V. Vishwanathan, Judge, Supreme Court of India, who underscored ILI's commitment to inclusivity and open-access resources, and situated the work within broader struggles for household equality, the legacy of the *Vishakha* case, and insights from comparative jurisdictions such as the United States, the United Kingdom, and international conventions like CEDAW. He further

highlighted contemporary concerns including the POSH Act, the "pink tax," and inequalities in sports, while paying tribute to reformers like Ishwarchandra Vidyasagar and Raja Ram Mohan Roy, as well as the fifteen women members of the Constituent Assembly whose contributions shaped India's constitutional and social vision. The event was attended by distinguished academicians, legal experts, and researchers, with discussions reinforcing the volume's emphasis on inclusivity and intersectionality in law, policy, and diversity, and its role in advancing gender equality and justice within contemporary legal scholarship




Snippets from the book launch programme

## LIBRARY

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

## EXAMINATIONS

**Award of Ph.D. Degree**

The viva-voce/ open defence of the thesis of Ms. Vasudha Bali was held on 14.07.2025. She was awarded the Degree of Philosophy (Ph.D. in Law) on the topic "Sports Law in India: Towards Gender Equality" on 15.07.2025.

**Ph.D. Programme**

The result of the Ph.D. Course Work Examination-2025 was declared on 07.08.2025.

**LL.M. Programme**

Presentation/Viva Voce of Dissertations of LL.M. 1 year programme for the Session 2024-2025 were held during 30.07.2025 to 31.07.2025.

LL.M. 2nd Semester End Examination For the session 2024-2025 result was declared on 02.09.2025.

**PG Diploma Programme**

Result of Post Graduate Diploma Courses Annual Examination for the Session 2024-25 was declared on 01.07.2025.

Supplementary Examinations for PG Diploma Courses for the Session 2024-25 commenced from 29.09.2025.

## APPOINTMENTS

Advertisement for the posts of Assistant Professor in Pay Level – 10 was advertised in the leading newspapers on 01.10.2024 for which last date for submission of application form was 25.10.2024 (11.59 p.m.).

Desirable Areas of Specialisation were - Intellectual Property Rights Law, Constitutional Law, Criminal Law and Legal Research Methodology.

Accordingly, 413 online applications received through Samarth Portal in line with UGC Regulations, 2018. After due selection process from 9th June, 2025 to 12th June, 2025, four following faculties have been selected for the post of Assistant Professor (Law) by the competent authority on the recommendation of Selection Committee of the Institute:-

**Dr. Parineet Kaur**
DOJ - 24.07.2025

**Dr. Rajesh Kumar**
DOJ - 24.07.2025

**Dr. Taniya Malik**
DOJ - 25.07.2025

**Dr. Riddhima Dikshit**
DOJ - 31.07.2025

## RESEARCH PUBLICATIONS

**Released Publications**

- Book on "Gender Justice: Contemporary Developments" Editors: Sr. Prof (Dr.) V.K. Ahuja , Director, ILI and Dr. Arya. A. Kumar, Associate Professor, ILI.
- *ILI Newsletter* Vol XXVII Issue II (April-June, 2025).
- Journal of the Indian Law Institute, Vol 67(1)(January –March, 2025)

**Publications on the Anvil**

- *ILI Newsletter* Vol XXVII Issue IV (October-December, 2025).
- Journal of the Indian Law Institute, Vol 67(2)(April-June2025)
- 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.

## FORTHCOMING EVENTS

The Indian Law Institute in collaboration with National Human Rights Commission will organise a two days programme for Judicial Officers on" Human Rights : Issues and Challenges " on November 1-2,2025 at ILI.

## FACULTY NEW

**Senior Prof. (Dr.) V.K. Ahuja, Director, ILI**

- Hon'ble *Chief Guest* at National Seminar on Musical Works and Copyright in the Digital Era: Navigating Innovation, Protection and Policy, organised by NLIU Bhopal, September 29, 2025.
- Hon'ble *Guest of Honour* at the release of the Book "WTO and Digital Trade" organised by DNLU Jabalpur and Indian Institute of Foreign Trade, September 25, 2025.

**Lectures delivered at Faculty Development Programmes and Training Programs**

- *Administrative Skills for Good Leadership* in Leadership Development Programme in Science & Technology LEADS – 2025 at Indian National Science Academy and National Centre for Good Governance, New Delhi, September 5, 2025.
- *Human Rights: An Overview* in Training Program on Human Rights: Issues and Challenges for Police Officers, jointly organised by Indian Law Institute and National Human Rights Commission, August 23-24, 2025.
- *Infringement of Trademark with Special Reference to Disparagement* in Faculty Development Program, Vivekananda Global University, Jaipur, July 28, 2025.
- *Ethical Values – Integrity, Honesty and Sense of Commitment in Research and Publications* in Faculty Development Program, Bennett University, Greater Noida, July 22, 2025.
- *Innovative Teaching Methods in Higher Education* in Faculty Development Program, Asian Law College, Noida, July 9, 2025
- *Innovative Teaching Methods in Higher Education* in Faculty Development Program, Sharda University, Greater NoidaJuly 8, 2025.
- V.K. Ahuja and Arya A. Kumar, Gender Justice: Contemporary Developments (ILI & Law & Justice Publishing Co., 2025).

- Co authored an article titled *Gender Divide in Innovation: Causes and Consequences in Patent System* by V.K. Ahuja and Ayushi Verma in V.K. Ahuja and Arya A. Kumar, Gender Justice: Contemporary Developments (ILI & Law & Justice Publishing Co., 2025), pp. 445-61.

**Dr. Arya A. Kumar, Associate Professor, ILI**

- Invited as a panellist in a One-Day Conference on "Envisioning Tomorrow's University: A Tran disciplinary Dialogue on the Future of Education" at National Law University, Delhi(NLUD) on September 13, 2025 organised by MIT World Peace University (UNESCO Chaired Institution), Goa.
- Delivered a special lecture on "Legal Research Methodology" at the FDP- NEP 2020: Orientation & Sensitization program organised by Saveetha School of Law, SIMATS Chennai with the Collaboration of the UGC- MMTTC HRDC, JNV, Jodhpur from 18.08.2025 to 26.08.2025.
- Co –Edited and published a book entitled Gender Justice: Contemporary Developments, V.K. Ahuja and Arya A. Kumar (ILI & Law & Justice Publishing Co., 2025) published on September 30, 2025.
- Authored a Chapter titled "Legal Deconstruction of Injustice: Examining Pandemic-Induced Gender Disparities through Juridical Lens" in the book "Gender Justice : Contemporary Developments" Ed. V.K. Ahuja and Arya A. Kumar published by ILI & Law & Justice Publishing Co. Pp 62-85.
- Co-authored an article titled "International Humanitarian Law and Naval Warfare: Intersectionality of Gender, Environment, and Technology' in the Journal of Indian Law Institute (*JILI*), Vol 67 (3), July-September, 2025 Pp. 324-344.

**Dr. Parineet Kaur, Asst Professor, ILI**

- Chaired a Session in International Conference on Seventy-Five Years of the Constitution of India: A Comparison with Major Constitutions of the World at RGNUL, Punjab on August 30, 2025.
- Completed a FDP- NEP 2020: Orientation Sensitization program organised by Saveetha School of Law, SIMATS Chennai with the Collaboration of the UGC-MMTTC HRDC, JNV, Jodhpur from 18.08.2025 to 26.08.2025.
- Delivered a lecture on "How to plan your law school days" in the Orientation Session of Faculty of Law, SGT University on August 22, 2025.
- Authored a Chapter titled "Empowering Women through Law: The Role of Treaties in Advancing Women's Rights" in the book Gender Justice: Contemporary Developments Ed. V.K. Ahuja and Arya A. Kumar, Pp 895-919.
- Chaired a Session in 14th International Conference on Human Rights and Gender Justice in collaboration with CASH, RGNUL, University of Malaga, Spain Nelson Mandela University, South Africa on 7 September 7, 2025.

**Dr. Taniya Malik, Assistant Professor, ILI**

- Published an article titled "Freedom of Internet and State Control: A Case Study on Internet Shutdowns in India," Masaryk University Journal of Law and Technology, Vol. 19, No. 2 (2025). (SCOPUS, Q2).
- Co-uthored an article titled "Balancing Potential and Risks: A Critical Examination of AI's Impact" on Human Rights and Legal Frameworks in the EU, USA, and India," International Journal of Human Rights and Constitutional Studies (IJHRCS), Vol. 12, No. 3 (2025).
- Invited to participate in Aqualogues 2025, held at Ahmedabad University from September 26–27, 2025, in a plenary session on "Water and Climate Change", jointly organized by Ahmadabad University, the Ministry of Jal Shakti, and the W for W Foundation.

## THE BILLS OF LADING ACT, 2025

**(Act No. 18 of 2025)**

The Act was enacted to make provisions for the transfer of rights of suit and all liabilities to the consignee named in a bill of lading and every endorsee of a bill of lading, to whom the property in the goods mentioned in the bill of lading shall pass, upon or by reason of a consignment or an endorsement, and for matters connected therewith or related thereto. The Act replaced a 169-year-old colonial statute with a modern framework for shipping documentation. Beyond the maritime industry, this reform is poised to reshape the entire supply-chain ecosystem by accelerating digitalisation, cutting costs, mitigating risks, and unlocking new growth opportunities across transport, warehousing, trade finance, and technology services.

## THE CARRIAGE OF GOODS BY SEA ACT, 2025

**(Act No. 19 of 2025)**

The Act was enacted to provide for the responsibilities, liabilities, rights and immunities attached to carriers with respect to the carriage of goods by sea and for matters connected therewith or related thereto. The Carriage of Goods by Sea Act, 2025 represents a watershed moment in India's maritime legal evolution, replacing the antiquated Indian Carriage of Goods by Sea Act, 1925. This landmark legislation, which received Presidential assent on August 8, 2025, fundamentally transforms India's approach to maritime commerce by harmonizing domestic law with internationally accepted standards, particularly the Hague-Visby Rules. The Act's primary objective centers on modernizing India's maritime cargo regulations while maintaining alignment with global conventions. The legislation establishes comprehensive liability frameworks that clearly delineate the responsibilities of carriers, shippers, and consignees. Under the new regime, carriers bear enhanced accountability for the safe and timely delivery of cargo, while specific provisions protect shipper interests through defined compensation mechanisms.

## THE COASTAL SHIPPING ACT, 2025

**(Act No. 20 of 2025)**

This Act regulates shipping in the coastal waters of India. Chapter I provides for the short title, application of the Act, commencement and the definitions. Chapter II prohibits trade in coastal waters by any non-Indian vessel that has not obtained a licence for the same. The procedure to obtain such a licence is laid down. Every vessel, including Indian vessel must fulfil the reporting requirements mentioned in this chapter. Chapter II makes provisions for a National Coastal and Inland Shipping Strategic Plan. Chapter IV provides for licensing of chartered vessels other than for coasting trade. Chapter V contains the offences and penalties. Chapter VI lays down the powers of the Director-General to give directions and seek information.

## THE MANIPUR GOODS ANDSERVICES TAX (AMENDMENT) ACT, 2025

**(Act No. 22 of 2025)**

The Manipur Goods and Services Tax (Amendment) Act, 2025 has been enacted to amend the Manipur Goods and Services Tax Act, 2017. The new legislation, which received the President's assent on August 18, 2025, makes several key changes to the existing tax framework. It inserts new provisions, including a section that empowers the government to waive taxes not levied or short-levied due to "general practice," as long as it aligns with the recommendations of the Council. It also introduces a new Section 74A to govern the determination of unpaid or short-paid tax and wrongly availed input tax credit for the financial year 2024-25 onwards. The act amends the timeline for availing input tax credit for past financial years and adjusts the pre-deposit requirements for filing appeals before the Appellate Tribunal. Additionally, it brings changes to the taxability of certain insurance-related activities and repeals and validates actions taken under previous ordinances.

## THE MERHANT SHIPPING ACT,2025

**(Act No. 24 of 2025)**

The Act sets an enabling policy environment that shifts focus from heavy

registration, remote registration for Indian-flagged vessels, and temporary registration for vessels destined for recycling to simplify administrative processes. The act also facilitates, reduced compliance burden, more investor-friendly norms, and direct alignment with international obligations, to transform existing maritime jurisdictions, more "universal and enabling". Under the Act, all vessels will need to be registered, except for those that are not mechanically propelled or weigh less than 15 tons and are used solely for navigating the Indian coasts. Additionally, the definition of vessels has been expanded to include mobile offshore drilling units, submersibles, and non-displacement crafts, further broadening the scope of registration.

### THE NATIONAL SPORTS GOVERNANCE ACT, 2025

**(Act No. 25 of 2025)**

The National Sports Governance Act, 2025 ushering in a new era of reform for the nation's sports administration. The comprehensive Act is designed to provide for the development and promotion of sports, ensure welfare measures for sportspersons, and establish ethical practices based on the universal principles of good governance, ethics, and fair play. This legislation aligns the national sports governing bodies with the standards outlined in the Olympic and Paralympic Charters and international best practices. It also provides a unified, equitable, and effective system for the resolution of sports-related grievances and disputes. This Act marks a decisive shift toward a professional, transparent, and athlete-centric sports ecosystem.

## LEGAL JOTTINGS

**Guidelines for handling of DNA evidence; Implores legislature to consider compensation for acquittal after long incarceration**

While considering the instant appeal challenging conviction and sentence of death penalty to the appellant (convict) which was affirmed by Madras High Court via the impugned judgment; the 3 Judge Bench of emphasised need of a legislative framework to compensate accused persons who have been suffering long incarcerations only for them to be cleanly acquitted. The Court further took strict note of the faulty investigation and especially the treatment of the DNA evidence in ways that rendered the samples useless for the purposes of the case. Hence, the Court issued the following guidelines which must be followed in all cases where DNA Evidence is involved: The collection of DNA samples once made after due care and compliance of all necessary procedure including swift and appropriate packaging including- a) FIR number and date; b) Section and the statute involved therein; c) details of I.O., Police station; and d) requisite serial number shall be duly documented. The Court clarified that the absence of independent witnesses shall not be taken to be compromising to the collection of such evidence, but the efforts made to join such witnesses and the eventual inability to do so shall be duly put down in record. The Investigating Officer shall be responsible for the transportation of the DNA evidence to the concerned police station, or the hospital concerned. He shall also be responsible for ensuring that the samples so taken reach the concerned forensic science laboratory with dispatch and in any case not later than 48- hours from the time of collection. Should any extraneous circumstance present itself and the 48-hours timeline cannot be complied with, the reason for the delay shall be duly recorded in the case diary. Throughout, the requisite efforts be made to preserve the samples as per the requirement corresponding to the nature of the sample taken. In the time that the DNA samples are stored pending trial appeal etc., no package shall be opened, altered or resealed without express authorisation of the Trial Court acting upon a statement of a duly qualified and experienced medical professional to the effect that the same shall not have a negative impact on the sanctity of the evidence and with the Court being assured that such a step is necessary for proper and just outcome of the Investigation/Trial. Right from the point of collection to the logical end, i.e., conviction or acquittal of the accused, a Chain of Custody Register shall be maintained wherein each and every movement of the evidence shall be recorded with counter sign at each end thereof

stating also the reason therefor. This Chain of Custody Register shall necessarily be appended as part of the Trial Court record. Failure to maintain the same shall render the I.O. responsible for explaining such lapse. The Directors General of Police of all the States shall prepare sample forms of the Chain of Custody Register, and all other documentation directed above and ensure its dispatch to all districts with necessary instruction as may be required. Background and Legal Trajectory: The incident in question, relates to the unfortunate death of two young people in May 2011. The convict was said to have threatened 2 other persons and the victims to part with money and gold, which they refused. Such refusal, according to the prosecution led to him killing the victims. The bodies of the victims were found in a considerable decomposed state in a forest and certain relatives were brought in to conduct due identification of the bodies. The investigation in the matter commenced and post-mortem of the bodies was conducted. Upon receiving information from one of the two persons (PW-5 and B, the other person who was not examined) who were also threatened by the convict to part with their money and gold, the Police arrested the convict. Upon such arrest, he gave a voluntary confession and effected recovery of certain material objects from his own residence as also that of his mother-in-law. Police also conducted a T.I. parade wherein PW-5 positively identified the convict. To establish its case, the prosecution examined 56 witnesses and exhibited 77 documents and 29 material objects. The convict pleaded his innocence but, however, did not examine any witnesses or lead any other evidence. Charges were framed against the convict in 2013 under Sections 302, 376, 392 r/w 397 IPC and (3)(2)(v) of the SC/ST Act. The Trial Court found the convict guilty of the offences under Section 302, 376 and 379, but declared not guilty under Section 392 and was given death penalty. Since the sentence imposed by the Trial Court was that of death by hanging the matter reached the High Court. Considering the evidence on record, the High Court affirmed the Trial Court's verdict. Aggrieved with the verdict, the convict thus appealed before the Supreme Court. Court's Assessment: Perusing the facts and contentions, the Court had to consider whether the Trial Court and High Court were justified in handing down judgments of conviction for the offences, as alleged and in connection therewith sentencing the convict to death. The Court noted that 56 witnesses were examined by the prosecution; however, it was pointed out that there were no eyewitnesses to the crime and the convict had been sentenced to the gallows on the basis of circumstantial evidence. The Court deemed it fit to undertake the examination of each of the circumstances and of the testimonies by the witnesses, especially that of the Investigating Officers (IOs). The Court pointed out that testimony of PW-5, who was thew prosecution's star witness, to be shaky. "Knowing both the victims, having seen them be threatened, finding them missing from everyday activity and even out of contact, and yet not even uttering so much as a whisper to anybody, is hard to conceive as reasonable". Taking note of the convict's arrest, confession and recovery of allegedly incriminating articles, the Court pointed out that at the time of arrest, there was no independent witness. The Court found that there was an apparent lack of corroboration to any of the statements made by the convict and as such, the confessions were unreliable. Vis-a-vis the DNA evidence, the Court noted that final DNA report as prepared by PW-34, he in his evidence did not mention when the samples were received by him or his office. Nor does he depose the conditions in which the sample was received. The Court questioned that why the vaginal swabs and semen sample were sent belatedly, where they properly stored, if the swabs were damaged, who shall be held responsible for the destruction of vital evidence. The Court emphasised on the importance of DNA evidence and how it can impact a case in the event such evidence is not dealt with proper method. The Court stated that in the instant case, despite the presence of DNA evidence, it had to be discarded because proper methods and procedures were not followed in the collection, sealing, storage, and employment of the evidence in the course of the conviction. The Court further could not ascribe any motive which might have led to the crime.

The convict, due to various factors, had taken to crime and it was not the case of the prosecution that the said objects were taken by the convict and then misused or sold. Vis-a-vis Test Identification Parade, the Court pointed out that the identity of the convict could not be sufficiently protected leading to its disclosure well before the TIP was conducted. The Court further added that PW-5 in his testimony had stated that he knew both the victims, through B. She was obviously there at the time of the incident. B was the one who had informed PW-5 that D2 did not attend college the next day. Further, she was the one who told PW-5 that they had been murdered in suspicious circumstances which led the latter to go to the police. "Then, why she remained unexamined by the prosecution is a mystery. However, how it escaped the attention of both the Courts below that the statement was not on record, is surprising. She could have given essential testimony for the last seen theory to be applied to the present case". There was lack of coordination between investigating agencies. B has not been arrayed as a witness, despite examination by PW-56 who was the person concerned at the CBCID. The other investigating officer did not examine her despite a clear link to the deceased persons and the star witness of the prosecution. The Court strictly pointed out that the thread of faulty investigation was running throughout the case. Conclusion and Decision: Based on the afore-stated assessment, the Court held that none of the circumstances posited by the prosecution were found to be conclusively proved against the convict. The chain of circumstantial evidence in no way pointed to a singular hypothesis, that is the guilt of the convict, ruling out his innocence in the crime. As a result, the conviction of the convict was vacated, and he was directed to be released forthwith if not required in any other case. Remarks on Compensation in case of Acquittal after Long Incarceration: In it concluding remarks, the Court observed that in V. *Senthil Balaji* v. *Enforcement Directorate*, 2024 SCC OnLine SC 2626, where the accused person had been in prolonged detention, the Court made some observations regarding Article 21 of the Constitution. Therein the Court had stated that "There are cases where clean acquittal is granted by the criminal courts to the accused after very long incarceration as an undertrial (…) In such cases of clean acquittal, crucial years in the life of the accused are lost. In a given case, it may amount to violation of rights of the accused under Article 21 of the Constitution which may give rise to a claim for compensation". The Court pointed out that the convict in the instant case has secured clean acquittal. The Court clarified that an approach for compensation for long incarceration can be adopted thereby the Court's commitment to the constitutional guarantee of Right to Life under Article 21 of the Constitution. The Court pointed out that in the instant case, the accused was taken into custody, and it is the judicial process that had taken such a long time to come to a conclusion. The worrying feature here is that the conviction had no legs to stand on whatsoever and yet the convict has been in custody for years. Therefore, highlighting the injustice caused in the instant case, the Court stated that it is for the legislature to consider and decide on the aspect of compensation for long incarceration.

***[Kattavellai* v. *State of Tamil Nadu,* 2025 SCC OnLine SC 1439, decided on 15-7-2025].**

**Privacy v. Evidence**

In an appeal against the judgment passed by the Punjab and Haryana High Court, where the High Court had ruled that recorded conversations between a husband and wife could not be the basis for deciding a petition under Section 13 of the Hindu Marriage Act, 1955 the Division Bench of BV Nagarathna and Satish Chandra Sharma, JJ. held that the founding rationale for Section 122 of the Evidence Act, 1872 as acknowledged by the Law Commission and various High Courts, was to protect the sanctity of marriage rather than focusing on the right to privacy of the individuals involved. Consequently, the Court stated that the right to privacy is not a relevant consideration in situations where the privilege under Section 122 is not granted, such as in proceedings between spouses (an exception recognized in Section 122 itself).

The Court emphasised that spousal communications were deemed privileged under Section 122 for the purpose of protecting the sanctity of the marital relationship, and not for safeguarding individual privacy rights. As a result, the Court set aside the impugned order of the High Court and restored the Family Court's order. The Court directed the Family Court to accept the supplementary affidavit filed by the husband, which included evidence such as the memory card/chip of the mobile phones, compact disc (CD), and the transcript of the recorded conversations from the relevant period. The Family Court was instructed to consider this evidence in accordance with the law. The appellant-husband and respondent-wife were married on 20-02-2009, and a daughter was born on 11-05-2011. Due to marital discord, the husband filed a divorce petition under Section 13 of the Hindu Marriage Act, 1955, before the Family Court on 07-07-2017, which was later amended and refiled on 03-04-2018. During the evidence stage, the husband submitted his affidavit of examination-in-chief on 07-12-2018. Subsequently, on 09-07-2019, he filed an application seeking permission to submit a supplementary affidavit along with memory cards, a CD, and transcripts of telephonic conversations recorded between November—December 2010 and August—December 2016. The wife opposed the application, questioning the admissibility of such electronic evidence and arguing that the examination-in-chief had already been completed. On 29-01-2020, the Family Court allowed the husband's application, holding that the recordings were relevant and admissible under Sections 14 and 20 of the Family Courts Act, 1984. The husband later tendered the transcript, original memory card, and CD as evidence on 18-02-2020. Aggrieved, the wife filed a civil revision petition before the Punjab and Haryana High Court. The High Court issued notice and stayed the Family Court's order. By its judgment the High Court allowed the revision petition and set aside the Family Court's order. It held that the CD contained surreptitiously recorded conversations without the wife's knowledge or consent, amounting to a violation of her right to privacy, which is part of the right to life under the Constitution. The High Court, in their judgment, held that recorded conversations between a husband and wife could not form the basis for deciding a petition under Section 13 of the Hindu Marriage Act, 1955, as courts could not ascertain the context in which such statements were made. They held that recording such conversations without the other partner's knowledge constituted a violation of the right to privacy. Relying on this reasoning, the High Court delivered the impugned judgment in favour of the wife. Aggrieved, the husband filed the present appeal. Issue Whether the High Court was justified in setting aside the order of the Family Court and thereby declining permission to the husband to corroborate his evidence in the form of what has been recorded on his mobile phone and by means of a compact disc (CD) and transcription of the same containing the communication made by the wife to the husband to prove his case for seeking divorce? Analysis and Decision the Court examined the scope of Section 122 of the Indian Evidence Act, which provides a rule of privilege protecting the disclosure of communications made between spouses during a valid marriage, subject to limited exceptions. Unlike Section 120, which concerns the competency of spouses to testify against each other, Section 122 focused on the admissibility of privileged communications. The Court noted that Section 122 contains two distinct parts—one addressing compellability and the other permissibility, separated by a semi-colon and meant to be read disjunctively. The first part, on compellability, imposed a blanket bar on compelling a spouse to disclose any communication received from the other spouse during a valid marriage. This protected the right to marital privacy unconditionally. The second part, on permissibility, imposed an even stricter standard. Even if a spouse voluntarily wished to disclose such communication, the court could not admit it unless the other spouse (who made the communication) or their legal representative gave explicit consent. In effect, consent had to come from the communicator, not the recipient or the court. This prohibition was subject to two exceptions: Proceedings between the spouses themselves. Criminal

proceedings involving a crime committed by one spouse against the other. The Court clarified that this privilege: Applied only to legally wedded spouses and not to live-in or other relationships. Attached at the time of communication, not when evidence was later offered in court. Survived even after the dissolution of marriage if the communication occurred during the subsistence of the marriage. Barred only the spouse who received the communication, not the one who made it. Did not bar third parties from testifying about communications they overheard or also received. Further, the Court emphasised that the term "any communication" was broad, covering oral, written, or non-verbal (e.g., sign language) communications and not limited to confidential or private exchanges. However, the term "made to him/her" indicated that it must be a message conveyed by one spouse to the other, not a general dialogue or mutual conversation. The Court clarified that the bar under Section 122 applied specifically to the disclosure of a "communication" by a spouse, and not to the communication itself. A spouse could neither be compelled nor permitted to enter the witness box to disclose such communications. However, the communication could still be brought before the court through other lawful means, as long as those means were not barred by Section 122 or other provisions of the Evidence Act. For instance, if a husband wrote a letter to his wife confessing to a murder, the wife would be barred under Section 122 from disclosing the content of that letter in court. However, if the letter was recovered by the police during investigation and produced in evidence, then Section 122 would not apply, and the letter could be admitted as evidence. Furthermore, the Court clarified that the bar did not extend to acts witnessed or experienced by a spouse. For example, if a husband told his wife, "I killed Z," she could not disclose that statement due to Section 122. But if she personally witnessed him committing the murder, she would be legally permitted to testify to that act, as actions observed are not protected by Section 122. a) Whether a secretly recorded conversation can be permitted to be given in evidence? The Court noted that it had previously addressed the issue of collecting evidence through illegal or morally questionable means, such as unauthorized recordings or phone tapping, often without the knowledge or consent of the person being recorded. Accused persons frequently argued that such evidence was inadmissible due to the investigative authorities not following proper legal procedures. However, the Court held that the mere fact that evidence was obtained unlawfully did not automatically render it inadmissible. Instead, the admissibility of such evidence depended on its relevance, reliability, and accuracy. The Court emphasised that while it must approach such material with caution, illegality in procurement alone was not a sufficient ground to exclude evidence from consideration. b) Whether in light of the Evidence Act and the F.C. Act, a conversation between spouses can be permitted to be given in evidence in a proceeding for divorce? The Court reiterated that Section 122 of the Evidence Act comprises two parts: compellability and permissibility. In the present case, the issue revolved around the second part, i.e., the permissibility of disclosing privileged communication in court. The Court held that under normal circumstances, the husband would be barred from disclosing any communication made to him by his wife during the subsistence of the marriage. However, in this case, the bar was lifted by the express exception provided under Section 122, since the communication was being disclosed in a proceeding between the spouses, a divorce petition filed under Section 13 of the Hindu Marriage Act, 1955. Therefore, the wife's objection based on Section 122 was held to be unacceptable. The Court further reasoned that while Section 122 bars the spouse from disclosing communication by standing in the witness box, it does not bar the use of the communication itself if it is brought before the court by other means. It likened the recording device (e.g., a mobile phone) to an eavesdropper, stating that such a device was not subject to the same privilege bar as a spouse. Moreover, since this was a case between the husband and wife, the exception under Section 122 applied, making communication admissible. The Court also addressed Section 14 of the Family Courts Act, 1984, which

allows Family Courts to accept evidence beyond the strict rules of the Evidence Act. However, it noted that this extraordinary power need not be invoked here, as the Evidence Act itself permitted the admission of such communication under its exception clause. Responding to arguments that allowing such recordings might encourage snooping, thereby harming domestic harmony, the Court observed that snooping is a symptom, not the cause of a broken marriage. It clarified that once a marriage reaches the stage of secret recordings, the relationship is already fractured, and the court's acceptance of such evidence does not further damage it. The Court held that while spousal communication is protected, the right to privacy under Section 122 is not absolute and must be interpreted in light of its own exceptions. The Court emphasised that relevant conversations stored on electronic devices should not be excluded from consideration in legal proceedings when such material constitutes the best available evidence to resolve the dispute. It observed that while the original Evidence Act was enacted over a century ago and could not have anticipated the challenges posed by modern technology, its core objective was to facilitate the discovery of truth, not to impose rigid barriers. The Court highlighted that the law of evidence is designed to aid judges in arriving at a just decision by relying not only on direct evidence but also on circumstantial evidence, presumptions, and adverse inferences. It stated that, in the digital age, technology enables the accurate recording and preservation of past events, and excluding such reliable material on the grounds of a privacy violation would defeat the purpose of the Evidence Act. The Court further noted that this was precisely why Parliament amended the Evidence Act to include Section 65B, which explicitly addresses the admissibility of electronic records. Thus, electronically stored conversations, when authenticated in compliance with Section 65B, are not only relevant but also admissible, and their exclusion would undermine both legal reasoning and technological progress in the justice system. c) Whether such a recorded evidence should be disallowed solely on the ground that it is violative of the privacy of one of the spouses? The Court observed that Section 122 of the Evidence Act had not been challenged in the present proceedings. It reiterated that the protection of privileged communication between spouses under Section 122 exists in the context of preserving marital intimacy and trust. However, the Court emphasised that the exception under Section 122, which allows such communication to be disclosed in proceedings between the spouses themselves, must be interpreted in light of the right to a fair trial, a core element of Article 21 of the Constitution of India. Weighing the competing rights of the parties in a matrimonial trial, the Court held that there was no breach of the wife's right to privacy in the present case. It clarified that Section 122 does not, in fact, recognize a right to privacy in the constitutional sense. Rather, it is a statutory privilege, subject to explicit exceptions. Furthermore, the Court stated that Section 122 cannot be applied horizontally, i.e., it does not grant one spouse an enforceable right to privacy against the other in constitutional terms. The provision, being procedural in nature, was enacted to balance fairness in trials, not to safeguard privacy under Article 21. The Court concluded that Section 122 supports the right to a fair trial, including: the right to present relevant evidence, the right to prove one's case, and the right to seek judicial relief in matrimonial proceedings. Hence, the disclosure of communication under the Section's exception clause did not infringe any constitutional privacy rights in this case. The Court reiterated the distinction between common law rights and fundamental rights. While their content might overlap, they are different in terms of enforcement. Common law rights impose duties primarily on private entities, whereas fundamental rights impose obligations on the State. This distinction allows similar obligations to be imposed on both, but the enforcement avenues are separate. The Court then clarified that Section 122 of the Evidence Act does not address the right to privacy between spouses. It emphasised that the plain meaning of the section does not suggest any connection with privacy. Taking note of the 69th Report of the Law Commission of India (1977), the Court highlighted that Section 122 was designed to preserve the sanctity of marital

communication, a trust not necessarily applicable to non-marital relationships. Hence, the Court allowed secretly recorded spousal conversations as admissible evidence in matrimonial disputes, thereby setting aside the impugned order of the High Court and restoring the Family Court's order.

***[Vibhor Garg* v. *Neha*, 2025 SCC On Line SC 1421, decided on 14-07-2025].**

**Tribal Woman or her legal heirs will have any entitlement over equal share in ancestral property.**

While considering an appeal wherein the Court had to deliberate that whether a tribal woman (or her legal heirs) would be entitled to an equal share in her ancestral property or not; the Division Bench opined that, unless otherwise prescribed in law, denying the female heir a right in the property only exacerbates gender discrimination, which the law should ensure to weed out. Therefore, in keeping with the principles of justice, equity and good conscience, read along with the overarching effect of Article 14 of the Constitution, the Court held that in the instant case, since the Plaintiffs were D's (Tribal woman heir) legal heirs, they are entitled to their equal share in the property of their maternal grandfather Background and Legal Trajectory: The appellant (Plaintiffs) are the legal heirs of D, a woman belonging to a Scheduled Tribe. They sought partition of a property belonging to their maternal grandfather BG. Their mother was one of the six children of BG, and the Plaintiffs stated that their mother is entitled to an equal share in the scheduled property. The cause of action arose in October 1992 when Defendents 6 to 16 refused to make a partition. The Plaintiffs approached the Trial Court seeking a declaration of title and partition of the suit property; however, their suit was dismissed. The First Appellate Court in 2009 concurred with the findings of the Trial Court that the mother of the Plaintiffs had no right in the property of her father. It was held that no evidence had been led to show that children of a tribal woman heir are also entitled to property. The matter reached the Chhattisgarh High Court as it involved a substantial question of law. The High Court considering the findings of the Trial Court qua the argument of custom, held that the same was in consonance with the judgments of the Supreme Court in Salekh Chand v. Satya Gupta, (2008) 13 SCC 119; Ratanlal v. Sundarabai Govardhandas Samsuka, (2018) 11 SCC 119 and Aliyathammuda Beethathebiyyappura Pookoya v. Pattakal Cheriyakoya, (2019) 16 SCC 1. the High Court held that the Plaintiffs had failed to establish their right over such property by way of custom, showing that a tribal woman heir is also entitled thereto. The High Court further held that since the Plaintiffs could not bring any evidence to show that that they had adopted Hindu traditions, the Trial Court as well as the First Appellate Court had rightly rejected this contention. Aggrieved with the High Court's verdict, the Plaintiffs appealed before the Supreme Court. Court's Assessment: Considering the primary issue about a Tribal Woman's and her legal heirs' entitlement to equal share in ancestral property, the Court firstly observed that, "One would think that in this day and age, where great strides have been made in realizing the constitutional goal of equality, this Court would not need to intervene for equality between the successors of a common ancestor and the same should be a given, irrespective of their biological differences, but it is not so". At the outset, the Court clarified that the question of the parties having adopted Hindu customs and way of life is no longer in play. The Court further pointed out that Section 2(2) of the Hindu Succession Act, 1956 unequivocally excludes Scheduled Tribes from its application. Thereafter, the Court had to consider the application of custom. It was stated that for the application of a custom to be shown, it must be proved; however, the Courts below proceeded with an assumption in mind that the Plaintiffs did not prove the same and the Supreme Court thus opined that this assumption was misplaced. The Court explained the Courts below assumed there to be an exclusionary custom in a place where the daughters would not be entitled to any inheritance and expected the appellant-plaintiffs to prove otherwise. The Court opined that an alternate scenario was also possible where inclusion could have been presumed and

the Defendants then could have been asked to show that tribal women were not entitled to inherit property. "This patriarchal predisposition appears to be an inference from Hindu law, which has no place in the present case". Pointing out that neither any particular law of a community nor custom could be brought into application by either side, the Court proceeded to examine the Plaintiffs' argument concerning principles of justice, equity, and good conscience. It was pointed out that principles of justice, equity etc., finds statutory recognition in Section 6 of the Central Provinces Laws Act, 1875. The Court noted that the High Court via the impugned judgment had held that since the 1875 law has been repealed in March 2018, thus the 1875 law was inapplicable; the Supreme Court opined that this stance taken by the High Court was mistaken, especially in the light of the Savings Clause which clearly stated that no right having been accrued prior to the repeal of the Act shall be affected thereby. Since the parties to the instant case are neither governed by Hindu nor Muslim laws and, therefore, would be covered by Section 6 of the 1875 Act. So, the right having been accrued in favour of the Plaintiffs' mother upon the death of her father, which was approximately 30 years before the filing of the plaint became crystallized and would not be affected by the fact that the Act was no longer in the statute book. The 1875 Act, therefore, necessarily had to be applied by the High Court. Considering the principles of 'justice, equity and good conscience', the Court explained that these principles can be applied only when there is a void or, in absence of any law governing that aspect. Since no custom to the effect that a tribal woman is entitled to the property could be shown, the application thereof would be consistent with this position. The Court further stated that this open-ended principle must be applied contextually. The Court pointed out that in the instant case, a tribal woman or her successors would be denied a right to property based on the absence of a positive assertion to such inheritance in custom, if the views of the lower Court are upheld. However, customs too, like the law, cannot remain stuck in time and others cannot be allowed to take refuge in customs or hide behind them to deprive others of their right. The Court further found that there was a question of Article 14 of the Constitution involved in the instant case. The Court emphasised that there appeared to be no rational nexus or reasonable classification for only males to be granted succession over the property of their forebears and not women, especially where no prohibition to such effect can be shown to be prevalent as per law. Article 15(1) of the Constitution mandates that the State shall not discriminate against any person on grounds of religion, race, caste, sex or place of birth. This, along with Articles 38 and 46, points to the collective ethos of the Constitution in ensuring that there is no discrimination against women. Furthermore, the Court pointed out that most commendable step was taken under the Hindu Law by way of the Hindu Succession (Amendment) Act, 2005 which made daughters the coparceners in joint family property. Coming onto the facts of the case, the Court pointed out that even though no such custom of tribal woman succession could be established by the Plaintiffs, but nonetheless it was also equally true that a custom to the contrary also could not be shown in the slightest, much less proved. That being the case, denying D her share in her father's property, when the custom is silent, would violate her right to equality vis-à-vis her brothers or those of her legal heirs vis-à-vis their cousin. Hence, with the afore-stated assessment, the Court set aside the decisions of the Trial Court, First Appellate Court and the High Court.

***[Ram Charan* v. *Sukhram,* 2025 SCC Online SC 1465, decided on 17-7-2025].**

**Man who killed family over wife's alleged infidelity spared death penalty; to remain in prison until natural death.**

In the present case, the appellant-convict suspected infidelity of his wife and that his three children were not his own, brutally assaulted them, which resulted in their death. The 3-Judges Bench while affirming the findings of the Courts below regarding the appellant's conviction for the barbaric and ruthless murders of his family members, opined

that the High Court, despite having considerable information, did not consider it appropriately and sufficiently, in relation to the findings of report that detailed the appellant's social and psychological backdrop. The Court, after considering the total circumstances that drove the appellant to the point of committing the crime of a most reprehensible nature, opined that death penalty might not be appropriate and thus, party allowed the appeals to the extent that he was released from death row, and held that he should await his last breath in prison, without remission. Background In 2017, the appellant brutally assaulted his wife, his sister-in-law, and his children brutally, resulting in their death. Thereafter, he stepped out of the house and proclaimed his satisfaction of having put an end to the life of his wife and sister-in-law who, as per him, were engaged in 'immoral activities' and the children born to his wife, were a direct consequence of such immoral activities. There were eight prosecution witnesses, who heard the statement, rushed to the appellant's house, and found his wife, his sister-in-law, and his children lying in a pool of blood. One of the appellant's children who was still alive, was taken to the hospital, but she died there. One of the relatives of the appellant's wife lodged a complaint with the police that the appellant killed his wife, his sister-in-law and even his children, and thereafter, the appellant himself went to the police and admitted having killed them. After completion of the investigation, challan was presented for trial under Section 302 of the Penal Code, 1860. The Trial Court held that the appellant had barbarically murdered his family members, had a 'beast mind' and thus, found it fit to impose capital punishment. The appellant challenged his conviction and sentence, but the same was confirmed by the High Court, against which the present appeal was filed. Analysis, Law, and Decision The Court stated that it could not be questioned that the appellant's act came from a place of grave hatred for the deceased persons and noted that there was no sudden provocation which led him to take such a drastic step. The Court stated that his planning and forethought was exhibited by the fact that he sent away the only child he considered to be his own and had asked someone to collect her from the bus station, showing that he had love and care for her. The Court opined that the appellant's doubt upon the paternity of his three children was not substantiated by any evidence or by any witness, thus, only on a hunch and as a matter of belief, he ended the lives of his three children. The Court stated that regarding the appellant's sister-in-law, it was said that she aided and abetted the alleged misdeed and wrongdoings of the appellant's wife. The Court stated that though the appellant was illiterate, he was not irrational, as he had a plan in mind which he executed, thereby achieving his goal. The Court opined that there was nothing on record which would discredit the prosecution's case or expose any gaps, errors, conjectures, or surmises in the chain of circumstantial evidence established by the prosecution, beyond reasonable doubt. No oral or documentary evidence was produced to show the appellant's innocence and bring the possibility of involvement of third party. The Court opined that the High Court called for the report that detailed the appellant's social and psychological backdrop, but they were not fully considered. The Probation Report revealed that the appellant had no antecedents; there was mixed opinion on whether he was suitable for reformation or not. The "Conduct and Behavioural Report" submitted by the Government of Karnataka, Prisons and Correctional Services recorded that he had "good moral character" and "good conduct" with co-prisoners and prison officials. He also attempted to mend one of the gaps in his life i.e., literacy, by participating in the Basic Literacy Program organized by the Zilla Lok Shiksha Samiti and passing the same with good rank. The Court noted that the mitigation report revealed difficulties throughout, like lack of paternal/maternal love and care which later became extreme protectiveness after the death of his brother, difficulties in learning in school leading to him dropping out, making impulsive decisions in business often leading to losses, breakdown of the marriage with his first wife. The Court also noted that the appellant made an attempt to take his own life on two occasions, one when he found out about the deaths of his entire family and two, when he himself was

sentenced to death. The Court noted that the report had concluded that the appellant had the ability to adapt, engage in constructive activities, pursue an education despite past difficulty, continued worry about his daughter's future, which showed a notable capacity for reform and personal growth. The Court relied on Ramesh A. Naika v. Registrar General, 2025 SCC OnLine SC 575, wherein the following factors were considered to modify the sentence of death to that of imprisonment for the remainder of natural life, (a) lack of criminal antecedents; (b) satisfactory conduct in prison; and (c) possibility of reformation. The Court, in respect to the last factor, noted that there was mixed opinion on whether the appellant should or should not be able to reform his way, and thus opined that when there were two possible interpretations of a given set of facts or circumstances, the one that favoured the accused was to be adopted by the Court. The Court while affirming the findings of the Courts below regarding the appellant's conviction for the barbaric and ruthless murders of his family members, opined that the High Court, despite having considerable information, did not consider it appropriately and sufficiently, in relation to the findings of reports. The Court, after considering the total circumstances that drove the appellant to the point of committing the crime of a most reprehensible nature, opined that the death penalty might not be appropriate. The Court opined that the appellant should spend his days in jail attempting to repent for the crimes committed by him and thus, party allowed the appeals to the extent that he was released from death row, and he should await his last breath in prison, without remission.

**[*Byluru Thippaiah* v. *State of Karnataka*, 2025 SCC Online SC 1455, decided on 16-7-2025].**

**Legal process cannot be misused to re-traumatise child abuse survivors.**

In an appeal filed by a man convicted under Section 6 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO Act') for aggravated penetrative sexual assault on his 11-year-old niece, the court upheld the 20-year rigorous imprisonment sentence awarded by the Special POCSO Court and affirmed by the Gauhati High Court. The Court further emphasised that courts must remain vigilant to ensure that procedural submissions are not misused as tactics for harassment. In strong terms, it held that requests to recall a child victim after the conclusion of trial and concurrent findings of guilt raise serious concerns, particularly when there is no manifest illegality or perversity in the appreciation of evidence. The convict, who was the maternal uncle of the victim, was originally convicted in POCSO Case registered under Sections 376 and 506 of the Penal Code, 1860 ('IPC') read with Section 12 of the POCSO Act. The main contention raised by the convict was that he was denied effective legal assistance during trial, as his defence counsel had failed to cross-examine the prosecutrix. Based on this, he sought a fresh opportunity to test her testimony. However, the Court found no merit in the appeal. It noted that the victim, then a minor, had given a consistent and coherent statement under Section 164 of the Criminal Procedure Code, 1973 ('CrPC'), which she reiterated before the Trial Court. Her version was corroborated by contemporaneous medical evidence confirming recent forcible sexual intercourse. Her age was conclusively established through her birth certificate, placing her below 12 years at the time of the incident. The Court observed that the mere failure of the defence to cross-examine the prosecutrix did not vitiate the proceedings, especially in the absence of any objection or protest from the accused during the trial. No application for recall of the witness had been filed either on the day of her testimony or immediately thereafter. Rejecting the contention regarding the delayed CFSL report, the Court noted that its findings did not exonerate the convict or contradict the consistent medical and oral evidence.To satisfy itself, the Court had called for the medical report, which clearly opined that the victim had been subjected to recent forceful sexual intercourse. The Court strongly deprecated attempts to reopen the trial based on technical objections, especially in cases involving child

It emphasised that procedural lapses cannot be used as tactics for harassment and that recalling the child victim after the conclusion of a full-fledged trial would amount to secondary victimization. The Court sternly cautioned against allowing technical pleas in cases involving grave offences such as child sexual abuse. It held that entertaining such pleas after the guilt has been established through a full-fledged trial and affirmed in appeal risks undermining public confidence in the administration of justice. "Courts have a duty to ensure that survivors of child abuse are not re-traumatized by the very justice system they turn for protection" Noting that both the Trial Court and the High Court had rendered concurrent findings based on cogent evidence, the Court held that no interference was warranted under Article 136 of the Constitution. The Court stated that the legal process could not be allowed to become a means of perpetuating injustice under the guise of procedural lacunae. In matters involving sexual violence against children, the Court held that the paramount consideration was not the convenience of the accused, but rather the integrity of the victim's testimony, the finality of lawful findings, and the need to prevent secondary victimisation. It emphasised that once the trial had concluded and the victim's testimony had been lawfully recorded, any attempt to recall the victim for re-examination had to be treated with extreme caution. In the absence of any compelling legal necessity, such requests could not be allowed. The Court further observed that such attempts must be discouraged, and where necessary, nipped in the bud, especially when they posed a risk of re-traumatising the victim. Importantly, the Court expressed anguish over the fact that no compensation had been awarded to the victim by the lower courts. Invoking the constitutional obligation to provide meaningful redress, the Court directed the State of Arunachal Pradesh to pay ₹10,50,000/- as compensation to the victim. To safeguard her future interest, the amount was directed to be deposited in a fixed deposit for a period of five years in any nationalised bank, with the victim entitled to withdraw quarterly interest. The Member Secretary, Arunachal Pradesh State Legal Services Authority, was directed to monitor the process. The Court reiterated that justice must go beyond conviction and include restitution wherever possible. It reaffirmed the judiciary's constitutional commitment to protect the dignity and rights of child survivors. Accordingly, the appeal was dismissed, with the Court finding no perversity or illegality in the concurrent findings of the courts below. **[*Arjun Sonar v. State of Arunachal Pradesh*, 2025 SCC On Line SC 2065, decided on 09-09-2025].**

## CASE COMMENTS

***Association de Productores de Pisco A.G. v. Union of India & Ors.***

W.P.(C)-IPD 17/2021, CM 139/2022 & CM 59/2023

Decided on July 7, 2025

The Delhi High Court's decision in Association de Productores de Pisco A.G. v. Union of India & Ors. constitutes a significant judicial development in India's jurisprudence on Geographical Indications (GIs), particularly in the context of cross-border and homonymous GIs. The case revolved around the competing claims of Peru and Chile over the denomination "PISCO", an alcoholic beverage traditionally produced in both nations. At its core, the case examined whether the IPAB (Intellectual Property Appellate Board) was correct in granting registration of the GI "PISCO" without qualification to the Peruvian applicant, to the exclusion of Chile's long-standing and internationally acknowledged claim to "Chilean PISCO". This judgment not only revisits the interpretation of Sections 9 and 10 of the Geographical Indications of Goods (Registration and Protection) Act, 1999, but also harmonises Indian law with the TRIPS Agreement and the Lisbon Agreement, emphasising co-existence and equitable protection of homonymous GIs.

In 2005, the Embassy of Peru in India applied for registration of the GI "PISCO" for alcoholic beverages. Chilean producers, represented by Asociacion de Productores de Pisco A.G., filed a notice of opposition in 2007, asserting that "PISCO" was a traditional spirit also produced

in Chile since the early 18th century. The Registrar of Geographical Indications, by an order dated 3 July 2009, acknowledged the historical usage of "PISCO" in both countries and directed that registration be granted to the Peruvian applicant with the prefix "Peruvian PISCO" to avoid consumer confusion. The Peruvian party appealed to the IPAB, which in 2018 set aside the Registrar's order, granting it registration of "PISCO" without qualification. Aggrieved by the order of IPAB, the Chilean association approached the Delhi High Court, arguing that such an unqualified registration disregarded Chile's historical claim, international recognition, and the statutory principle against deceptive or confusing indications under Indian GI law.

The Court reaffirmed the nature and the purpose of the GIs that it is not a private proprietary right but a community right linked to the geographical origin of goods. Distinguishing it from trademarks, the Court noted that while a trademark identifies the producer, a GI identifies the geographical source of production. The legislative intent of the GI Act, rooted in India's obligations under the TRIPS Agreement is to protect producers from misappropriation and consumers from deception.

The Court held that the IPAB failed to appreciate that both Chile and Peru have been producing and exporting PISCO historically and contemporaneously. The Registrar's 2009 approach to qualify the registration as "Peruvian PISCO" was consistent with the statutory mandate of preventing consumer confusion under Section 9(a) and (g). The Court relied on Section 10 of the GI Act, which explicitly permits registration of homonymous GIs where practical differentiation and equitable treatment of producers can be ensured. Drawing parallels with the co-existence of "Banglar Rasogolla" and "Odisha Rasagola," the Court reasoned that both "Peruvian PISCO" and "Chilean PISCO" could be protected as distinct, homonymous GIs.

On the issue of whether the Embassy of Peru had locus standi to apply for a GI in India on behalf of the Republic of Peru, the Court accepted that. Under Peruvian law, the State owns the appellation "PISCO," which validates the Embassy's application. However, the Court cautioned that such diplomatic representation must still comply with the procedural framework of Section 11 of the GI Act.

The Court set aside the IPAB's 2018 order and restored and modified the Registrar's 2009 decision, holding that the correct form of registration is "Peruvian PISCO", not the unqualified "PISCO." The Court also directed the Registrar to consider the petitioner's pending application for "Chilean PISCO" expeditiously. The Court recognised that both Peruvian PISCO and Chilean PISCO qualify as homonymous GIs under Section 10 of the GI Act, read with Article 22.4 of TRIPs Agreement.

**V.K.Ahuja**

***Shubha* v. *State of Karnataka,***
2025 SCC Online SC 1426,
Decided on July 14, 2025.

In July 2025, the Supreme Court of India in Shubha v. State of Karnataka confronted the complex intersection of gender, coercion, and criminal responsibility. The factual matrix of the case was that a young woman who had been compelled into a marriage against her will and who subsequently conspired in the killing of her fiancé. While the Court upheld her conviction and life sentence, it acknowledged the broader social realities shaping her actions. The court observed that forced or coerced marriages can constitute "the worst form of alienation," emphasizing that the criminal justice system must not ignore the structural and social pressures that influence women's choices and agency.

Significantly, although the conviction remained intact, the Court directed that Shubha be permitted to apply for clemency before the Governor under the constitutional power of pardon under Article 161 of the Constitution of India. This direction reflected an unusual judicial sensitivity: while affirming legal accountability, the Court recognized the need for a reformative and context-sensitive approach within the framework of criminal justice.

The decision thus represents an important moment in Indian jurisprudence where punitive justice was balanced with recognition of gendered structural constraints, leaving space for executive clemency as a potential avenue for mercy and rehabilitation

What made the ruling particularly distinctive was not merely the reaffirmation of guilt, but

the Court's nuanced articulation of the social context within which the crime occurred. The Supreme Court of India recognized that Shubha's conduct could not be viewed in isolation from the circumstances that shaped her life. It acknowledged that the behavior exhibited by Shubha stemmed from the profound alienation caused by being compelled into a marriage against her will an alienation the Court described as "the worst form of alienation."

Importantly, the Court clarified that this recognition did not operate as a defense to criminal culpability. Rather, it emphasized that conditions of gendered invalidation and coercion must be meaningfully considered at the stage of sentencing and in post-sentence relief mechanisms, particularly where a person's actions emerge from structurally oppressive circumstances.

The decision in this significant ruling by the Supreme Court of India marks a significant moment in the evolution of Indian criminal jurisprudence. It reflects a subtle yet meaningful shift from a strictly retributive approach toward a more context-sensitive and reformative conception of justice. By acknowledging the coercive circumstances that shaped Shubha's actions and permitting her to seek clemency, the Court fore grounded the relevance of gendered social realities within the framework of criminal law. This development has the potential to influence future sentencing practices, clemency petitions, and rehabilitative interventions within the justice system.

At the same time, translating this approach into consistent judicial practice may present challenges. Structural constraints, entrenched legal traditions, and the discretionary nature of clemency powers may limit the uniform application of such context-sensitive reasoning. Nevertheless, the judgment offers an important normative framework for judicial actors. It illustrates how empathy, social context, and reformative thinking can be integrated into legal reasoning without undermining the principle of accountability.

More fundamentally, the decision serves as a reminder that justice cannot be reduced to punishment alone. A humane criminal justice system must also recognise the social and human conditions that may lead individuals particularly women acting under coercive circumstances to commit crimes. In articulating this perspective, Shubha v. State signals the possibility of a more compassionate, equitable, and gender-responsive vision of criminal justice in India.

In this context, the Court invoked the constitutional clemency framework under Article 72 of the Constitution of India and Article 161 of the Constitution of India, underscoring that the pardon power functions as a constitutional instrument of individualized justice. The court stressed that such powers should be exercised with sensitivity to broader social realities, including gendered oppression, which may legitimately inform claims for mercy or clemency.

Accordingly, while the conviction in this case remained undisturbed, the Court suspended Shubha's arrest for eight weeks to enable her to approach the Governor for relief. Through this direction, the judgment implicitly recognised that processes of clemency are not merely procedural but must engage substantively with the structural conditions such as coercion and gendered subordination that shape individual actions.

The decision thus signals a jurisprudential moment where criminal responsibility was affirmed, yet the legal system consciously opened space for mercy grounded in a contextual understanding of gendered injustice.

**Arya A.Kumar**

***Pernod Ricard India Pvt. Ltd.* v. *Karanveer Singh Chhabra***

2025 INSC 981

Decided on August 14, 2025

In the present case, the Supreme Court was afforded with an opportunity to examine the analytical framework for evaluating competing trademarks. The anti-dissection rule, which states that the mark must be considered at as a whole, is based on the Trade Marks Act of 1999. The doctrine of the dominant mark, on the other hand, is a principle that has been developed by judges to find the most important or memorable part of a mark that is likely to affect how people perceive it. This doctrine's goal is to find out if the mark in question makes consumers think of

something that isn't true, which would let the defendant unfairly profit from the plaintiff's good name. This analysis is guided by the perspective of an average consumer with imperfect recollection, who is not expected to retain or compare marks with exact precision.

In this case, the Supreme Court upheld the refusal of preliminary injunctive relief against the respondent's use of "London Pride". The appellants' claim that their marks "Blenders Pride," "Imperial Blue," and "Seagram's" were being infringed was rejected. The Court reiterated that trademarks must be evaluated in their entirety, and that the mere isolation of the common element “PRIDE” cannot, by itself, establish deception. The Court opined that the word "PRIDE" was a‘generic and laudatory term’, in the liquor business and could not be owned by one person unless there was proof that it had become unique. The Court noted that although while blue and gold were used in both parties' trade dress and color schemes, these similarities were not enough to prove deceptive similarity. In fact, there were substantive differences in the positioning of elements, label designs, font styles, and insignia. According to the Court, there was not enough general similarity between the competing marks to lead to misunderstanding or deceit in the mind of an average consumer with imperfect recollection. It decided that the overall impressions would not confuse a smart buyer of high-quality whisky. The judgment also said that it was not acceptable to combine parts of several registered marks to attack the respondent's mark as a whole. Since there was no prima facie case, the Supreme Court did not interfere with the lower courts' ability to use their discretion and ordered that the final trial be finished within four months, which put an end to concerns about delays.

The Court thus stated held when comparing rival marks, the Court must evaluate them as a whole rather than dissecting composite trademarks into their individual elements. While identifying the dominant feature of a mark may serve as a useful starting point in the analysis, the ultimate inquiry must focus on the overall impression conveyed by the mark—particularly in light of the nature of the goods, the trade channels through which they are marketed, and the class of consumers targeted. The appropriate test is not a side-by-side comparison aimed at detecting minute differences, but an assessment of whether the impugned mark, when considered independently, is likely to evoke an impression of association or common origin in the mind of the average consumer. Even where a particular component of a mark lacks inherent distinctiveness, its imitation may nevertheless constitute infringement if that element forms an essential and distinctive part of the composite mark as a whole.

This decision assumes considerable significance in the evolution of Indian trademark jurisprudence, as it reaffirms the Court’s commitment to maintaining equilibrium between the protection of proprietary rights and the promotion of fair competition. By reiterating that composite marks must be evaluated in their entirety under the anti-dissection rule, the Supreme Court has decisively curtailed attempts by brand owners to claim exclusivity over common or laudatory words such as “PRIDE,” which are part of the shared linguistic stock of an industry. The judgment clarifies that the doctrine of the dominant mark, though useful in identifying key distinguishing features, cannot override the statutory principle that the overall impression of a mark governs the likelihood of confusion. This ensures that trademark law does not become a tool for unjustified monopolisation, particularly in markets like alcoholic beverages where descriptive or promotional terms are frequently used.

Equally important is the Court’s reinforcement of the evidentiary standards for granting interim injunctions. The insistence that the plaintiff must establish a strong prima facie case, along with the balance of convenience and irreparable harm, signals a shift toward a more cautious and evidence-driven approach in granting interlocutory relief. The Court’s emphasis on the viewpoint of an average consumer with imperfect recollection also injects realism into the analysis, acknowledging that consumer perception is not determined by minute scrutiny but by general impression Doctrinally, the ruling harmonises the principles of distinctiveness, consumer perception, and market fairness. Practically, it safeguards small and emerging businesses from being unfairly restrained by dominant market players who rely on partial or descriptive similarities. The directive to expedite the trial process further reflects judicial sensitivity to the commercial realities of trademark disputes. In essence, Pernod

Ricard v. Karanveer Singh Chhabra serves as a reminder that trademark protection must operate within the broader framework of public interest—rewarding genuine distinctiveness while preventing overreach that could stifle competition and creativity in branding.

**Parineet Kaur**

***ONGC Ltd.* v. *M/s G & T Beckfield Drilling Services Pvt. Ltd.***

2025 INSC 1066

Decided on September 2, 2025

The Supreme Court in ONGC Ltd. v. G & T Beckfield Drilling Services Pvt. Ltd. clarified the arbitrator's discretion to award pendente lite interest under Section 31(7) of the Arbitration and Conciliation Act, 1996. The case arose from a contract where ONGC failed to pay several invoices, leading to arbitration. The arbitral tribunal awarded USD 6,56,272.34 with 12% interest from the date the claim was affirmed until payment. ONGC challenged the award, relying on Clause 18.1 of the contract, which stated that "no interest shall be payable by ONGC on any delayed payment/disputed claim." The Gauhati High Court upheld the award, and ONGC appealed to the Supreme Court.

The Court confined the issue to whether Clause 18.1 barred pendente lite interest. ONGC argued that the clause expressly prohibited any form of interest. The respondent contended that it only applied to pre-reference delay, not to sums withheld during arbitration. The Court held that Clause 18.1 did not expressly or by necessary implication bar pendente lite interest. The phrase "no interest on delayed payment" referred only to payment delays before adjudication. Relying on precedents such as G.C. Roy (1992), Ambica Construction (2016), and Reliance Cellulose (2018), the Court reiterated that only an explicit or comprehensive clause, such as those in Sayeed Ahmed & Co. or THDC, could oust the arbitrator's power to grant such interest. Consequently, the award of 12% interest was upheld as reasonable.

The decision reinforces the arbitral tribunal's statutory authority and prevents misuse of interest-prohibiting clauses by dominant contracting entities. It aligns with the pro-arbitration approach that favours compensation for the deprivation of money during proceedings. Although, the Court's acceptance of a 12% rate without economic justification also raises questions of proportionality. Further, by reading down contractual terms, the decision slightly limits party autonomy in arbitration. Nevertheless, it strengthens fairness in commercial arbitration and discourages governmental overreach through rigid contractual clauses.

**Rajesh Kumar**

***Sukdeb Saha* v. *The State of Andhra Pradesh and Ors.***

AIR2025SC3458

Decided on July 25, 2025

In Sukdeb Saha, the Supreme Court of India firmly recognized the right to mental health as an intrinsic component of the right to life and dignity under Article 21. The case concerned the tragic and suspicious death of a 17-year-old student preparing for the NEET examination while residing in a hostel affiliated with a coaching institute in Visakhapatnam. After the Andhra Pradesh High Court declined to transfer the case to the Central Bureau of Investigation (CBI), despite alleged lapses in the local investigation, the girl's father approached the Supreme Court. The Court set aside the High Court's order, allowed the transfer to the CBI, and importantly used the occasion to articulate a broader constitutional response to the mental health crisis faced by students across India.

While dealing with the individual grievance, the Court observed that the rising number of student suicides in India reveals a systemic and institutional failure to address psychological distress within the educational ecosystem. It emphasized that the right to life under Article 21 is not confined to mere physical survival but extends to emotional, psychological, and social well-being. Citing *Shatrughan Chauhan* v. *Union of India* ((2014) 3 SCC 1) and *Navtej Singh Johar* v. *Union of India* ((2018) 10 SCC 1), the Court reiterated that mental integrity, autonomy, and freedom from degrading treatment are integral to human dignity. Referring to the Mental Healthcare Act, 2017, it highlighted that this legislation already reflects the constitutional duty of the State to ensure access to mental health services and to treat mental illness with care and compassion rather than criminalization. The Court further grounded its reasoning in India's international obligations under Article 12 of the International Covenant on Economic, Social and Cultural

Rights (ICESCR) and the Convention on the Rights of Persons with Disabilities (CRPD), both of which affirm the right to the highest attainable standard of mental health. In doing so, the judgment expanded the constitutional understanding of the right to life into a positive obligation on the State to safeguard mental well-being as part of human dignity.

Drawing parallels with *Vishaka* v. *State of Rajasthan* ((1997) 6 SCC 241), where the Court laid down interim guidelines on sexual harassment pending legislation, the Bench issued a comprehensive set of binding national guidelines on mental health in educational institutions and coaching centres. These guidelines were made operative under Articles 32 and 141 of the Constitution until the enactment of a formal regulatory framework.

The directions to educational institutions were far-reaching. All schools, colleges, universities, and coaching centres are required to adopt and publicize a formal mental health policy drawing upon the government's UMMEED and MANODARPAN initiatives. Institutions with more than 100 students must appoint at least one qualified counsellor or psychologist, while smaller institutions must establish referral arrangements with external professionals. The Court mandated that all teaching and non-teaching staff undergo mandatory training at least twice a year to identify early signs of distress, respond empathetically, and ensure timely referral for professional help.

The Court stressed that the anti-discrimination and anti-harassment obligations are equally important. Institutions must establish confidential, accessible mechanisms for reporting and redressing incidents of bullying, ragging, caste-based discrimination, gender-based violence, and harassment of LGBTQ+ and disabled students. Any institutional failure to act, particularly when such neglect contributes to a student's self-harm or suicide, will attract administrative and legal liability. The Court also emphasized inclusivity, directing institutions to provide sensitive support to students from marginalized communities, those with disabilities, and those facing social or financial disadvantage.

The judgment also focused on the role of parents and learning environments. It directed educational bodies to regularly organize mental health sensitization programmes for parents to discourage undue academic pressure and help them recognize signs of distress. Institutions were urged to integrate mental health literacy, life skills, and emotional regulation into orientation programmes. Career counselling services must be strengthened to reduce the narrow obsession with rank-based success and to highlight diverse academic and vocational paths. The Court further instructed residential institutions to implement physical safeguards—such as tamper-proof ceiling fans, restricted rooftop access, and better hostel supervision—to deter impulsive self-harm.

To ensure accountability, the Court ordered that district-level monitoring committees be constituted in every district, chaired by the District Magistrate, including officials from education, health, and child protection departments. These committees will oversee implementation, conduct inspections, and handle complaints. The Court required all States and Union Territories to frame rules for private coaching centres within two months and to ensure compliance with these mental health safeguards. The Union Government was directed to file a compliance affidavit within 90 days detailing progress on implementation and coordination with State authorities.

By articulating this extensive framework, the Supreme Court has transformed the right to mental health from a policy aspiration into a constitutional guarantee enforceable under Article 21. The judgment extends the jurisprudence of dignity and welfare that began with *Maneka Gandhi* v. *Union of India* (AIR 1978 SC 597) and evolved through *Francis Coralie Mullin* (1981 (1) SCC 608) and *Shatrughan Chauhan* (2014) 3 SCC 1). It situates mental well-being as an indispensable element of human development, making clear that educational excellence cannot come at the cost of psychological harm. The decision in Sukdeb Saha thus marks a crucial turning point in India's constitutional and educational discourse. Delivered at a time when incidents of student suicides are alarmingly frequent, it acknowledges the urgency of addressing mental health as a collective moral, social, and legal responsibility. By linking mental health directly to Article 21, the Court has not only reaffirmed the sanctity of life but also called for a reimagining of education as a space of care, dignity, and emotional safety. This judgment serves as both a warning and a

roadmap—reminding institutions, parents, and policymakers that the crisis of student suicides demands immediate and sustained attention at the highest levels of governance.

**Taniya Malik**

***Sanjay D. Jain &Ors.* v.** State of Maharashtra, 2025 INSC 1168
Decided on September 26, 2025

The Supreme Court of India in the case of Sanjay D. Jain & Ors. v. State of Maharashtra & Ors. (2025 INSC 1168) evaluated the prosecution of the family member under 498A of the Indian Penal Code, 1860. Since its insertion in 1983, Section 498-A has served as a crucial protective provision against cruelty to married women, yet its misuse has been a matter of judicial concern. This decision, rendered by a bench comprising B.R. Gavai, C.J.I., and K. Vinod Chandran and Atul S. Chandurkar, JJ, reaffirmed the jurisprudential restraint required in prosecuting extended family members under matrimonial offences, accentuating the need for specific, clear, and substantive material before subjecting an accused and his family to trial, it also brings relief in the increasing number of cases invoking Section 498-A, relatives of the husband, without substantial allegations.

In this case, the appellants were the father, mother and sister of the husband of the complainant against whom an FIR was registered at Bajaj Nagar Police Station, Nagpur, for offences under Sections 498-A, 377, and 506, read with Section 34 Indian Penal Code, alleging persistent demands for dowry, mental harassment, and sexual abuse by her husband and family based on that the final investigation report was submitted, against which the appellants sought the quashing of the FIR before the Bombay High Court (Nagpur Bench) under Section 482 CrPC. The High Court dismissed the petition, holding that a prima facie case existed to proceed to trial. The appellants then approached the Supreme Court on the issue of whether the allegations in the FIR and charge sheet, when taken at face value, disclosed the commission of offences against the appellants and whether continuation of the proceedings against them would amount to an abuse of process, warranting the quashing of the FIR.

The appellants contended that the FIR was bereft of specific allegations, which were vague, general, and lacking essential ingredients of cruelty or harassment under Section 498-A. Moreover, there were no allegations connecting them with the offences under Sections 377 and 506 IPC, which were directed solely against the husband. The State of Maharashtra, on the other hand, argued that the complaint, read as a whole, and the demand for dowry and harassment were sufficient to warrant trial. The High Court was correct in refusing to quash the proceedings at the pre-trial stage, and the accused had the opportunity to establish their innocence during the trial.

The Court allowed the appeal and quashed the FIR and final report against restricted to the present appellants, based on the following observations that, firstly, except for one incident where the complainant's mother-in-law demanded clothes and jewellery, all other allegations were general and unspecific, secondly, allegations of unnatural sexual acts and intimidation are directed solely against the husband the appellants should not be not implicated, thirdly, continuation of proceedings against the in-laws in the absence of specific allegations would constitute an abuse of the process of law. The Court reiterate that where the allegations in an FIR, even if accepted in their entirety, do not disclose the commission of any offence, the High Court may justifiably exercise its inherent power to quash proceedings to prevent abuse of process, following the well-established ratio in *State of Haryana* v. *Bhajan Lal*, 1990 INSC 363, *Kahkashan Kausar @ Sonam* v. *State of Bihar*, (2022) 6 SCC 599 and echoes *Preeti Gupta* v. *State of Jharkhand*, (2010) 7 SCC 667.

The Court's approach strikes a balance between protecting the rights of the victim of cruelty and preventing harassment. It also reflects equilibrium between substantive protection for women and procedural fairness for accused relatives. It protects the integrity of criminal law by ensuring that prosecution is not used to further personal vendettas. The decision solidifies the Bhajan Lal concept and underscores the interpretative caution required to avoid over criminalization in family conflicts. By defining the bounds of Section 498-A IPC, the Court advances a philosophy of calibrated intervention—one that respects the sanctity of marriage laws while protecting the accused's procedural rights. The ruling, therefore, exemplifies a developed criminal justice system that emphasises both gender justice and due process.

**Ridhima Dikshit**