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ILI Newsletter

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Editorial

The Indian digital landscape, for a large part of the last decade, resembled a modern fiefdom. The data fiduciaries, primarily multinational tech conglomerates, have treated the personal data of billions of Indians as a resource for extraction rather than as individual property. In this pre-regulated period, 'consent' was merely a legal fiction- a click-wrap agreement buried in legalese, crafted to obfuscate rather than inform the individual users. The enforcement of the Digital Personal Data Protection (DPDP) Act, 2023, and subsequent rules notified under its broad ambit, marked a watershed moment in the jurisprudence of privacy and consent. By enacting the DPDP Act and rules under it, India is not merely erecting a regulatory hurdle, but is fundamentally altering the power dynamics between the Indian 'Data Principal' and global 'Data Fiduciary'.

The Digital Personal Data Protection Rules, 2025, operationalised Section 6 of the DPDP Act, 2023, which mandates that consent shall be 'free, specific, informed, unconditional and unambiguous'. This moved India from a regime of 'Implied Consent' to one of 'Demonstrable Willingness'. For foreign data fiduciaries, primarily operating as social media intermediaries and engaged in e-commerce, this means the days of broad, omnibus consent clauses bundled with 'third-party advertising' are over. Rule 3 of the 2025 Rules mandates that data fiduciaries must present itemised notices, and if the data fiduciary wants to process data for cross-selling, it will require a separate and specific assent from the user. In effect, this granularity disrupted the opaque data brokerage models used to fund the free internet. Furthermore, rules introduced the 'consent managers' (Rule 4 and Schedule 1), in order to allow users or data principles to manage, review, and withdraw consent through a single dashboard, with the same simplicity and manner in which the consent was given in the first place. This represents a pioneer institutional innovation aimed at reducing the transaction cost of privacy. Earlier, withdrawing consent from a foreign data fiduciary was a herculean process, designed to induce 'consent fatigue'. The 2025 Rules, by centralising the consent withdrawal power, transformed the idea of privacy from a theoretical right to an exercisable capability.

For the data fiduciaries and foreign MNCs, this new architecture of consent is restrictive in nature. Unlike the EU's GDPR framework, which allows the 'Legitimate Interest' as a lawful basis for data processing- a loophole often exploited to bypass the requirement of explicit consent- the Indian DPDP Rules are rigid in nature. The Act recognises only state-defined contexts as 'legitimate interest', forcing entities to rely exclusively on explicit consent of the user for data processing, ensuring that data be treated as an extended attribute of the principal's personality. The landmark K. S. Puttaswamy (2017) judgement defined privacy as having both negative and positive dimensions, i.e., not just freedom from intrusion, but also control over one's information. The 2025 Rules are in the direction of operationalising this positive liberty.

It may be argued that consent being cast in such a rigid framework may hinder innovation. However, such arguments are nothing less than a misreading of the jurisprudential purpose of the Rules. The goal here is to strengthen the notion of 'informational self-determination', in such a manner that data fiduciaries should not remain under the impression that they are accessing the digital footprint of an Indian citizen, but that they are interacting with an entity protected by a rigid consent charter. The new DPDP Rules on consent not merely regulate data, but are a tool for reclaiming agency. And in global discourse on digital sovereignty, India's consent-centric model offers a compelling template for the Global South- one which graduates passive data subject to an empowered data principal.

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

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ACTIVITIES AT THE INSTITUTE

The IQAC of The Indian Law Institute (Deemed to be University) organized a Special Lecture on “The WHO Pandemic Treaty: A New Era of Global Health Security” on October 15, 2025. The lecture was delivered by Dr. Manisha Shridhar, Regional Advisor, Intellectual Property Rights, Trade and Public Health, SEARO, WHO. The session highlighted the emerging global framework for pandemic preparedness and examined its implications for international law, public health, and access to medicines.

Rashtriya Ekta Diwas and Run for Unity Organized at the Indian Law Institute on October 31, 2025

As part of the observance of Rashtriya Ekta Diwas (National Unity Day) October 31, 2025, all students of the Indian Law Institute assembled in the Plenary Hall at 2:30 PM. The programme commenced with the collective recitation of the Rashtriya Ekta Diwas Pledge, reaffirming the values of national integrity, harmony, and the enduring legacy of Sardar Vallabhbhai Patel. Students, faculty members, and staff participated enthusiastically, underscoring the Institute’s commitment to fostering unity and strengthening the spirit of nation-building.



Rashtriya Ekta Diwas and Run for Unity

Following the pledge, the Run for Unity was conducted, symbolizing the shared responsibility of every citizen to uphold national cohesion. The initiative encouraged students to embrace physical vitality while reflecting on the importance of collective purpose and solidarity. The active participation of the student body made the event a meaningful continuation of ILI’s efforts toward promoting unity, inclusiveness, and civic awareness.

Commemoration of 150 Years of the National Song “Vande Mataram” Held at the Indian Law Institute on November 7, 2025.

The Indian Law Institute, New Delhi, organized a special event to commemorate 150 years of India’s National Song, “Vande Mataram,” on November 7, 2025 at 9:50 AM. The programme was held in pursuance of the directives issued by the Ministry of Culture and the Department of Legal Affairs to conduct year-long celebrations from November 7, 2025 to November 7, 2026.

All members of the Institute—teaching and non-teaching staff, along with LL.M. and Ph.D. students—participated in a mass singing of “Vande Mataram” to mark this momentous occasion. The spirit of unity and patriotism resonated throughout the campus as the participants joined voices to honor the legacy of the song that has inspired generations of Indians.

Following the collective singing, attendees listened to a special address by the Hon’ble Prime Minister Shri Narendra Modi ji, highlighting the historical importance and cultural significance of Vande Mataram in India’s journey towards freedom and national identity.

The commemoration served not only as a tribute to the song’s legacy but also as a reaffirmation of the values of unity, devotion, and national pride that “Vande Mataram”

embodies. It marked the opening of a series of events planned throughout the year under the Ministry's initiative to celebrate 150 years of this timeless national symbol.

The Indian Law Institute organized a Two-Day Programme for Judicial Officers on "Human Rights: Issues and Challenges" on November 1-2, 2025

The Indian Law Institute (ILI), in collaboration with the National Human Rights Commission (NHRC), organized a two-day programme for judicial officers on "Human Rights: Issues and Challenges" through November 1 to 2, 2025. The programme aimed to deepen judicial understanding of human rights principles and to discuss the legal and practical challenges in their enforcement. The event brought together distinguished academicians and human rights experts who shared their insights with the participating judicial officers.



Participants of the programme on Human Rights: Issues and Challenges

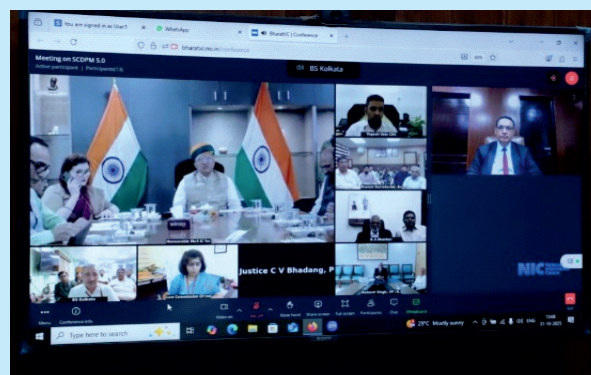
The inaugural session began with the arrival of the Chief Guest, Shri Bharat Lal, Secretary General and Chief Executive Officer, NHRC, New Delhi.



Inaugural programme of Two-Day Programme for Judicial Officers on "Human Rights: Issues and Challenges"

Vigilance Awareness Week Observed at the Indian Law Institute from October 27 to November 2, 2025

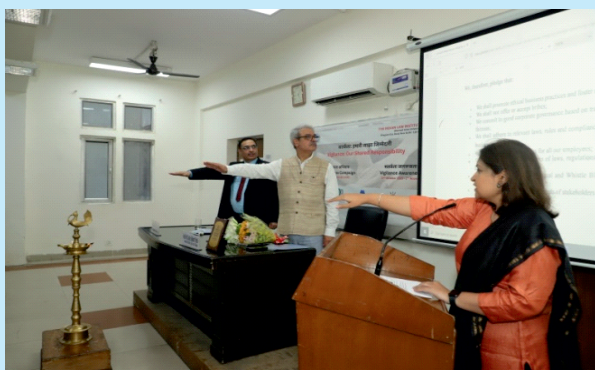
The Indian Law Institute observed Vigilance Awareness Week 2025 from October 27 to November 2, 2025 with a series of events aimed at promoting integrity, transparency and accountability among students. The Programme began with student-centric activities including debates focusing on the theme "corruption-free India", intended to cultivate ethical consciousness and civic responsibility among young legal scholars.



Integrity Pledge at Vigilance Awareness Week 2025 — "Vigilance: Our Shared Responsibility"

As a prelude to the main event, a Debate competition was organized by the Institute on October 29, 2025. The debate comprised two rounds – the first was an extemporaneous round testing the participants' spontaneity and clarity, and the second centred on the topic "India's fight against money laundering depends on an empowered Enforcement Directorate".

Thereafter, the IQAC of the Indian Law Institute organized a special lecture on the theme "Corruption-Free India" on October 31, 2025. The lecture formed an important part of the Vigilance Awareness Week 2025 celebrations, aimed at promoting integrity, transparency, and accountability in public life. The lecture was attended by esteemed faculty members, staff, and students. The event was graced by the presence of several distinguished personalities, adding significant value and depth to the proceedings. The chief guest for the occasion was the Hon'ble Mr. Justice Siddharth Mridul, Former Chief Justice of the High Court of Manipur.

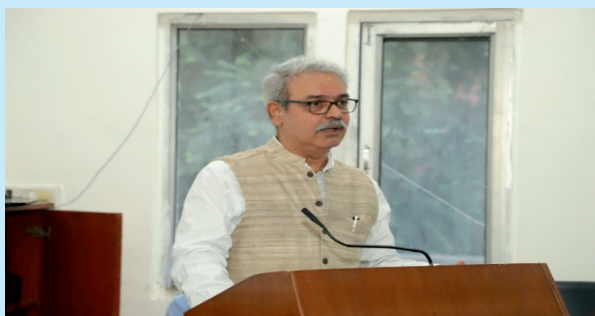


Vigilance Awareness Week 2025 celebrations



Integrity Pledge at Vigilance Awareness Week 2025

The primary objective of the event was to foster a deeper understanding of the legal and moral dimensions of vigilance. It sought to remind attendees of their collective duty to uphold ethical conduct and combat the societal issue of corruption. The program was designed to inspire reflection on the shared responsibility of every citizen in building a nation founded on principles of honesty and fairness.



Hon'ble Mr. Justice Siddharth Mridul addressing the gathering.

Constitution Day Celebrated at the Indian Law Institute on November 26, 2025

On November 26, 2025, the Indian Law Institute (ILI), New Delhi, in collaboration with

the Ministry of Law and Justice, celebrated the 75th Anniversary of the Constitution of India with great pride and enthusiasm. The programme commenced at 9:30 AM in the presence of Sr. Prof. (Dr.) V. K. Ahuja (Director, ILI), students and faculty members. The event began with the ceremonial lamp lighting by the Director and the distinguished guests, marking an auspicious start to the day's celebrations. Following this, Sr. Prof. (Dr.) V. K. Ahuja addressed the gathering and spoke on the historic significance of Constitution Day and the continued relevance of constitutional values in contemporary India.

The programme then proceeded to the Final Round of the Extempore Competition on the theme "What the Constitution Means Today." As part of the Constitution Day 2025 celebrations, an Extempore Competition was organised to encourage spontaneous speaking and constitutional awareness among the students. A total of nine participants took part in the event. The competition highlighted the students' analytical abilities, presence of mind, and their deep understanding of constitutional values.



Sr. Prof. (Dr.) V. K. Ahuja, addressing the gathering

This was followed by a soulful rendition of "Vande Mataram," in which the entire ILI fraternity wholeheartedly participated. The Director ILI and distinguished guests Sh. Daya Shankar (Director, Women and Child Department), Sh. M. Prusty (Senior Government Advocate), Sh. Ajay Kumar Arora (Joint Secretary, Ministry of Law and Justice), and Sh. P. C. Prasad (Joint Secretary, Ministry of Law and Justice) also joined the rendition. All respected guests remained present

throughout the day's celebrations. Subsequently, a collective recitation of the Preamble of the Constitution was conducted by the guests, faculty members, students, and staff, symbolizing unity and commitment to constitutional ideals.

Jan Sewa Training Programme “Karmayogi” organized at the Indian Law Institute (ILI) on December 11, 2025

The Indian Law Institute (ILI) organized a One-Day Jan Sewa Training Programme on December 11, 2025 for all employees of the Institute, under the Rashtriya Karmayogi Mission of the Ministry of Law and Justice, Government of India. The programme witnessed active participation from the Director, faculty members, and non-teaching staff, underscoring the Institute's collective commitment to capacity building and public service excellence.



Capacity Building programme under the Rashtriya Karmayogi Mission of the Ministry of Law and Justice

The Institute extended a warm welcome to the Master Trainer, Shri Arpit Anant Mishra, Deputy Legal Advisor, Department of Legal Affairs, and the Co-Trainer, Ms. Maryanka Singh from the Capacity Building Commission. The support and presence of the Karmayogi Division team were also acknowledged for their valuable role in organizing and facilitating the programme.

VISITS TO THE INSTITUTE

- ❖ Students of Haldia Law College, (An Institute of ICARE) iCARE Complex Haldia, Poorva Medinipur visited the Institute on October 28, 2025.

- ❖ Students of Durgapur Institute of Legal Studies, City Centre, Phase - II, (Surya Sen Sarani), Durgapur West Bengal visited the Institute on November 13, 2025.
- ❖ Students of Durgapur George School of Law, 114 GT Road (West) Konnagar Hooghly, Kolkata visited the Institute on November 27, 2025.
- ❖ Kingston Law College, Berunanpukuria, PO Malikpur PSDuttapukur, Barasat, West Bengal visited the Institute on December 4, 2025.

RESEARCH PUBLICATIONS

Released Publications

- ❖ Journal of the Indian Law Institute Vol. 65(2) (April-June) 2025.
- ❖ ILI Newsletter Vol XXVII Issue II & III (July-September) 2025.

Forthcoming Publications

- ❖ Journal of the Indian Law Institute Vol. 65(4) (October-December) 2025.
- ❖ ILI Newsletter Vol. XXVIII, Issue I (January-March, 2026).

EXAMINATIONS

Award of Ph.D. Degree

The viva-voce/ open defense of thesis of Ms. Aishwarya Singh Kashyap was held on October 6, 2025. She has been awarded the Degree of Philosophy (Ph.D. in Law) on October 6, 2025.

The viva-voce/ open defense of thesis of Ms. Prabha Shree Sain was held on October 9, 2025. She has been awarded the Degree of Philosophy (Ph.D. in Law) on October 9, 2025.

LL.M. Programme

The LL.M. 1st Semester End Examinations for the LL.M. One-Year Programme for the academic session 2025-2026 were held from

December 9, 2025 to December 19, 2025.

PG Diploma Programme

The Supplementary Examinations for the PG Diploma Courses for the academic session 2024-2025 were held from September 29, 2025 to October 9, 2025.

The result of the Supplementary Examinations for the PG Diploma Courses for the academic session 2024-2025 was declared on October 28, 2025.

LIBRARY

- The Library added books on Human Rights, International Law, Intellectual Property Rights, Media Law, Criminal Law, and Constitutional Law to enrich its
- The theses of Aishwarya Singh Kashyap, Prabha Shree Sain Kaul, Gurmeet Nehra, and Hira Lal Nimbaa have been uploaded and are accessible through INFLIBNET-Shodhganga.

Awards

- Dr. Gunjan Jain, Assistant Librarian (S.S.) awarded with Digital Transformation Award for Library Innovation during International Conference “Transforming Libraries for Viksit Bharat 2047: Advancing Digital Innovation Services in Higher Education, Public and Community Libraries” organized by Swami Vivekanand Subharti University, Meerut on November 21 and November 22, 2025.

FORTHCOMING ACTIVITIES

Impact Summit - 2026:

- The Indian Law Institute, New Delhi shall organize, “Lectures and Seminar on AI National Impact: Teaching, Research, and Translation” structured series of scholarly programmes under the banner Pre-Summit Academic Activities for AI Impact Summit 2026” for the ‘India AI Mission’.

IQAC Lectures:

- Enhancing Research Excellence with ONOS Database, will be delivered by Ms. Renu Rana, Assistant Manager - Training and Analytics, Sage Publication Inc., on February 10, 2026.
- The Rise of Generative AI in Law in India, will be delivered on by Dr. Parikshet Sirohi, Assistant Professor (Senior Grade), Faculty of Law, University of Delhi on February 11, 2026.

LEGAL JOTTINGS

Courts must not grant relief beyond pleadings; litigants should not be placed in a worse position after approaching courts.

In an appeal challenging directions issued by the High Court of Kerala, the Supreme Court emphasised that courts must confine themselves to the issues raised in the pleadings and should not grant relief beyond what is sought by the parties. The Division Bench of Dipankar Datta and K.V. Viswanathan, JJ., observed that litigants should not be placed in a worse position merely because they approached the court seeking relief. The court noted that the high court had issued directions unrelated to the controversy before it, including ordering revision of licence fees and directing a vigilance inquiry. Such directions were held to be beyond the scope of judicial review. Accordingly, the impugned directions were set aside.

P. Radhakrishnan v. Cochin Devaswom Board (2025 SCC OnLine SC 2118)

President and Governor’s powers regarding assent to Bills not subject to judicially prescribed timelines.

In a Presidential Reference concerning the powers of the Governor and the President under Articles 200 and 201 of the Constitution, the Supreme Court held that courts cannot prescribe mandatory timelines for the exercise

of constitutional powers relating to assent to Bills. The Constitution Bench observed that although such powers must be exercised within a reasonable time, the judiciary cannot impose rigid deadlines not contemplated by the Constitution. Judicial review may still lie in cases of *mala fide* or unconstitutional conduct.

In Re: Powers of the Governor and President regarding Assent to Bills(2025 SCC On Line SC 2501).

Conviction cannot stand on evidence discredited in related prosecutions

In a curative petition arising from the Nithari killings cases, the Supreme Court acquitted the accused after finding that the conviction had been based on evidence already held unreliable in connected trials. The court emphasised that criminal convictions must rest on credible and legally admissible evidence. Sustaining a conviction on evidence previously disbelieved in related proceedings would violate the guarantees of fair trial and personal liberty under Article 21 of the Constitution.

Surendra Koli v. State of Uttar Pradesh, 2025(SCC OnLine SC 2384).

Divorced Muslim woman entitled to reclaim property and gifts received during marriage

Interpreting the Muslim Women (Protection of Rights on Divorce) Act, 1986, the Supreme Court held that a divorced Muslim woman is entitled to recover gifts, jewellery, and other property given to her at the time of marriage. The court observed that such property remains the exclusive property of the woman and cannot be retained by the husband or his family after divorce. The decision emphasised that the statute must be interpreted in a manner that protects the dignity and financial security of women.

Rousanara Begum v. SK Salahuddin(2025 SCC OnLine SC 2602)

Supreme Court directs sustainable mining framework for Aravali region

While addressing environmental concerns relating to mining activities in the Aravali Hills, the Supreme Court directed the Union Government to prepare a comprehensive sustainable mining plan. The court emphasised that unregulated mining had caused severe ecological damage and that environmental protection forms an integral component of the right to life under Article 21 of the Constitution. Until such a framework is finalised, no new mining leases were permitted in the region.

In Re: Issue relating to definition of Aravali Hills and Ranges(2025 SCC OnLine SC 2512)

LEGISLATIVE TRENDS

I. The Viksit Bharat Guarantee for Rozgar and Ajeevika Mission (Gramin) Act, 2025:

This enactment is one of the most significant laws of the quarter because it replaces the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 with a new statutory scheme. The Act increases the annual employment guarantee from 100 days to 125 days for eligible rural households willing to undertake unskilled manual work. At the same time, it reorients the framework toward the national vision of Viksit Bharat @2047 and introduces greater emphasis on planning, convergence, biometric authentication, and digital monitoring. The law therefore combines continuity in employment guarantee with substantial administrative and conceptual restructuring of rural welfare delivery.

II The Sustainable Harnessing and Advancement of Nuclear Energy for Transforming India Act, 2025:

This Act marks a major restructuring of India's nuclear law framework. It replaces both the Atomic Energy Act, 1962 and the Civil Liability for Nuclear Damage Act, 2010, thereby bringing the development, regulation, and liability aspects of the nuclear sector under

a new legislative framework. The law aims to support expansion in nuclear energy and radiation technologies while also establishing a more updated regulatory architecture. Its importance lies not only in legal consolidation but also in signalling a more ambitious approach to nuclear energy as part of India's long-term development strategy.

III. The Health Security and National Security Cess Act, 2025:

This Act introduced a cess on the production of specified goods, including pan masala, with the possibility of extending the cess to other notified goods. The Act ensures that the cess structure is detailed and calibrated, especially for machine-based production, where liability depends on rated machine speed and the quantity packed, while wholly manual production is subject to a fixed monthly levy. The law also contains provisions on self-assessment, returns, audits, recovery, penalties, and adjudication, giving it a complete fiscal-administrative framework rather than the character of a bare charging statute. In policy terms, the Act links indirect taxation with targeted funding objectives relating to public health and national security.

IV. The Manipur Goods and Services Tax (Second Amendment) Act, 2025:

This legislation replaced the Manipur Goods and Services Tax (Second Amendment) Ordinance, 2025 and brought the Manipur GST framework in line with recent changes made to the Central Goods and Services Tax Act, 2017. This amendment deals with matters such as unique identification marking for certain goods, revised rules regarding credit notes, exemptions for some warehoused goods in special economic zones and free trade warehousing zones, and procedural clarification in appeals involving penalties. Its significance lies less in headline reform and more in technical harmonisation, which is essential for maintaining consistency across GST regimes. Since Manipur was under President's Rule, Parliament legislated on this matter directly.

V. The Central Excise (Amendment) Act, 2025:

This Act amended the Central Excise Act, 1944, mainly in relation to duties on tobacco, tobacco products, and tobacco substitutes. While GST replaced excise duties for many goods in 2017, excise continues to apply to select categories, including tobacco products. The amendment therefore reflects the continuing relevance of central excise in limited but economically and socially significant sectors. It may also be viewed as part of a broader policy approach that uses tax law both for revenue purposes and for regulating the consumption of harmful products.

VI. The Sabka Bima Sabki Raksha (Amendment of Insurance Laws) Act, 2025:

This legislation substantially amends the Insurance Act, 1938, the Life Insurance Corporation Act, 1956, and the Insurance Regulatory and Development Authority Act, 1999. One of its most notable changes is the increase in the foreign direct investment limit in Indian insurance companies from 74% to 100% of paid-up equity capital. The law also gives greater regulatory flexibility to IRDAI and revises several governance-related thresholds and approval requirements. Overall, it represents a major liberalising measure intended to attract investment, expand the insurance sector, and strengthen the regulatory framework for insurance business in India.

FACULTY NEWS

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

- Chief Guest at the International Conference on Law and Technology Ethics, Regulation and Innovation, organised by IPEM Law Academy in collaboration with Uttara University, Dhaka and RV University, Bengaluru, December 12, 2025.
- Guest of Honour at the Valedictory Ceremony of the International Conference

on Role of Judiciary in Upholding Social, Economic and Political Justice, School of Law, Bennett University, November 25, 2025

- Chief Guest at the Inaugural Session of 12th Moot Court Competition, IMS Unison University, Dehradun, November 21, 2025.
- Distinguished Guest at the National Conference on Relevance of the Bhagavad Gita in the Indian Legal System organized by University of Delhi in collaboration with Dr. Shayma Prasad Mookerjee Research Foundation, November 13, 2025.
- Chief Guest at International Conference on Globally Changing Facets of Law: Dialogue between Multidisciplinary and Interdisciplinary Approach, Asian Law College, November 8, 2025.
- Guest of Honour at the Inaugural Session of 9th S.K. Puri Memorial Moot Court Competition, Law Centre-II, University of Delhi, November 7, 2025.
- Chief Guest at Inaugural Function of the Moot Court Competition, Amity University, Haryana, October 29, 2025.
- Chief Guest at Inaugural Function of the 8th Jamia Millia Islamia Intra-Faculty Moot Court Competition, October 29, 2025.
- Chief Guest at Inaugural Function of the 7th Research Colloquium on “Harmonising Doctrine and Data: Advancing Empiricism in Legal Scholarship”, IIT Kharagpur, October 23, 2025.
- Guest of Honour at Inaugural Session of JUSTITIA 5.0 at Gitarattan International Business School (GIBS), October 8, 2025.
- Delivered a session on Gita and Law at the National Conference on Relevance of the Bhagavad Gita in the Indian Legal System organized by University of Delhi in collaboration with Dr. Shayma Prasad Mookerjee Research Foundation, November 14, 2025.

- Delivered a session on Human Rights: An Overview in Training Program on Human Rights: Issues and Challenges for Judicial Officials, jointly organised by Indian Law Institute and National Human Rights Commission, November 1, 2025.

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

- Successfully completed a training programme on the Prevention of Sexual Harassment of Women at Workplace Act, 2013 (POSH Act), along with UGC and AICTE Regulations, organized for all stakeholders of Higher Educational Institutions (HEIs) on October 4, 2025.
- Delivered a session on “Human Rights of Vulnerable Groups: Issues and Challenges” during the two-day Training Programme for Judicial Officers on “Human Rights: Issues and Challenges”, jointly organized by the Indian Law Institute (ILI) and the National Human Rights Commission (NHRC) on November 2, 2025, at ILI.
- Coordinated Vigilance Awareness Week (October 27 – November 2, 2025) and organized a special lecture on “Corruption-Free India” on October 31, 2025.
- Coordinated Constitution Day on November 26, 2025, and organized an Extempore Constitution Debate Competition on the same day at the Indian Law Institute (ILI).

Dr. Parineet Kaur, Assistant Professor

- Release of Co-edited book titled “Modern Warfare and International Humanitarian Law: Evolving Challenges and Normative Developments” published by the Indian Society of International Law, New Delhi, October 2025.
- Release of Edited Book titled “Intellectual Property Laws and Space Laws: Emerging

Frontiers of Innovation and Regulation” published by the Indian Society of International Law, New Delhi, December 2025.

- Judged the 9th S.K. Puri Memorial International Moot Court Competition 'Justified 2025' organized by Law Centre II, Faculty of Law, University of Delhi, November 2025.
- Judged the VIPS 10th Moot Court Competition on International Law, 2025, November 2025.
- Judged the 24th Henry Dunant Memorial Moot Court Competition organized by ICRC and ISIL, November 2025.

Dr. Taniya Malik, Assistant Professor

- Published research article: “Forests in Flux: A Critical Examination of the Historical Evolution of Forest Laws and Policies in British and Post-British India,” International Journal of Public Law and Policy, Vol. 12, No. 1 (2026) (S C O P U S i n d e x e d) , D O I : 10.1504/IJPLAP.2026.150293.
- Published research article: “National Educational Policy 2020 and Beyond: Paving the Way for a More Inclusive Higher Education Landscape in India,” International Journal of Human Rights and Constitutional Studies, Vol. 12, No. 4 (2025) (Web of Science (ESCI) and U G C - C A R E i n d e x e d) . DoI: 10.1504/IJHRCS.2025.149274
- Academic engagement: Participated in Webinar Session 91, “Musing with Women for Water,” organised by WICCI Water Resources Council on November 17, 2025.

Dr. Rajesh Kumar, Assistant Professor

- Delivered a series of lectures under the Rashtraneeti initiative of the Government

of NCT of Delhi at several government schools, including GBMS (UM), Gali Bansi Koyle Wali, Ajmeri Gate; SKV Pataudi House; GGSS Lambi Gali; SKV Aram Bagh Lane; GBSSS Ramjas Lane, Karol Bagh; and GBSSS Dev Nagar, engaging students in discussions on civic awareness and constitutional values.

- Earlier, on November 4, 2025, he delivered a lecture titled “Defamation in the New Criminal Law and Balancing the Right to Free Speech” at the School of Law, CHRIST (Deemed to be University), Delhi NCR, Ghaziabad (U.P.), where he addressed contemporary developments in criminal law and the constitutional dimensions of free speech.

CASE COMMENTS

Courts on its own Motion In Re: Suicide Committed by Sushant Rohilla, Law Student of I.P. University (W.P.(CRL) 793/2017 & CRL.M.As.16639/2017, 8850/2024)

The present case arose from the suicide of a law student but evolved into a wider judicial inquiry into how higher educational institutions (HEIs) exercise disciplinary power. The High Court of Delhi judgment is notable not for what it punishes, but for what it reforms. While declining to attribute criminal liability for the suicide of a law student, the court employed its jurisdiction to address structural deficiencies in student grievance redressal and to question the proportionality of rigid attendance norms. On August 10, 2016, Sushant Rohilla, a student enrolled in the five-year B.A. LL.B. programme at Amity Law School, Delhi, which was then affiliated with Guru Gobind Singh Indraprastha University, died by suicide. The deceased had been detained from appearing in the 6th semester examination due to failure to meet the mandatory attendance requirement prescribed by the University and the Bar Council of India

(BCI). After the death of Rohilla, a letter was addressed to the Chief Justice of India which alleged mental harassment by faculty and institutional authorities. The Supreme Court took suo motu cognisance and transferred the matter to the High Court of Delhi. Parallel proceedings under Section 306 IPC culminated in a closure report, accepted for want of evidence of abetment.

There were three principal legal issues:

I. Whether the facts of the present case disclosed institutional or individual liability for the suicide of the deceased student.

II. Whether the absence or ineffectiveness of Grievance Redressal Committees (GRCs) in HEIs violates students' rights and warrants judicial intervention.

III. Whether mandatory attendance requirements in professional courses like law require reconsideration due to changing educational practices and student welfare concerns.

On the first issue, the court concurred with the findings of the ACJM that the materials on record did not establish instigation, mens rea, or a proximate causal link sufficient to attract liability under Section 306 IPC. The Court emphasised that while debarment due to attendance shortage may have caused distress, it could not, by itself, be construed as abetment to suicide in the absence of deliberate or targeted conduct.

The second issue assumed central importance in the court's reasoning. The court noted that, despite UGC regulations mandating the establishment of GRC, many institutions either lacked such bodies or maintained them only on paper. The absence of accessible, student-inclusive, and responsive grievance

mechanisms was found to undermine students' dignity and mental well-being.

The court held that educational institutions owe a duty of care to students, which includes providing effective institutional avenues to address academic and non-academic grievances. The court's directions, which they termed as "Sushant Rohilla Intervention", mandated the constitution of GRCs with student representation, confidentiality safeguards, counselling support, and inspections by universities and regulatory authorities.

The third issue marked a normative shift in the approach. The court questioned the continued relevance of strict mandatory attendance requirements in an era of hybrid learning, digital education, internships, and practical learning. The court also noted the change brought by the National Education Policy, 2020, and the UGC 2003 Regulations, namely, flexibility rather than rigidity. It was observed that attendance norms, when enforced mechanically through punitive measures such as debarment from examinations, may result in disproportionately harming students and contribute to stress, anxiety, and academic exclusion. NEP, 2020, does not even talk about the mandatory attendance requirement, making a compelling argument that the power of BCI of regulating legal education cannot be in contradiction with the vision of NEP, 2020. Rule 12 of the Legal Education Rules, 2008, which bars students from taking examinations, is contrary to the spirit of the NEP, 2020, and the 2003 UGC Regulations. Accordingly, the Court directed the BCI to re-evaluate attendance requirements for 3-year and 5-year LL.B. courses, including granting academic credit for moots, seminars, debates, court visits, and similar academic activities, after undertaking stakeholder consultations.

Pending such re-evaluation, the court prohibited the detention of students or the denial of taking examinations solely on grounds of attendance shortage. Law colleges were directed to adopt measures such as transparent weekly attendance disclosure, parental intimation, extra classes, assignments, and certified practical work to offset attendance shortages. Even if minimum attendance is not met, students cannot be barred from examinations, though limited grade reductions are permissible. The court further directed the BCI to facilitate equitable access to internships and set aside the BCI circular mandating biometric attendance and CCTV surveillance.

This case can be seen as a missed opportunity, where the court could have taken a more balanced approach between humanitarian concerns and the need to maintain mandatory attendance in legal education. While the court rightly highlighted the serious mental health impact of strict attendance rules such as, stress, anxiety, and fear caused by detention or debarment from examinations, but, it went to the other extreme by virtually diluting the mandatory nature of attendance.

Instead of doing away with the consequences of attendance requirements, the court could have adopted a middle path. A neutral solution would have been to reduce the minimum attendance percentage while still preserving attendance as an essential academic discipline. Such a framework would protect students' mental well-being while still upholding minimum academic standards essential for quality legal education.

V.K Ahuja

Yogendra Pal Singh v. Raghvendra Singh
Alias Prince
2025 INSC 1367

In this landmark judicial pronouncement, the apex court observed that “a young woman’s death within four months of marriage, accompanied by consistent evidence of dowry-related cruelty, triggers the statutory presumption of dowry death and requires the judiciary to respond firmly rather than show misplaced leniency”.

The factual matrix of the case reveals that the deceased woman had married the accused, and at the time of marriage her father allegedly provided substantial dowry in the form of cash, jewellery, and other articles. However, it was alleged that the husband and his family subsequently demanded additional dowry, as a result of which the woman was subjected to cruelty and harassment soon after the marriage. Within four months of the marriage, the woman died under suspicious circumstances after she was allegedly forcibly administered poison. Consequently, a First Information Report (FIR) was registered against the accused for offences punishable under Sections 498A, 304B, 328, and 120B of the Indian Penal Code, 1860 along with the relevant provisions of the Dowry Prohibition Act. The High Court of Allahabad granted bail to the accused husband. Aggrieved by the said order, the father of the deceased approached the Supreme Court by filing an appeal seeking cancellation of the bail granted to the accused. The Bench comprising Hon’ble Justice B. V. Nagarathna and Justice R. Mahadevan observed that dowry death is a grave social offence that cannot be treated with judicial leniency. The court emphasized that such offences strike at the “collective conscience of society”, and any misplaced sympathy or passivity on the part of courts may erode public confidence in the administration of justice. The court further held that the high court had failed to properly consider crucial material on record. It noted that the dying declarations made to the father and sister of the

deceased, the consistent testimony of relatives, and the post-mortem evidence suggesting restraint were significant factors indicating the commission of the offence. In view of these circumstances, the court concluded that the essential ingredients of Section 304B IPC were *prima facie* satisfied, thereby attracting the statutory presumption under Section 113B of the Indian Evidence Act.

The court also reiterated the settled principles governing the annulment of bail. It distinguished between cancellation of bail due to post-grant misconduct of the accused and setting aside or annulling a bail order because of legal infirmities in the original order. The court observed that a bail order may be termed “perverse” and liable to be set aside where it is passed without proper application of mind to relevant considerations such as the gravity of the offence, the nature of the allegations, and the strength of the evidence on record. In the present case, the death of the woman had occurred within four months of marriage under unnatural circumstances, allegedly due to poisoning. The court held that once the foundational ingredients of Section 304B IPC are established, the presumption under Section 113B of the Indian Evidence Act that the husband caused the dowry death becomes operative. The high court, however, failed to apply this statutory presumption while granting bail.

The Supreme Court therefore held that the high court’s order was perverse, as it relied on general principles of bail such as the proposition that “bail is the rule and jail is the exception” while overlooking the seriousness of a dowry death allegation and the evidentiary material available on record. Emphasizing the broader social dimension of such offences, the court observed that dowry death is not merely an individual crime but a crime against society,

and that misplaced judicial leniency in such heinous offences would erode public confidence in the criminal justice system.

The present case is an important ruling on bail jurisprudence in dowry-death cases. The Supreme Court cancelled the bail granted by the High Court of Allahabad to the accused husband and emphasized that courts must apply the statutory presumption under Section 113B of the Evidence Act when the ingredients of dowry death are *prima facie* established.

Arya A.Kumar.

Leayan Global Pvt. Ltd. v. Bata India Ltd.
FAO(OS) (COMM) 105/2019 & CM APPL.
22368/2019

(Decided on 15 December 2025)

The present case is a significant decision in Indian trademark jurisprudence that revisits the balance between proprietary trademark rights and the permissible limits of descriptive or competitive use under the Trade Marks Act, 1999. The dispute arose from Bata India Ltd.’s claim that Leayan Global Pvt. Ltd., part of the RSPL Group, had infringed its long-standing registered trademark “POWER” by marketing footwear under the mark “POWER FLEX.” The Division Bench of the Delhi High Court, comprising Mr. Justice C. Hari Shankar and Mr. Justice Om Prakash Shukla, upheld the interim injunction against Leayan and in doing so elaborated upon the principles governing distinctiveness, deceptive similarity, descriptive use, and statutory defences such as acquiescence and honest concurrent use.

Bata is a well-established footwear company in India and has owned registered trademarks for the mark “POWER” in respect of footwear since the 1970s. Over several decades, Bata developed considerable goodwill and reputation in the “POWER” brand, particularly in the sports and casual footwear segment.

Leayan Global, which markets leather footwear under its house mark “Red Chief,” began using the mark “POWER FLEX” around 2010–2011 in connection with certain lines of footwear. Bata initiated infringement proceedings in 2019, asserting that the use of “POWER FLEX” was deceptively similar to its registered trademark and likely to cause confusion among consumers. A Single Judge of the High Court of Delhi granted an interim injunction restraining Leayan from using “POWER FLEX,” though it permitted the disposal of existing stock and allowed limited use of the phrase “THE POWER OF REAL LEATHER” in advertising, subject to conditions. Both parties appealed aspects of this interim arrangement, leading to the Division Bench decision.

The court’s analysis centered on whether Bata’s registered mark “POWER” possessed sufficient distinctiveness to warrant protection against the use of “POWER FLEX.” While acknowledging that “power” is a commonly used English word, the court emphasised that the relevant inquiry is not whether the word is linguistically common but whether it is descriptive of the goods in question. The court concluded that the term “POWER” is not inherently descriptive of footwear and does not directly indicate quality, composition, or function of shoes. Rather, it was characterised as a suggestive mark capable of acquiring distinctiveness through prolonged and consistent commercial use. Evidence of Bata’s extensive marketing, sales records, and long-standing market presence convinced the court that the mark had acquired substantial goodwill and consumer association. This finding enabled Bata to claim exclusive rights over the mark under Section 17 of the Trade Marks Act.

In assessing the likelihood of confusion, the court applied the well-established principle that trademark similarity must be judged from the

perspective of an average consumer with imperfect recollection. It emphasised that the comparison must consider the overall impression created by the marks rather than undertaking a mechanical dissection of individual components. The court found that the dominant and essential feature of both marks was the word “POWER,” which appeared prominently in Leayan’s mark. The addition of the word “FLEX” was considered insufficient to distinguish the mark, particularly since it was viewed as a subordinate or descriptive addition. The court also rejected Leayan’s argument that its use of the mark alongside its house brand “Red Chief” eliminated confusion, observing that consumers frequently refer to sub-brands independently and may associate them with a particular source regardless of accompanying branding. The court further dismissed the contention that Bata’s mark was confined to sports footwear while Leayan’s products related primarily to leather footwear, holding that both fell within the broader category of footwear and could therefore compete in overlapping consumer markets.

A central feature of the case was Leayan’s reliance on statutory defences relating to descriptive use, particularly under Sections 30(2)(a) and 35 of the Trade Marks Act. The court examined whether “POWER FLEX” constituted a *bona fide* descriptive expression indicating the quality or characteristic of the footwear. In addressing this issue, the court explored the relationship between section 17, which defines the scope of exclusive rights conferred by trademark registration, and section 35, which protects *bona fide* descriptive or non-trademark use of words. The court effectively suggested that these provisions operate in a balancing relationship. It reasoned that if a term is found to possess distinctiveness and forms the dominant element of a registered trademark under section 17, the scope for

invoking descriptive use under section 35 is correspondingly limited. Applying this approach, the court concluded that “POWER FLEX” did not immediately describe any functional or qualitative aspect of leather footwear and was instead being used in a trademark sense. Consequently, the defence of descriptive use was rejected.

This reasoning, while pragmatic, raises interesting doctrinal questions. Traditional trademark jurisprudence tends to treat the evaluation of distinctiveness and the availability of descriptive use as separate inquiries. By linking them closely, the court arguably strengthened the protection afforded to established trademarks but also risked narrowing the legitimate scope of competitive descriptive usage. The court’s approach reflects an attempt to maintain a careful balance between protecting brand investment and preventing competitors from capitalising on established goodwill.

Leayan also invoked equitable defences such as delay, acquiescence, and honest concurrent use, arguing that Bata had been aware of its use of “POWER FLEX” for several years before initiating litigation. The court rejected these arguments, reiterating that mere delay does not extinguish trademark rights unless accompanied by clear and conscious acquiescence. The court found that Bata had actively opposed Leayan’s trademark application and initiated legal proceedings once it became aware of the competitive use. It further held that honest concurrent use is typically relevant to trademark registration proceedings rather than infringement actions, and that Leayan had failed to demonstrate substantial independent goodwill in the “POWER FLEX” mark.

With respect to the single judge’s decision to allow the sale of existing stock and limited

tagline usage, the Division Bench adopted a cautious yet pragmatic approach. While recognising the commercial realities of existing inventory, the court emphasised the need for safeguards to prevent consumer confusion. It allowed limited disposal of pre-existing stock subject to strict conditions and permitted the tagline only if the word “POWER” was not unduly emphasised or used in a manner that suggested brand identification. The decision ultimately reinforces several important principles of Indian trademark law. It affirms that even suggestive or semi-descriptive marks can achieve strong legal protection when they acquire distinctiveness through prolonged market use. It reiterates that courts will focus on the dominant component of a mark in determining deceptive similarity, and it clarifies that statutory defences such as descriptive use and acquiescence will be narrowly construed where a mark has established strong consumer association. At the same time, the judgment highlights the ongoing tension between exclusivity and fair competition, particularly in markets characterised by aggressive branding strategies.

Leayan Global Pvt. Ltd. v. Bata India Ltd. therefore stands as a significant precedent in contemporary Indian trademark law. It not only strengthens the enforceability of established brand elements but also contributes to the evolving jurisprudence on the relationship between trademark exclusivity and descriptive use. The case is likely to influence future disputes involving suggestive marks and composite branding, and it underscores the judiciary’s increasing willingness to protect long-standing trademarks against incremental or derivative variations that risk diluting brand identity.

Parineet Kaur

Mission Accessibility v. Union of India
2025 INSC 1376

In *Mission Accessibility v. Union of India*, the Supreme Court of India significantly strengthened the constitutional framework protecting the rights of persons with disabilities, particularly in the context of access to public examinations. The case arose from a writ petition filed by Mission Accessibility, an organisation advocating for disability rights, challenging certain procedural barriers in the Civil Services Examination conducted by the Union Public Service Commission (UPSC). The petitioner argued that rigid requirements relating to the registration of scribes and the lack of accessible digital examination infrastructure effectively excluded many candidates with disabilities from meaningful participation in the examination process.

The court, speaking through a Bench of Justices Vikram Nath and Sandeep Mehta, treated the petition not merely as a dispute over examination procedures but as a question implicating the constitutional guarantee of equality, dignity, and non-discrimination for persons with disabilities. The court observed that barriers in examination systems can operate as structural discrimination by denying equal opportunity to candidates who require assistive technologies or support mechanisms. It emphasised that the rights of persons with disabilities cannot be viewed as charitable concessions granted by the State; rather, they flow directly from the constitutional commitment to equality and dignity embodied in Articles 14, 19, and 21 of the Constitution.

The immediate grievance concerned the UPSC's requirement that candidates with disabilities must specify the name of their scribe at the time of submitting the application form, with little scope for modification thereafter. The petitioner argued that this

requirement was impractical and discriminatory, since candidates often face difficulties in identifying or confirming the availability of a scribe months before the examination. Additionally, the absence of standardized protocols for screen-reader software and accessible digital question papers created further obstacles for candidates with visual impairments and other disabilities.

Recognizing these concerns, the court held that examination procedures must accommodate the varied and evolving needs of persons with disabilities. It directed the UPSC to modify its policies to permit candidates to change or update the name of their scribe within a reasonable period prior to the examination. This direction was intended to ensure that administrative procedures do not undermine the principle of equal opportunity guaranteed under the Constitution and the Rights of Persons with Disabilities Act, 2016.

Beyond this specific relief, the court issued broader directions to improve accessibility in public examinations. The UPSC was instructed to develop uniform guidelines for the use of assistive technologies, including screen-reader software, in coordination with the Department of Empowerment of Persons with Disabilities and specialized institutions such as the National Institute for the Empowerment of Persons with Visual Disabilities. The objective was to standardize the use of digital accessibility tools while maintaining the integrity and security of the examination process.

The judgment thus emphasizes the constitutional doctrine of reasonable accommodation, which requires institutions to adapt their practices so that persons with disabilities can participate on an equal basis with others. The court reiterated that

accessibility is not merely a technical matter but a fundamental element of substantive equality. In this respect, the decision builds upon earlier disability rights jurisprudence such as *Rajive Raturi v. Union of India* (2024 INSC 858), which recognised the State's duty to remove structural barriers faced by persons with disabilities in accessing public infrastructure and services.

Importantly, the court framed accessibility as an aspect of the right to live with dignity under Article 21. By linking digital and procedural accessibility in public examinations with constitutional guarantees of equality and dignity, the court expanded the normative reach of disability rights jurisprudence. The judgment acknowledges that modern governance and employment systems increasingly rely on digital platforms and standardized tests; therefore, exclusion from these processes can effectively deny persons with disabilities their right to equal participation in public life.

The court also highlighted that implementing progressive policies is insufficient unless they are effectively enforced. It observed that the true measure of an inclusive society lies not merely in adopting disability-friendly laws but in ensuring their faithful implementation across institutions and administrative processes. In this context, the court called upon public authorities to treat accessibility as a legal obligation rather than a discretionary welfare measure.

The decision in Mission Accessibility therefore represents a significant step in the evolution of India's constitutional jurisprudence on disability rights. By directing structural reforms in examination procedures and emphasizing the duty of institutions to adopt assistive technologies, the court reinforced the

principle that equality must be substantive and inclusive. The judgment recognizes that procedural barriers can be as exclusionary as explicit discrimination and that constitutional guarantees require proactive steps to dismantle such barriers.

Ultimately, the case underscores a broader constitutional vision: that public institutions must be designed to include, rather than exclude, persons with disabilities. In doing so, the Supreme Court reaffirmed that the promise of equality under the Constitution cannot be realized unless accessibility becomes an integral part of governance and public administration. Through this judgment, the court not only addressed the immediate concerns of disabled aspirants in the civil services examination but also reaffirmed the constitutional commitment to an inclusive society in which every individual, regardless of disability, can participate fully and with dignity in public life.

Taniya Malik
Surendra Koli v. State of Uttar Pradesh
2025 INSC 1308

The present case is a Criminal Curative Petition arising from the conviction and death penalty, which was commuted to imprisonment for life, based on the trial and conviction of the year 2009, and is one of the famous cases in the history of criminal trials in India. The judgment was delivered on November 11, 2025, by a bench consisting of Chief Justice of India B.R. Gavai, Justice Surya Kant, and Justice Vikram Nath.

The petitioner, Surendra Koli, was a domestic help working at Moninder Singh Pandher's residence in Nithari, Sector 31, Noida. Moninder Singh was also the co-accused. In 2005, the area started reporting multiple cases of disappearances of women and children. FIRs were registered, and in 2006, the

police started investigating the cases, which led to the discovery of multiple human remains, including skulls and bones, and personal items of the victims near the residence in the storm drainage. In 2007, the matter was then transferred to CBI for further investigation, which led to the forensic examination of the remains by the All India Institute of Medical Sciences and the Central Forensic Science Laboratory, concluding that some of the remains belonged to Rimpa Halder, a 15-year-old girl, who went missing on February 8, 2005, she was identified by her mother, by her chunni and bra among recovered items and later DNA testing matched the remains her parents and brother, 12 other cases followed this. On March 1, 2007, a confessional statement was recorded under Section 164, Code of Criminal Procedure, 1973, where the details of the luring, strangling, assaulting, dismembering, and disposing of her body were recorded; further the recoveries of bones, clothing, and a knife from the house and drains under Section 27 of the Evidence Act, 1872 were done.

The trial court convicted Koli in 2009 under Sections 302, 364, 376, and 201 IPC, imposing death; the high court affirmed in 2009, acquitting co-accused Moninder Singh. The Supreme Court also upheld the conviction and death sentence on February 15, 2011, deeming the confessional statement to be voluntary and recoveries as corroborative; the review application was dismissed in 2014, and the death sentence was commuted to life imprisonment by the high court in 2015. In 12 companion cases, the High Court of Allahabad acquitted Koli on October 16, 2023, holding the evidence inadmissible; the Supreme Court affirmed on July 30, 2025. Aggrieved by the decision, Koli filed a curative petition in the present case.

The 2025 judgment represented a landmark

departure by the Supreme Court, which ruled that a ‘manifest miscarriage of justice’ had occurred in the 2011 conviction of Surendra Koli. The court organises its reasoning in two stages: Stage one, it clarifies the doctrine of curative petition and when such curative power may be exercised; the power remains limited and exceptional; it is not meant for an appellate re-examination of facts or evidence. It is triggered after review to protect the integrity of the adjudicatory process and uphold the rule of law against persistent fundamental defects. The key test examines whether the prior decision shocks the judicial conscience due to procedural flaws or grave injustice. Notably, this includes explicitly recognising that ‘irreconcilably inconsistent’ outcomes based on identical facts and evidence constitute such defects this grounded in Articles 14 (equality) and 21 (due process). This doctrine ensures that similar cases are treated alike through fair procedures. When this parity is compromised, intervention is required *ex debito justitiae*, a constitutional obligation rather than a discretionary act. This approach refines the precedent set in Rupa Ashok Hurra, balancing the principle of finality with the necessity to correct systemic inconsistencies.

The second stage applies this doctrine to the specific facts of the case. The court conducted a detailed analysis of several core points of contention, where it was found that the previous legal conclusions were structurally and legally wrong. Starting with the first issue, the court, while rejecting the confession, which was the cornerstone for conviction, noted the following reasons: Koli had been in continuous police custody for approximately sixty days with no meaningful legal aid was provided, and even the Magistrate recording the statement failed to express the ‘clear, unqualified satisfaction’ regarding the voluntariness, the environment was compromised because of the presence of

the investigating officer. Also, the confession itself repeatedly refers to ‘tutoring’ and ‘prior coercion’, which the court ruled attracted the bar under Section 24 of the Evidence Act, rendering the statement inadmissible.

The second issue was the admissibility of discoveries of the human remains and the knife under Section 27 of the Evidence Act, 1872, as the evidence that excavation had already begun, the general public was already aware of it. The human remains were in the drain, even before Koli led them there. There was a lack of exclusive possession of an open strip and a public drain; there was no exclusive domain, which negated the essential legal element of a ‘discovery’. The court also highlighted documentary infirmities, namely the absence of a contemporaneous disclosure memo from the prosecution, and suggested joint disclosure, which contradicted the later claim that Koli alone provided the information. The third issue was the evaluation of forensic and DNA evidence, which was instrumental in identifying the victims. Still, it did not link the accused with homicide, as expert teams found no human biological traces inside the house, and even recovered knives and axe bore no human traces. Fourthly, the court critiqued the investigation due to procedural lapses, such as not securing the crime scene, not securing timely medical documentation for Koli during his prolonged custody, ignoring the flagged leads, such as the ‘organ-trade angle’, and not adequately examining the witnesses of the neighbourhood.

The Supreme Court’s judgment deserves high appreciation for its doctrinal brilliance and commitment to justice. By expanding curative jurisdiction under *Rupa Ashok Hurra* to explicitly cover ‘irreconcilably inconsistent’ outcomes on identical evidence, which is anchored in Articles 14 and 21, it transforms a

narrow remedy into a robust constitutional safeguard against arbitrary divergence. The *ex debito justitiae* intervention upholds equality and due process without eroding finality, while exposing evidentiary frailties in confessions, discoveries, and forensics. In a death penalty context, it prioritises proof over suspicion, fortifying public trust in the rule of law and setting enduring standards for India’s criminal justice system. It raises bars for confessions, discoveries, forensics and probes, and it critiques agencies, urging SOP reforms, and nullifies related mercy pleas. In capital jurisprudence, it insists proof trumps suspicion, fortifying rule-of-law confidence. For legal practice, especially in India, it guides Magistrates, investigators, and courts toward evidentiary rigour, preventing ‘ossified error’.

Ridhima Dikshit

***State of Himachal Pradesh v. OASYS
Cybernetics Pvt. Ltd.***
2025 INSC 1355

The Supreme Court’s decision in *State of Himachal Pradesh v. OASYS Cybernetics Pvt. Ltd.* reaffirms established principles governing public procurement, particularly the legal character of Letters of Intent (LoI) and the limits of judicial review in contractual matters. The court was primarily concerned with determining whether the LoI issued to the respondent company created enforceable contractual rights and whether its subsequent cancellation was arbitrary or violative of constitutional norms.

The court adopted a consistent approach in holding that an LoI, unless followed by unconditional acceptance and fulfilment of stipulated preconditions, does not culminate in a binding contract. By relying upon precedents such as *Dresser Rand S.A v. Bindal Agro Chem Ltd.* (2006 INSC 20) and *Rajasthan Co-*

Operative Dairy Federation Ltd. v. Maha Laxmi Mingrate Marketing Service Pvt. Ltd (1996) INSC 1152, the court reinforced the distinction between commercial expectation and legal entitlement. This reasoning strengthens contractual discipline in public procurement. It prevents premature judicial enforcement of tentative governmental decisions. Further, the judgment correctly situates State contractual discretion within Article 14 scrutiny, thereby maintaining the constitutional balance between administrative flexibility and protection against arbitrariness.

The court's appraisal of the cancellation decision is equally significant. While acknowledging that the cancellation letter lacked explicit reasons, the court examined contemporaneous administrative records to assess substantive justification. The acceptance of non-compliance with LoI preconditions as a valid ground reflects pragmatic governance considerations. It recognises technological compatibility and public welfare objectives within procurement decisions. Additionally, the direction to compensate the respondent on a quantum meruit basis introduces an equitable dimension. It protects private investment while preserving governmental autonomy. However, certain lacunae remain. First, the

court's willingness to validate an unreasoned administrative order by relying on internal records may dilute the constitutional requirement of transparency in State action. Public procurement jurisprudence increasingly emphasises reasoned decision-making as a safeguard against arbitrariness. The judgment arguably weakens this procedural standard. Second, the court's dismissal of legitimate expectation appears somewhat formalistic. Considering the State's extended involvement and its encouragement of performance, a more refined proportionality assessment could have been carried out. Third, the judgment prioritises administrative efficiency over bidder confidence. Such an approach may discourage private participation in long-term welfare infrastructure projects.

Further, the court's critique of the high court for not remanding the matter appears contradictory, since it ultimately avoided remand due to delay. This pragmatic departure, though justified in public interest, introduces doctrinal inconsistency. Overall, the judgment provides doctrinal clarity on the non-binding nature of LoIs and reinforces restrained judicial review in tender disputes.

Rajesh Kumar