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Editorial

The onset of 2025 witnessed the upheavals in the domain of Generative AI. A space marked with hegemony of western developed nations, spotted China as a new entrant in the club. China, better categorised as 'elephant in the room' citing its non-commitment to global rule-based order has once again unsettled the wrong nerve both among its neighbours and global AI leaders. In January 2025, Chinese AI company 'Deep Seek' released its first large language model R1 with capabilities like Distillation, Reinforcement Learning, and Chain of Thought, making it a formidable tool for niche to advanced tasks. Not only that model is more accurate, transparent, and accessible, but at the same time uses less power, funds, and computation hardware to deliver the outputs. As a result, a chain of events ushered in with US President describing it as a 'Wake-up call' for US companies and Indian commentators calling for ISRO like marvel in AI space.

The release of Deep Seek's R1 is of special interest for India, considering its development using less funds and computational power- both being key roadblocks for India's AI dreams. Undoubtedly, to address these India lately launched 'India AI Mission', to enhance AI infrastructure and develop indigenous AI technologies over a time horizon of five years with an outlay of ₹10,300 crore. But in the game of technology, the real currency is time and India has lost some by not catching on the AI at the very onset of journey. Being key drivers behind AI, startups of west and lately of China, embarked early on tech race and delivered products like Chat GPT, Gemini, Claude, and now R1. However, in India startup culture remained stuck with conventional products, with focus on labour intensive consumer services and products. Not only that startups in India remained indifferent to developing novel AI based products and services, the very voices of stalwarts within IT industry remained divided on development of AI products and services, showcasing lack of vision for the future. Nandan Nilekani, the brain behind Aadhar and India Stack and a prominent voice among IT circles rejected the idea of developing India's own LLM and buttressed the idea of building on the top of existing models according to India's requirements. On the contrary, Perplexity AI's CEO Aravind Srinivas, opined that India needs to change its stance from wanting to reuse models from open-source and instead build muscle to train their models that are not just good for Indic languages but are globally competitive on all benchmarks. These contrasting viewpoints from industry stalwarts acts as stumbling blocks for India's AI trajectory.

The success story of ISRO lies in its perseverance, curiosity, vision for nation building, and on the top of these 'Political Will'. The amalgamation of these put India in elite space clubs and exponentially surged its soft power. To build prowess in AI, India needs to look inwards and plug the loopholes in its education system, work culture, address brain drain, and encourage India Inc. to go for global footprint. Further, data being key component of AI and India having a strong and diverse demography of 1.4 billion producing plethora data can easily outpace existing AI elites in AI training and development with vision and will. Also, the policy and legal framework are ripe with DPDP Act, IT Act, NITI Aayog vision document on 'AI for All', and IndiaAI, to strengthen the development and deployment of AI in India. As Hon'ble Prime Minister Sh. Narendra Modi stressed, "No matter what the world does with AI, it will remain incomplete without India", the time has come for India to take the centre stage in developing the AI powered products and services.

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

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ACTIVITIES AT THE INSTITUTE

ILI - NATIONAL HUMAN RIGHTS COMMISSION (NHRC) TRAINING PROGRAMMES

Two-Days Training Programme for Judicial Officers on Human Rights: Issues and Challenges on January 11-12, 2025

The Two-Days Training Programme on *Human Rights: Issues and Challenges*, jointly organized by the Indian Law Institute (ILI) and the National Human Rights Commission (NHRC), was held on January 11–12, 2025, at the Indian Law Institute (ILI). This significant initiative convened judicial officers, academicians, and legal experts to delve into the critical intersection of duty, dignity, and human rights within the justice delivery system. Spanning two days, the programme featured a series of technical sessions addressing contemporary human rights challenges, delivered by distinguished speakers from the judiciary, academia, and law enforcement, fostering a rich dialogue on theory and practice.



The inaugural session of the Two-Days Training Programme for Judicial Officers on Human Rights

The inaugural session held on day one began with a lighting of the ceremonial lamp by the Chief Guest, Hon'ble (Mr.) Justice Dinesh Maheshwari, Former Judge of the Supreme Court of India, symbolizing the illumination of knowledge and wisdom. Senior Prof. (Dr.) V.K. Ahuja, Director of ILI, felicitated Justice Maheshwari with a bouquet and shawl, followed by a welcome address highlighting cyber security as a pressing human rights concern.



Hon'ble (Mr.) Justice Dinesh Maheshwari addressing the participants of the training programme

Hon'ble (Mr.) Justice Maheshwari's address emphasized the nuanced role of judicial officers, detailing four types of listening ignoring, pretending, selective, and attentive, while advocating for empathetic listening as essential for justice delivery. He distinguished empathy from misplaced sympathy, linking it to legal remedies that alleviate distress, and underscored dignity and fraternity as foundational to human rights, drawing from Dr. B.R. Ambedkar's Objective Resolution, the Rigveda, and the UDHR. He also stressed the judiciary's need to adapt to technological advancements. There are challenges but every challenge affords an opportunity not only for professional but also personal growth. But at the same time Judges must act and express accountably as anything said by them is like

a representation of whole judiciary, same is applicable for human rights Judgment.

The session concluded with a vote of thanks by Sh. Shreenibas Chandra Prusty, Registrar of Indian Law Institute.



(From L-R Sr, Prof. (Dr.) V.K. Ahuja, Hon'ble Mr. Justice Dinesh Maheshwari and Sh. Shreenibas Chandra Prusty)

The first session, titled “Human Rights: An Overview,” was led by Senior Prof. (Dr.) V.K. Ahuja, Director, ILI. Prof. Ahuja explored the dharma-based roots of ancient societies, citing mediation attempts by Lord Krishna and Angada, and defined human rights under Section 2(1)(d) of the 1993 Act. He addressed global disparities, such as racial discrimination in the USA and the Palestine-Hamas conflict, alongside India’s judicial enforcement of Article 21 and proactive steps like the Marrakesh Treaty for the visually impaired.

The subsequent session featured by Mr. Devendra Kumar Nim, Joint Secretary of the National Human Rights Commission (NHRC), who delivered a talk on “Human Rights Framework: Role of NHRC.” In his address, Mr. Nim emphasized the pivotal role of the NHRC in safeguarding human rights across the country. He noted that although India is not a signatory to international refugee conventions, it has consistently demonstrated a humanitarian approach toward refugees. He cited historical examples, including the notable contributions of Nawab Jam Saheb in providing refuge during times of crisis, as a testament to India’s

long standing commitment to human dignity human rights principles to ancient Indian sources, including Ashoka, Buddhism, Jainism, and the Bhagavad Gita, and highlighted India’s early adoption of universal suffrage under Article 18 in 1950, ahead of the UK’s 1965 milestone.

The Rosa Parks story was referenced as a global example of civil disobedience advancing human rights. Mr. Nim emphasized the NHRC’s role, established by India’s framers alongside the Supreme Court, in safeguarding rights through periodic reviews, computer services, and rapporteurs. He underscored Section 12 of the NHRC Act, mandating implementation of human rights measures, with explanations required for non-compliance, showcasing India’s commitment to human rights protection.

Prof. (Dr.) Pradeep Kulshreshtha, Dean of Bennett University’s School of Law, examined the “Role of Judiciary in Developing Human Rights Jurisprudence in India”. He traced the evolution of rights from the Magna Carta, hindered by its Latin exclusivity, to the U.S. Bill of Rights with its ten amendments, and India’s constitutional journey, notably the *A.K. Gopalan* case, where Justice Fazl’s majority opinion rejected procedural justice as inherent to law. He emphasized judicial independence as a sine qua non for human rights, warning that its absence, as seen in the *ADM Jabalpur* case where the majority, despite Justice Khanna’s dissent, upheld executive overreach leads to rights violations. Referencing the U.S. *Roe v. Wade* case and India’s NJAC debate, he questioned whether judges’ pro-executive leanings or an additional appellate layer above the Supreme Court could compromise this independence. Dr. Kulshreshtha linked India’s ancient dharma-based texts, viewing society as a king’s family, to modern UDHR principles, noting that rights like equality before law and equal protection termed affirmative rights in the U.S. vary across contexts, yet fail to trickle down effectively, with issues like capital punishment and legal aid underscoring ongoing challenges in human rights jurisprudence.

In the following session, Dr. Upma Gautam, Faculty, School of Law, Guru Gobind Singh Indraprastha University (GGSIPU), delivered an insightful lecture on “*Protecting and Promoting Human Rights in Pre-Trial Procedure.*” She highlighted the inherent divergence in perspectives between justice seekers and justice deliverers, emphasizing the judiciary’s steadfast adherence to procedural rigor. Dr. Gautam discussed the evolution from the traditional consent and power model to a more victim-centric approach, particularly in the aftermath of the Malimath Committee’s recommendations, which introduced mechanisms such as plea bargaining and arbitration into the criminal justice system.

She further explored the victim’s agency in withdrawing from criminal proceedings, the legal and ethical complexities surrounding the quashing of cases under the Protection of Children from Sexual Offences (POCSO) Act, 2012 and the nuanced challenges faced by magistrates in framing charges especially regarding the representation rights of the accused at this stage. Dr. Gautam underscored the pressing need to maintain a careful balance between procedural fairness and the protection of human rights in pre-trial processes. Day two commenced with a session led by Senior Professor (Dr.) V.K. Ahuja on “*Right to Health as a Human Right and Patents.*” Prof. Ahuja began by situating the right to health within the broader international and domestic legal framework, referencing key instruments such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and relevant provisions of the Indian Constitution particularly the Fundamental Rights and Directive Principles of State Policy (DPSP). He highlighted landmark Supreme Court rulings that interpret the right to life as encompassing more than mere survival, noting that denial of health rights amounts to reducing human life to an “animal existence.” He emphasized the responsibility of government hospitals in ensuring access to basic health services. Dr. Ahuja also traced the historical evolution of patent law in India, from the Indian Patents and Designs Act of 1911 to the transformative Patents Act of 1970 (which came into effect in 1972).

He explained how the recommendations of the Rajagopala Ayyangar Committee shaped the 1970 Act, which departed from product patents in favor of process patents—thereby fostering the growth of India’s generic drug industry and enhancing public access to affordable medicines. He critiqued the WTO’s TRIPS Agreement—India, a founding member, signed it without fully highlighting tensions between intellectual property rights (IPR) and human rights, as seen in *Bayer Corporation v. Union of India*, where availability trumped local industry needs, a gap the Make in India initiative seeks to address despite parallel markets. The Doha Declaration’s flexibility for HIV, TB, and malaria was noted, alongside India’s compulsory licensing provisions, Sections 84, 92, 92A, 100(4), 107A(B)), with only one instance in 2012 for a cancer drug, balancing innovation and access amid global frameworks like the Bolar exemption.

Followed with next session, by Prof. (Dr.) Poonam Pradhan Saxena, Former Vice-Chancellor of NLU Jodhpur, on “Gender Justice: Practical Concern”, spotlighting India’s son-preference society that drives sex-selective abortions and female infanticide, despite the Prevention of Abortion Act. She cited a Punjab incident as a stark reflection of this reality, alongside persistent dowry pressures and the double burden women face in balancing work and home. Legal challenges were emphasized, including the right to employment post-marriage, contested in *Suman Kapoor v. Kapoor*, where the trial court deemed career focus a neglect of matrimonial duties, and Apex Court rulings labelling it cruelty for a woman to demand separation from her husband’s parents or relocation for hers. Compulsory marital migration, the “abled body rule” under Sections 24 and 25 of the Hindu Marriage Act, 1955 and inheritance disparities—illustrated by cases like *Om Prakash v. Radha Charan*, *Moolchand Bhatra*, and *Gani Kaur*, contrasted with Bentham’s inheritance principles—further underscored the systemic barriers to gender justice, highlighting the urgent need for societal and legal reform.



Senior Prof. (Dr.) V.K. Ahuja felicitating Hon'ble (Mr.) Justice Siddharth Mridul at the valedictory session of the training programme.

The valedictory session was graced by the presence of the Chief Guest, Hon'ble Mr. Justice Siddharth Mridul, Former Chief Justice of the High Court of Manipur. Senior Professor (Dr.) V.K. Ahuja, Director, ILI felicitated Hon'ble (Mr.) Justice Mridul and delivered the welcome address. In his keynote remarks, Lordship underscored the judiciary's critical role as a constitutional safeguard, asserting that challenges in the human rights domain should be seen as opportunities for institutional growth and strengthening democratic values. Lordship also emphasized the importance of judicial accountability in the effective adjudication and protection of human rights. The session concluded with a formal vote of thanks delivered by Shri Shreenibas Chandra Prusty, Registrar, ILI.



Participants of the training programme along with the dignitaries.

The Two-Days training Programme on “Human Rights: Issues and Challenges”, effectively bridged theoretical insights and practical applications.

One-Day Training Programme for Media Personnel and Government Public Relations Officers on “Media and Human Rights: Issues and Challenges on March 22, 2025”

The Indian Law Institute, in collaboration with the National Human Rights Commission, organized a One-day training programme on *Media and Human Rights: Issues and Challenges* on March 22, 2025. The event aimed to educate media personnel and government public relations officers about the intricate relationship between media and human rights, highlighting legal frameworks, ethical responsibilities, and media's role in justice delivery.

The programme witnessed participation from distinguished legal scholars, media professionals, and human rights advocates who shared their insights on various aspects of media's engagement with human rights concerns. The event sought to address key questions such as: How does media influence human rights protection? What legal mechanisms exist to regulate media reporting on sensitive issues? What role do journalists and government communication officers play in shaping public perceptions of human rights violations? These pertinent issues were deliberated upon through an array of expert-led discussions and interactive sessions. The event commenced with a welcome address by Senior Prof. (Dr.) V.K. Ahuja, Director, Indian Law Institute, who underscored the growing significance of media in shaping public discourse on human rights issues. He emphasized the necessity of media accountability and responsible reporting in a rapidly evolving digital landscape.



Snippets from the inaugural session of the training programme

The Chief Guest, Dr. Anju Rathi Rana, Union Secretary, Ministry of Law and Justice, delivered the inaugural speech. She emphasized the evolving role of media in a democratic society, highlighting its power to inform, influence, and hold authorities accountable. Dr. Rana stressed the importance of responsible journalism and ethical reporting, noting that while media plays a pivotal role in exposing human rights violations, it must adhere to journalistic integrity to prevent misinformation and bias. She also discussed the legal frameworks governing media operations in India, citing constitutional provisions and international human rights instruments that safeguard freedom of the press while ensuring accountability.

Dr. Rana further elaborated on the challenges faced by media professionals, particularly the delicate balance between investigative journalism and potential legal ramifications such as defamation lawsuits. She encouraged dialogue between the media and legal experts to ensure reporting aligns with legal and ethical standards.



Senior Prof. (Dr.) V.K. Ahuja addressing the participants of the training programme

Senior Prof. (Dr.) V.K. Ahuja, Director, Indian Law Institute took the first session. Prof. Ahuja's session provided a comprehensive understanding of human rights and their legal foundations. He traced the historical evolution of human rights, from the Universal Declaration of Human Rights (UDHR) to modern-day legal frameworks in India, including constitutional guarantees and landmark judicial pronouncements. He elaborated on the role of media in promoting human rights, noting that investigative journalism has played a crucial role in exposing injustices such as custodial violence, gender-based discrimination, and socio-economic inequalities. Prof. Ahuja also discussed challenges such as censorship, defamation laws, and the misuse of media platforms to spread hate speech. He stressed the need for robust legal mechanisms to balance free speech with responsible reporting.



Snippets from the training programme on Media Personnel and Government Public Relations Officers

Mr. Sunil Gupta, Former Law Officer, Tihar Jail took the second session on “Role of Media in Improving Prison Conditions”. Mr. Gupta’s session delved into the critical issue of prison reforms and how media can serve as a catalyst for change. Drawing from his extensive experience in prison administration, he provided an overview of the prevailing conditions in Indian prisons, including overcrowding, lack of legal aid, and human rights violations.

He highlighted several media-driven interventions that have led to policy changes, citing cases where investigative journalism exposed custodial deaths, poor healthcare, and inhumane treatment of prisoners. He also discussed the impact of documentaries, news reports, and digital media campaigns in raising awareness about prison conditions.

Furthermore, Mr. Gupta emphasized the importance of ethical reporting, cautioning against sensationalized portrayals of prisoners that may reinforce negative stereotypes. He advocated for constructive engagement between media and prison authorities to ensure accurate reporting that leads to meaningful reforms. He also shared insights into the implementation of legal aid clinics within prisons, an initiative that was driven by media pressure and policy advocacy.

Mr. Sudhanshu Ranjan, veteran Journalist and Legal Scholar deliberated on “Role in Ensuring Justice for Human Rights Violations” in session three of the training programme. Mr. Ranjan’s session explored the role of print, television, and social media in facilitating justice for victims of human rights violations. He began by discussing landmark media investigations that have shaped legal and policy changes, such as the *Jessica Lal* case and the *Nirbhaya* case, where media activism led to widespread public outcry and legal reforms.

He underscored the importance of investigative journalism in uncovering corruption, police brutality, and judicial lapses. However, he also cautioned against the rise of ‘trial by media,’ where excessive

media influence can compromise fair trials. He stressed the need for maintaining journalistic ethics and objectivity, particularly in sensitive cases involving vulnerable populations.

Mr. Ranjan also touched upon the challenges posed by social media, noting that while it serves as a powerful tool for citizen journalism and mobilization, it also facilitates misinformation and fake news. He called for stronger regulatory measures and public awareness to promote media literacy. He further discussed the impact of ‘deepfake’ technology and AI-generated content in influencing public narratives, urging journalists to adopt fact-checking methodologies.

Shri Devendra Kumar Nim, Former Joint Secretary, NHRC took session four on “Legal Framework Governing Media and Human Rights”. Shri Nim provided a legal perspective on media’s engagement with human rights. He examined key legislations such as the Right to Information Act, 2005 the Press Council Act, 1978 and the IT Act, 2000 discussing how they regulate media practices while ensuring the protection of fundamental rights.

He also delved into the jurisprudence surrounding freedom of speech and expression, citing Supreme Court judgments that have upheld press freedom while drawing necessary restrictions under Article 19(2) of the Constitution. Additionally, he explored global best practices, comparing India’s media regulations with those in democratic countries such as the United States and the United Kingdom.

Shri Nim concluded by stressing the need for collaborative efforts between media, legal experts, and human rights organizations to strengthen advocacy for press freedom and human rights protection. He also recommended the introduction of specialized training programmes for journalists covering human rights issues to ensure nuanced and legally sound reporting.



Shri Devendra Kumar Nim distributing certificates to the participants of the training programme

The training programme concluded with a vote of thanks, expressing gratitude to the distinguished speakers for their insightful discussions and to the participants for their active engagement. The event successfully underscored the interplay between media and human rights, highlighting the responsibilities of journalists, legal frameworks governing media, and the impact of investigative reporting in upholding justice.



Participants of the training programme along with dignitaries

The discussions provided valuable takeaways for media professionals and public relations officers, equipping them with the necessary knowledge to contribute meaningfully to human rights advocacy and ethical journalism. The event reaffirmed the significance of a free and responsible press in a democratic society.

The Indian Law Institute in collaboration with SAARC Law and SAMADHAN (Delhi High Court Mediation and Conciliation Centre) organised a 40 Hours Certification Programme in Mediation on March 7-11, 2025 at ILI.

The 40 Hours Certification Program in Mediation, marked a significant collaboration between Samadhan, SAARC Law, and the Indian Law Institute (ILI). The program aimed to blend mediation theory with practical wisdom, fostering a transformative journey to unravel the roots of conflict and master the art of resolution. Participants from diverse backgrounds and fields gathered to explore how mediation turns competition into cooperation, offering a win-win alternative to conventional litigation. The key dignitaries of the programme included Hon'ble Mr. Justice Ujjal Bhuyan, Judge, Supreme Court of India, who graced the occasion as the Chief Guest; Senior Professor (Dr.) V.K. Ahuja, Director, Indian Law Institute (ILI); and Mr. Rakesh Munjal, Senior Advocate and President, SAARC Law.

The training was imparted by the trainers of Samadhan, Ms. Veena Ralli, Mediator/Trainer/Organising Secretary, Samadhan, Mr. J.P Sengh, Mediator/Trainer and Mr. Sudhanshu Batra, Mediator/Trainer along with their team comprising of Samadhan mediators, Mr. D.R Nigam, Ms. Swati Setia, Mr. Anuj Agarwal, Ms. Mitali Gupta and Mr. Sumit Chander. The training was attended by professionals from varied backgrounds and included Lawyers, Researchers and students from all over the country. The training was curated to explain the theory through Role Plays.



Felicitating Hon'ble (Mr.) Justice Ujjal Bhuyan by Senior Prof. (Dr.) V.K. Ahuja in the presence of Mr. Rakesh Munjal

The event began with a warm welcome to all participants and dignitaries, emphasizing the collaborative efforts of Samadhan, SAARC Law, and ILI. The program was structured to include addresses from key figures, blending insights from judicial experience, mediation expertise, and legal practice. Followed by Felicitation ceremony in which, Senior Prof. (Dr.) V.K. Ahuja, Director of ILI, felicitated the Chief Guest, Hon'ble (Mr.) Justice Ujjal Bhuyan, with a bouquet and shawl, symbolizing respect and gratitude for his presence.



Senior Prof. (Dr.) V.K. Ahuja delivering the welcome address

Senior Prof. (Dr.) V.K. Ahuja delivered the welcome address, setting the tone for the program. He highlighted transformative aspects of mediation and referenced historical dispute resolution mechanisms such as the Kabruk program, the Bhakti movement in Assam, and the Namkus dispute settlement in Assam, underscoring their relevance to modern mediation practices.



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

Followed by the valuable words of the chief guest, Justice Bhuyan shared profound thoughts on mediation, describing it as both an art and a skill that develops with time. He illustrated the saturation point of systems with the metaphor of "women carrying bricks and caption yet she will smile," emphasizing that like individuals, the legal system reaches an optimal limit. Beyond this, alternative dispute resolution (ADR) mechanisms like mediation become essential. He highlighted mediation's win-win nature, distinguishing it from litigation's adversarial outcomes, and stressed the need to inculcate a mediation culture among law students early in their education to elevate it as a preferred profession.

Mr. Rakesh Munjal, the key speaker of this training programme emphasized the mediator's pivotal role in creating the right ambiance for mediation. He noted that mediators must explain the process to parties, persuade them in private sessions, and propose solutions benefiting all involved. He underscored the importance of lawyers in fostering a mediation friendly atmosphere, despite challenges such as lawyers occasionally discouraging settlements due to per hearing fees. Benefits of mediation, including reduced court fees and the preservation of relationships, were highlighted. Mr. Munjal also stressed the value of active listening in mediation and the lawyer's critical role in its success.

The inaugural session came to end with beautiful lines of Mrs. Veena Ralli, Advocate, Mediator/ Trainer, where she mentioned that mediation and meditation has just difference of a letter T, the outcome of mediation is similarly wonderful and satisfactory as meditation.

The opening session of the 40 Hours Certification Program in Mediation, set a strong foundation for an enriching experience. The program promises to equip participants with theoretical knowledge and practical tools to navigate conflicts effectively, fostering a culture of resolution over rivalry.

Day one began with explaining the need for the training followed by sharing knowledge on the journey of mediation, various modes of dispute

redressal system, understanding conflict, its causes, management and its transformation into resolution

Day two began with recapitulating what was done on the previous day to gauge how much was grasped by the participants followed by explaining the participants about the philosophy of mediation, its process and stages through a Role Play enacted by the trainers and their team themselves. The elements of Opening Statement and its importance in the process of mediation was exhaustively demonstrated by the trainers. Thereafter, all the participants were allowed to articulate their comprehensive Opening Statement while performing as Mediators through a Role Play. The day ended with understanding the roles of the Parties, the Lawyers and that of the Mediator and sharing the benefits of mediation.

Day three began with recapitulation of the subjects covered during day one and day two followed by understanding communication in mediation, its techniques and utilization of those techniques in transforming the conflict into resolution.

Effective negotiation is not possible without good communication. Day four started with recapitulation of the previous day on communication techniques and understanding the art of negotiation followed by engaging negotiation exercises for the participants. An extensive session took place on ethics followed with QA session for the participants. Understanding the role of lawyers in mediation and mediation advocacy were also the important topics of that day.

On the last day, after recapitulation of all the topics covered during the previous four days, trainers explained how to turn impossible into possible and lead the difficult parties to hold difficult conversations for resolving their conflicts and dealing with impasse. The participants were taught various techniques for managing impasse and the art of writing settlements. For the participants, it was a golden opportunity to put theory into practice and perform various roles during the Role Plays.



Snippets from the mediation training programme

The training was concluded by the valedictory session graced by Hon'ble (Mr.) Justice N. Kotiswar Singh, Judge, Supreme Court of India as the Chief Guest, Mr. Arjun Ram Meghwal, Cabinet Minister, Minister of Law and Justice as the Guest of Honor, Mr. Rakesh Munjal, SAARC India and Sr. Prof. V.K. Ahuja, Director, ILI. The moment was thereafter captured in a group photograph of the participants with the distinguished guests and the team of trainers.

The 40-Hour Certification Program in Mediation, jointly organised by Samadhan, SAARC Law, and the Indian Law Institute (ILI), was formally inaugurated by Hon'ble Mr. Justice Ujjal Bhuyan, Judge, Supreme Court of India. The programme offered a comprehensive blend of theoretical knowledge and practical training, aimed at fostering a culture of conflict resolution and highlighting mediation as a transformative and effective alternative to litigation.

The valedictory session was graced by Hon'ble Mr. Justice N. Kotiswar Singh, Judge, Supreme Court of India, and Shri Arjun Ram Meghwal, Hon'ble Minister of Law and Justice, Government of India, along with other distinguished dignitaries.

During the ceremony, Shri Arjun Ram Meghwal was felicitated by Justice N. Kotiswar Singh in the esteemed presence of Senior Professor (Dr.) V.K. Ahuja, Director, Indian Law Institute.



Felicitating Shri Arjun Ram Meghwal by Hon'ble (Mr.) Justice N. Kotiswar Singh in the presence of Sr. Prof. (Dr.) V.K. Ahuja



Participants of the training programme along with dignitaries

Book Release Function

Book Launch – March 4, 2025

The Indian Law Institute (ILI) hosted the launch of book “*Law, Justice, Society: Selected Works of Upendra Baxi*,” a four-volume collection published by Oxford University Press. This seminal edition brings together Professor Baxi’s influential essays and lectures

on key themes such as human rights, constitutionalism, law and society, and legal education each volume meticulously edited by distinguished scholars in the field. The launch event was graced by Hon'ble (Mrs.) Justice B.V. Nagarathna, Judge, Supreme Court of India, and witnessed the presence of eminent academicians, legal luminaries, and researchers. The discussions during the event celebrated Professor Baxi’s profound and transformative contributions to legal thought, justice discourse, and critical legal scholarship reinforcing his enduring legacy in shaping contemporary legal understanding and advocacy.



Snippets from the Book Release Function

RESEARCH PUBLICATIONS

Released Publications

- ILI Newsletter Vol XXVI Issue IV (October-December, 2024).
- Annual Survey of Indian Law Vol 58, 2022.
- Journal of the Indian Law Institute, Vol 66(3) (July - September) 2024.

Publications on the Anvil

- ILI Newsletter Vol XXVII Issue II (April-June, 2025).

- Book on “Indigenous Justice Delivery System in India” Editors: Sr. Prof. (Dr.) V.K. Ahuja, Director, ILI, Prof (Dr.) Anurag Deep, Professor, ILI and Mr. Avinash Kumar Paswan, Ph.D Scholar, ILI.
- Book on “Gender Justice: Contemporary Developments” Editors: Sr. Prof (Dr.) V.K. Ahuja, Director, ILI and Dr. Arya. A. Kumar, Asst Professor, ILI (SG).
- Journal of the Indian Law Institute, Vol 66(4) (October - December) 2024.

EXAMINATIONS

Ph.D Programme

- The Course work examination (Paper I, II & IV) for the Ph.D programme was held during February 25-March 3, 2025.

Award of Ph.D. Degree

- The viva-voce /open defense of thesis of Mr. Gurmeet Nehra was held on January 21, 2025. He has been awarded the Degree of Philosophy (Ph.D in Law) on January 24, 2025.
- The viva-voce /open defense of thesis of Mr. Hira Lal Nimba was held on February 24, 2025. He has been awarded the Degree of Philosophy (Ph.D in Law) on February 26, 2025.

LIBRARY

Library added 30 books on the subjects of Criminal Law, Arbitration, Constitutional Law etc.

E-LEARNING COURSES

Online Certificate on Cyber Law and Intellectual Property Rights Law

E Learning courses of three months duration on “Cyber Law” (49th batch) and “Intellectual Property Rights and Information Technology in the Internet Age” (60th batch) were completed on March 18, 2025.

FORTHCOMING EVENTS

- The Indian Law Institute in collaboration with National Institute of Defence Estates Management (NIDEM) will organise a five days training programme on “Fundamental of Law” for IDES officers on April 21-25, 2025.
- The Indian Law Institute in collaboration with Department for Promotion of Industry and Internal Trade, Gujarat National Law University and Indian Society of International Law will organise a One Day National Conference on IP and Music: Feel the Beat of IP on April 25, 2025.
- The Indian Law Institute in collaboration with Northern Railway will organise a five days workshop on “Arbitration, Mediation and Related Matters” for Railway Officials on May 19-23, 2025.

VISITS TO THE INSTITUTE

- ❖ 12 students from City college Dimapur, Nagaland visited the Institute on January 16, 2025.
- ❖ 54 Students from Amex Law College, Bardhaman, West Bengal visited the Institute on January 20, 2025.
- ❖ 32 Students from Sathyabhama Institute of Science and Technology, Chennai visited the Institute on January 24, 2025.
- ❖ 77 Students from Seacom Skills University, West Bengal visited the Institute on February 06, 2025.
- ❖ 40 students from Greater Noida Academy of Legal Studies and Research, Greater Noida visited the Institute on February 06, 2025.
- ❖ 23 students from Jarbom Gamlin Government Law College, Arunachal Pradesh visited the Institute on February 11, 2025.

- ❖ 31 Students from Central University of Kashmir, Jammu & Kashmir visited the Institute on February 17, 2025.
- ❖ 37 Students from Durgapur Institute of Legal Studies, Durgapur, West Bengal visited the Institute on February 19, 2025.
- ❖ 47 Students from National Forensic Sciences University, Gandhi Nagar, Gujarat visited the Institute on February 24, 2025.
- ❖ 60 Students from National Forensic Sciences University, Gandhi Nagar, Gujarat visited the Institute on February 25, 2025.
- ❖ 35 Students from Shree L.R Tiwari College of Law, Mira Bhayandar, Maharashtra visited the Institute on March 26, 2025.

FACULTY NEWS

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

- Delivered a Special Lecture on Research and Publication Ethics at National Law University, Jabalpur, March 26, 2025.
- Delivered a Special lecture on Research and Publication Ethics at National Law University, Tripura on March 24, 2025.
- Delivered a lecture on Human Rights: An Overview in Training Program on Human Rights: Issues and Challenges for Media Personnel, jointly organised by Indian Law Institute and National Human Rights Commission on March 22, 2025.
- Delivered a lecture on Mediation Certification Course 40 Hours Mediation Certification Course organised jointly by Indian Law Institute, Samadhan of Delhi High Court, and SAARC Law (India Chapter) at ILI on March 7-11, 2025.
- Co-authored an article titled “The Future of Legal Education in India in the Era of AI in 11 NLUJ Law Review, 2025, pp. 97-120.
- Was the Chief Guest at the National Conference and Workshop and delivered the Inaugural Address at National Conference on the Future of Intellectual Property in AI Age: Shifting Legal Paradigms organized by BPS Mahila Vishwavidyalaya Sonipat on February 25, 2025.
- Delivered a Special lecture on Health and Patents at M.S. University, Vadodara on February 22, 2025.
- Delivered Inaugural Address at Two-Days Workshop on Technology Transfer & Intellectual Property jointly organized by National Law University and Judicial Academy, Assam and Sree Chitra Tirunal Institute for Medical Sciences & Technology, Thiruvananthapuram on February 15-16, 2025.
- Presented a paper titled “Patent and Technology Transfer in Healthcare: Balancing Innovation, Access, and Public Health Needs” at Two-Days Workshop on Technology Transfer & Intellectual Property jointly organized by National Law University and Judicial Academy, Assam and Sree Chitra Tirunal Institute for Medical Sciences & Technology, Thiruvananthapuram on February 15-16, 2025.
- Delivered a lecture on Right to Education of Visually Impaired Persons at UGC Refresher Course on Human Rights, Social Inclusion and Sustainable Development, organised by Faculty of Law, Allahabad University on January 25, 2025.
- Delivered a lecture on Right to Education of VIPS as Human Rights (With Special Focus on Marrakesh Treaty) at Online Credit Course on Disability Law by Centre for Disability Law and Advocacy at National Law University Odisha on January 19, 2025.

- Presented a paper on NEP and Legal Education at Vice-Chancellor's Conclave on The Future of Legal Education in India organized by National Law University, Jodhpur on January 18-19, 2025.
- Delivered a lecture on Right to Health as Human Right and Patents in Training Program on Human Rights: Issues and Challenges for Judicial Officers, jointly organised by Indian Law Institute, New Delhi and National Human Rights Commission on January 12, 2025.
- Delivered a lecture on Human Rights: An Overview in Training Program on Human Rights: Issues and Challenges for Judicial Officers, jointly organised by Indian Law Institute and National Human Rights Commission on January 11, 2025.

Senior Prof. (Dr.) S. Sivakumar, Professor, ILI

Release of the Book “GLOBAL LEGAL SYSTEMS : COMPARATIVE CONSPECTIVE”



The India release of the book was held at Mumbai on March 22, 2025 by Hon'ble Mr. Justice Surya Kant, Hon'ble Mrs Justice Sapana Pradhan Malla, Judge, Supreme Court of Nepal and Hon'ble Mr Justice Nawaz, Judge, Supreme Court of Srilanka and in presence of others. The book titled “ **GLOBAL LEGAL SYSTEMS: COMPARATIVE CONSPECTUS** ” was presented to Hon'ble (Mr.) Justice Sanjiv Khanna Chief Justice of India.



The International release was held at Supreme Court of Kenya on March 10, 2025 by Hon'ble Chief Justice of Kenya, Hon'ble (Mr.) Justice B. R Gavai, Hon'ble (Mr.) Justice Surya Kant in presence of Judges of the Supreme Court of Kenya and others.

Dr. Arya A. Kumar, Asst Professor (SG)

- Invited to address the participants in the valedictory session of the National Conference on “Conceptualizing Legal Framework and Policies for Coastal Zones in India: Issues and Environmental Law,” at the Northcap University, Gurugram, Haryana on March 29, 2025.
- Presented a paper titled “The Juris prudential Foundations of Legal Aid: A Critical Analysis of Justice, Equality, and State Responsibility” in the technical session on Legal Aid Frameworks & Institutional Role and Legal Aid in Criminal Justice & Victim Advocacy” of the National Conference on “Transforming Access to Justice: Innovations in Legal Aid Delivery” organized by ILC, Faculty of Law, University of Delhi on March 1, 2025.
- Completed a Faculty Development Programme (FDP) on “IPR: National International Registration” organized by Centre for Advanced Studies in IPR and Technology Law, ISIL & DPIIT Chair, Chanakya National University, Patna on 28 February-March 05, 2025.

- Presented a paper titled “Gender Diversity: Contemporary Challenges” in the Two day National Conference on “Transforming Legal Landscape and Recent Reforms” at the All India Law Teacher’s Congress at New Delhi on January 18-19, 2025.

LEGISLATIVE TRENDS

THE FINANCE ACT, 2025

(Act No 7 of 2025)

The Finance Act, 2025 was enacted to give effect to the Central Government's financial proposals for the financial year 2025-2026. The Act brought out significant changes to the tax structure, aiming to boost economic growth and ease compliance. The key provisions include the abolition of the 6% equalization levy on digital advertising, tax relief for start-ups and MSMEs, and changes to capital gains taxation. The Act also introduced new reporting obligations related to cryptocurrency transactions.

THE RAILWAYS (AMENDMENT) ACT, 2025

(Act No 9 of 2025)

The Railways (Amendment) Act, 2025 is significant as it aims to modernize Indian Railways by streamlining operations, enhancing efficiency, and reducing costs, particularly in freight transport. Key changes include empowering General Managers to approve certain freight-related projects and integrating the Railway Board's provisions into the Railways Act, 1989, while granting it statutory status. The Act seeks to modernize railway governance by repealing outdated colonial-era laws, like the Railway Board Act, 1905, and integrating its provisions into the Railways Act, 1989.

It empowers General Managers in railway zones to approve freight-related projects up to 1,000 crore, speeding up project approvals and development. The legislation aims to enhance freight operations, reduce logistics costs, and accelerate the development of crucial infrastructure like sidings and freight corridors.

By integrating Railway Board provisions into the Railways Act, 1989, the Act simplifies the legal framework and improves the Board's governance and decision-making processes.

THE DISASTER MANAGEMENT (AMENDMENT) ACT, 2025

(Act No 10 of 2025)

The Disaster Management (Amendment) Act, 2025, introduced significant changes to the existing Disaster Management Act, 2005. These amendments aim to enhance the country's disaster preparedness, response, and mitigation capabilities by clarifying definitions, establishing new bodies, and strengthening enforcement mechanisms. The amendment clarifies that “man-made causes” of disasters do not include law and order situations. This distinction aims to prevent the misuse of the Disaster Management Act in handling routine law enforcement matters.

A new clause introduces the concept of a “disaster database,” which will compile crucial information related to disaster assessment, fund allocation, expenditure, preparedness, mitigation plans, and risk registers. This database will improve data-driven decision-making and enhance transparency. The definition of “disaster management” is expanded to include “disaster risk reduction”. This encompasses efforts to reduce hazard exposure, vulnerability, and enhance preparedness and resilience. New clauses define “disaster risk” and “hazard,” providing a more comprehensive understanding of potential threats and their impacts. New definitions are added for “evacuation” and “exposure” giving clear meanings to these terms within the act. The amendment also formalizes the existing NCMC and HLC as statutory bodies under the Disaster Management Act. The NCMC, headed by the Cabinet Secretary, will act as the nodal body for major disasters with national ramifications.

The HLC, headed by the Minister in charge of disaster management, will handle financial assistance to states. The amendment empowers state governments to constitute State Disaster Response Forces (SDRFs) for specialized disaster response. The Act now allows state governments to take disciplinary action against officers who fail to perform their duties during a disaster, even if they have faced other actions.

The Central and state governments are now authorized to issue directives requiring individuals to take or refrain from specific actions to reduce disaster impact. Penalties are introduced for those who do not follow these directives.

LEGAL JOTTINGS

Supreme Court Bars Mid-Recruitment Changes to Eligibility Rules for Teachers in Jharkhand

The issue in this case was whether the State Government could allow CTET/STET qualified candidates to participate in the ongoing recruitment process for Assistant Teachers in Jharkhand without conducting the JTET. The factual matrix of the case was that the last JTET was conducted in 2016. Due to delays and policy shifts, the State allowed CTET/STET candidates to participate, though the recruitment rules specified JTET as a requirement. JTET-qualified candidates challenged this. It was decided that the State's act of changing eligibility after the recruitment advertisement was issued was arbitrary and illegal. The Court quashed the High Court's order and disallowed CTET/STET holders from the ongoing process. Indeed, this case reinforced the legal principle that eligibility criteria for recruitment cannot be changed mid-process and reaffirmed the sanctity of teacher qualifications under the RTE Act, 2009.

[Parimal Kumar v. State of Jharkhand, (2025 INSC 134)].

Under Section 16(2) of the Arbitration & Conciliation Act, there is a clear bar on raising a plea of lack of jurisdiction of the Arbitral Tribunal after submission of the statement of defence.

In this case, the issue was whether the appointment of a sole Arbitrator, instead of a three-member Arbitral Tribunal as per the contract, invalidated the arbitration award. The appellant had a contract with the Railway Electrification Project. Disputes arose, leading to arbitration. Initially, two

arbitrators were appointed, and later a sole Arbitrator (a retired Chief Justice) was appointed after the umpire resigned. The respondent participated in the arbitration without initially objecting. Later, after filing the statement of defence, the respondent challenged the sole Arbitrator's jurisdiction under Section 16 of the Arbitration and Conciliation Act, 1996. The award was eventually set aside by the District Judge and the High Court on the ground of improper tribunal composition. The Supreme Court ruled that the respondent, having agreed to the appointment and participated in the proceedings, could not raise jurisdictional objections after filing the defence. It held that the respondent had clearly submitted to the jurisdiction of the sole Arbitrator. The judgments of the District Judge and the High Court were set aside, and the case was remanded for reconsideration on other issues (excluding jurisdiction). This case clarifies the bar under Section 16(2) of the Arbitration Act against belated jurisdictional challenges once the defence is submitted. It reinforces party autonomy and prevents misuse of procedural technicalities to delay justice.

[M/S Vidyawati Construction Company v. Union of India, (2025 INSC 101)].

Censused slums do not require fresh notifications under the Slum Act for redevelopment.

The main issue in this case was whether the slum rehabilitation project initiated under Regulation 33(10) of the Development Control Regulations (DCR) could be challenged by the appellants, claiming the land to be a MHADA layout which should have been developed under Regulation 33(5). The Slum Rehabilitation Authority (SRA) issued notices to the appellants to vacate premises for redevelopment under the Maharashtra Slum Areas Act, 1971. The appellants contended that the area was a MHADA layout, not a slum, and thus not subject to SRA's jurisdiction. Their petition before the Apex Grievance Redressal

Committee under Sec 35 (1 A) of the Slum Act was discussed vide order dated 12.09.2019. The Supreme Court dismissed the appeals, affirming that the area was a censused slum from 1981, and thus validly developed under SRA's Regulation 33(10). It held that the appellants were not tenants of MHADA but transit camp dwellers and had failed to challenge earlier decisions in due time. Their arguments were deemed dilatory and lacking merit. This case reaffirms that censused slums do not require fresh notifications under the Slum Act for redevelopment. It underscores the importance of timely legal action and the government's authority to proceed with redevelopment in public interest.

[Mansoor Ali Farida Irshad Aliv. The Tahsildar-I, Special Cell, (2025 INSC 276)].

Judicial Discretion in Sentencing: A case of commutation from Death to Life Imprisonment

In this case, Ramesh A. Naika, a bank manager, was convicted of murdering his two minor children, aged 10 and 3.5 years. The prosecution argued that he committed the murders to psychologically punish his wife, who had refused to support his demand that her sister abandon an inter-caste relationship. Naika first murdered his mother-in-law and sister-in-law at Tumkur, then travelled to Mangalore where he drowned his children in a water tank, and sent a message to his wife urging her to end her life. The trial court convicted him under Section 302 IPC and sentenced him to death. The High Court affirmed the death sentence.

The Supreme Court upheld the conviction but commuted the death sentence to life imprisonment without remission. The Court stressed that while the act was brutal and showed a grave breach of parental responsibility, sentencing must consider whether the death penalty is truly warranted. It held that the trial court had

overlooked certain mitigating factors: Naika had no prior criminal record, was previously considered to have good conduct, and the case was entirely based on circumstantial evidence. It reiterated that capital punishment must be reserved for the rarest of rare cases, and courts must not ignore individualised sentencing. The ruling reinforces that the death penalty requires not just proof of guilt but a rigorous analysis of mitigating circumstances and potential for reform. Even heinous crimes must be weighed against the broader constitutional commitment

[Ramesh A. Naika v. Registrar General, High Court of Karnataka, (2025 INSC 303)].

Cases of those litigants having no regard for truth & suppressing material facts need to be 'thrown out' of court

The factual matrix of the case was that a cooperative credit society launched cheque bounce proceedings (Section 38 NI Act) after a security cheque for 27.27 lakh was returned unpaid. Before the complaint was filed, the borrower repeatedly asked the society to supply loan documents referenced in its demand notice, but received none. Allowing the appeal and quashing both the Magistrate's process and the High Court's order, the Supreme Court found that the complainant had suppressed the borrower's letters and misled the court. A complainant who conceals material facts cannot be allowed to set criminal law in motion; such suppression amounts to an abuse of process. Civil recovery avenues, however, remain open to the society. The decision underscores that Section 138 is not a shortcut to harass borrowers. Magistrates must scrutinise complaints for candour, and cheque bounce prosecutions can be terminated at the threshold where bad faith or material non disclosure is shown.

[*Rekha Sharad Ushir v. Saptashrungi Mahila Nagari Sahkari Patsanstha*, (2025 INSC 399)].

Complainant having no privity of Contract with opposite party, cannot be termed as a 'Consumer' under Consumer Protection Act.

A flat-owner (respondent) claimed that a Tripartite Agreement existed between him, a potential buyer (borrower), and the lender. A flat-owner (respondent) claimed that a Tripartite Agreement existed between him, a potential buyer (borrower), and the lender (Citicorp), under which the lender was supposed to disburse the full sale consideration of ₹32 lakhs. Although ₹17.8 lakhs was paid directly to foreclose the seller's earlier ICICI loan, the remaining amount allegedly never came through. The borrower never encashed the balance loan cheque and closed his account. The respondent approached the Consumer Forum seeking refund from Citicorp.

The Supreme Court overturned the NCDRC's direction against Citicorp. It held that the complainant was not a 'consumer' under the Consumer Protection Act, since there was no privity of contract or direct service between him and Citicorp. The alleged Tripartite Agreement was neither proven nor signed by Citicorp, and could not form the basis of liability. Moreover, the Consumer Forum erred by proceeding without the borrower—who was a necessary party. The Court also found fault with the NCDRC's failure to rule on limitation or record reasons for condoning a ten-year delay.

This judgment is a strong reaffirmation of procedural safeguards in consumer cases. It clarifies that mere economic linkage does not convert a person into a 'consumer', and that forums must not draw adverse inferences without adequate proof of contract or participation.

[*Citicorp Finance (India) Ltd. v. Snehasis Nanda*, (2025 INSC 371)].

CASE COMMENTS

Cryogas Equipment Private Limited v. Inox India Limited and Others,
2025 INSC 483

Decided on January 29, 2025

This case deals with a long-standing legal dilemma of when an “artistic work” protected by the Copyright Act turns into a “design” that must be registered under the Designs Act. The Supreme Court of India used the present case to give much-needed clarity on this overlap. Inox India Ltd. had created engineering drawings for cryogenic semi-trailers, specialised vehicles for transporting liquefied gases at very low temperatures. These drawings were original and proprietary. But soon, two other companies, Cryogas Equipment and LNG Express, started making similar trailers by using the drawings. As a result, Inox filed a copyright infringement suit in the Vadodara Commercial Court in September 2018, leading to multiple appeals, culminating in a Supreme Court Special Leave Petition after the judgment of the Gujarat High Court.

The key issue was whether these engineering drawings qualify as artistic works protected under the Copyright Act or fall under the Designs Act, which protects industrial designs. The Supreme Court distilled precedents where the intent of the artistic work was in question to seek protection. It also considered how many times the work had been reproduced and, based on these factors, formulated a clear two-prong test to resolve such overlaps.

It clarified that it is not the intent of creating the artistic work, but the legislative intent of harmonising the two laws will address the overlap between the two Acts. The term artistic work under Section 2(c) of the Copyright Act is very broad. It includes even simple or abstract works made of

random lines or shapes, whether 2D or 3D. These works do not need to be visually appealing to get copyright protection. Copyright owners have exclusive rights under Section 14(c), including the right to reproduce the work in any form, including turning a 2D work into 3D and vice versa.

However, if the work is reproduced or capable of being reproduced, using an industrial process to make a finished product that appeals to the eye, it may become a design under Section 2(d) of the Designs Act. This is where copyright and design laws overlap. An original artistic work may still get copyright protection, but once it is industrially applied, its features (shape, pattern, ornament, etc.) fall under design law. But design protection requires registration and must meet the criteria of non-functionality. Courts use the functional utility test to check if a design's purpose is mainly practical or aesthetic. Based on this understanding, the Supreme Court laid down the first prong of the test. It said that courts must consider whether the work is purely an 'artistic work' protected under the Copyright Act or whether it is a 'design' derived from the artistic work and applied through an industrial process. This analysis is based on Section 15(2) of the Copyright Act, 1957. The key question is whether the artistic work has an independent existence or not.

The second prong, if such a work does not qualify for copyright protection, then the test of 'functional utility' will be applied to determine its dominant purpose, and then ascertain whether it would qualify for design protection under the Design Act, 2000.

Applying the two-pronged test to the present facts, the Supreme Court refrained from definitively ruling on whether Inox's

drawings retained copyright. Instead, it remanded the matter to the trial court to apply this framework and accurately classify the drawings. Nonetheless, the Court suggested that because Inox's drawings were predominantly used to mass-produce cryogenic tank components, copyright protection likely does not apply. The judgment makes one thing very clear that you can't use copyright to protect something that is really an industrial design just to get longer protection. Copyright lasts for the creator's lifetime plus 60 years, but design protection is limited; nonetheless, the Design Act is the correct route if your creation is meant for mass production and has visual appeal.

V.K. Ahuja

Alisha Berry v. Neelam Berry
2025 SCC OnLine SC 483
Decided on January 03, 2025

The apex court in this case criticised the issuance of bailable warrants in a domestic violence case and transferred the case from Delhi to Ludhiana. The court highlighted that proceedings under the Domestic Violence Act, 2005 are quasi-criminal in nature and do not carry penal consequences except in violation of protection order. This matter involves a domestic dispute between Alisha Berry (daughter-in-law) and Neelam Berry (mother-in-law). Neelam Berry (respondent) had filed a case against Alisha Berry under the Protection of Women from Domestic Violence Act, 2005 (DV) in the Court of Metropolitan Magistrate. The petitioner has a specially abled minor son who suffers from hearing impairment. The petitioner is currently unemployed and financially dependent on her father for survival. The Trial Court had issued bailable warrants against petitioner, The current petition was

filed by Alisha Berry seeking transfer of the domestic violence case from Delhi to the Court of Chief Judicial Magistrate, Ludhiana, Punjab. Despite being served notice, the respondent (Neelam Berry) did not appear or have representation before the Supreme Court in this transfer petition. The Supreme Court strongly criticized the Trial Court's decision to issue bailable warrants, stating that there was "no justification whatsoever" for such action in a case under the Domestic Violence Act. It held that the learned Magistrate was "absolutely unjustified" in directing the issuance of bailable warrants against the petitioner.

The judgment serves as a safeguard against the misuse of procedural tools like bailable warrants in cases that do not warrant penal action. By allowing the transfer of the case,

the Court also reaffirmed its commitment to balancing procedural fairness with the practical realities faced by litigants. Importantly, the decision offers much-needed clarity to lower courts dealing with matters under the Domestic Violence Act, emphasizing that justice must be delivered with sensitivity and proportionality.

This ruling serves as a vital reminder that the primary objective of the DV Act is to provide relief and protection to survivors—not to punish, except where explicitly warranted. The Supreme Court's intervention underscores its role as a guardian of procedural fairness and justice. By curbing unwarranted actions in sensitive matters, the judgment sets an important precedent that aligns legal process with empathy and equitable treatment.

Arya A. Kumar