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THE CCJC EXPRESS

MONTHLY NEWSLETTER OF THE CIVIL AND CRIMINAL JUSTICE CELL, NLIU

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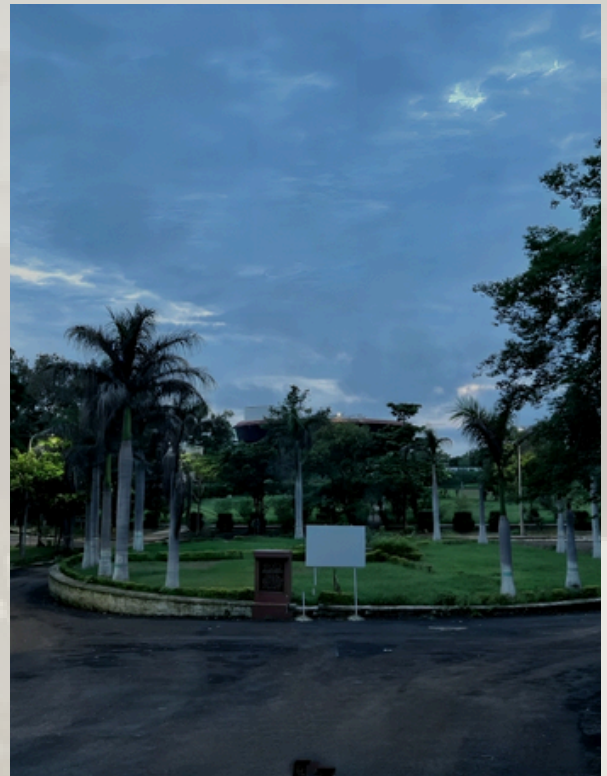
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TN GOVT MOVES SC OVER STAY ON LAW CURBING GOVERNOR'S VC APPOINTMENT POWERS

In a significant move, the Tamil Nadu government has taken its fight to the Supreme Court, questioning a Madras High Court order that put a temporary hold on its new law stripping the Governor of the authority to appoint Vice Chancellors to state universities. This legal tussle stems from recent Supreme Court guidance that clarified the Governor's role in such administrative matters. The state government argues that the High Court's stay was hastily granted during vacation without adequate urgency, and notably, without giving the state a fair chance to respond. They also point out that the petition was entertained even though a related transfer plea was already before the Chief Justice of India, highlighting procedural irregularities. Background to this dispute reveals a long-standing standoff. The Governor had stalled or withheld assent for multiple Bills, from those amending university laws to reforms in veterinary, law, and agricultural universities. Even after the Assembly re-enacted ten such Bills, the Governor again forwarded them for Presidential review, which the Supreme Court later declared improper. As a result, the state officially notified these laws, only to have them quickly challenged in the High Court.

Most recently, an advocate approached the court, targeting nine of these new Acts, specifically focusing on the shift in power over Vice Chancellor appointments from the Governor to the government. The matter remains a flashpoint in the ongoing debate over federalism, constitutional procedure, and the boundaries of gubernatorial power in Tamil Nadu's higher education system.



Case Law: *Ranjit Sarkar v Ravi Ganesh Bhardwaj* (2025) INSC 415.

Read More:

1. <https://www.livelaw.in/top-stories/supreme-court-tn-amendment-governor-vc-appointment-power-stay-294184>
2. <https://www.thehindu.com/news/national/tamil-nadu/tamil-nadu-moves-supreme-court-against-madras-high-courts-stay-on-vice-chancellor-appointment-laws/article69654107.ece>



SC ALLOWS DISABLED RAPE SURVIVOR TO GET TREATMENT AT AIIMS

In a compassionate intervention, the Supreme Court recently directed urgent medical support for a physically challenged woman who was the survivor of a horrific gangrape. The Court instructed that she be provided with immediate care at AIIMS, New Delhi, or any hospital suited for her particular needs, emphasizing the need for swift and effective relief. This order came as part of a writ petition focused on securing her right to adequate and free medical treatment, following a sequence of traumatic events.

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The petitioner, grappling with permanent disabilities due to earlier burn injuries, faced further violence when a cab driver—who was supposed to help her commute for treatment—stalked and subsequently raped her, with allegations of ongoing abuse and illegal confinement. Thanks to the intervention of a local One Stop Centre, she was rescued, with criminal proceedings swiftly initiated. The accused was convicted and sentenced to 10 years' imprisonment, but the case is now under appeal in the Punjab and Haryana High Court. The woman is now seeking her rights under the Punjab Victim Compensation Scheme, 2017, not only for maximum compensation but also for regular financial and rehabilitative assistance, given her sustained trauma and the high costs of continuous care in Delhi. She has called upon the Delhi Legal Services Authority for support, highlighting the urgent need for a holistic approach to rehabilitation—covering health, nutrition, and shelter.

Importantly, her petition draws attention to broader issues under the Rights of Persons with Disabilities Act, 2016, criticizing the lack of specific accommodations during investigation and trial. The Act protects the dignity, equality, and justice for people with disabilities, making this case a powerful reminder of the gaps that still persist, and the urgent moral and legal responsibility to ensure survivors receive not just justice, but genuine care and dignity throughout their recovery.

Case Law: XYZ v UNION OF INDIA & ANR Writ Petition(s)(Criminal) No(s) 224/2025.

Read more:

1. <https://www.livelaw.in/top-stories/supreme-court-allows-disabled-rape-survivor-to-seek-medical-care-from-aiims-294060>
2. <https://www.newindianexpress.com/nation/2025/May/25/supreme-court-directs-urgent-medical-care-for-paralysed-rape-survivor>



SC QUASHES FIR AGAINST STANDARD CHARTERED IN SHARE ESCROW DISPUTE

Addressing the 'misuse' of criminal law in commercial disputes, the Supreme Court quashed the FIR registered against Standard Chartered Bank and Starship Equity Holding Ltd in a case tied to a share escrow agreement. The Court called the criminal case a clear "gross abuse of the process of law," strongly emphasizing that criminal proceedings should not be used as a strategy after setbacks in civil litigation. The saga began with a 2007 escrow agreement involving the transfer of over 13,000 shares of Tamil Nadu Mercantile Bank for around ₹32.5 crore. The seller, Vector, willingly executed the deal, transferred the shares, and received the agreed sum. Several years later, after the value of the shares skyrocketed and legal attempts to revoke the agreement failed in the Bombay High Court, Vector switched tactics and lodged a criminal complaint, alleging serious offences such as cheating and criminal breach of trust. The FIR, filed in 2016—almost a decade after the original transaction—resulted in police seizure of the share certificates. Despite repeated losses in civil court, Vector sought to reframe the matter as a criminal case. When the Karnataka High Court refused to step in, Standard Chartered Bank turned to the Supreme Court. The top court disagreed with the High Court's hesitance, asserting that Section 482 of the CrPC should have been used to end proceedings that amounted to judicial harassment. Noting the absence of any evidence suggesting criminal intent and highlighting the completed and acknowledged nature of the transaction, the Supreme Court concluded that permitting the criminal case to continue would be a misuse of the legal process. This ruling serves as a pointed reminder that civil grievances must not be repackaged as criminal cases simply because the results in civil court are unsatisfactory—a win for procedural fairness and the integrity of commercial litigation.

Case Law: Standard Chartered Bank v State of Karnataka and others, Starship Equity Holding Ltd v State of Karnataka and othes 2025 LiveLaw (SC) 661.

Read more:

1. <https://www.livelaw.in/top-stories/supreme-court-quashes-fir-against-standard-chartered-bank-over-share-escrow-agreement-dispute-294057>

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SC ASKS BOMBAY HC CJ TO ADDRESS PENDENCY IN LANDLORD-TENANT CASES

The Supreme Court has turned a spotlight on the persistent delays plaguing landlord-tenant disputes in Maharashtra, urging a proactive response from the Bombay High Court's Chief Justice. In a recent order, the justices requested that a comprehensive report be gathered from lower courts detailing how long such cases have been pending. If widespread sluggishness is identified, the Supreme Court expects prompt corrective measures to ensure speedier resolution. This intervention comes from a case involving Hindustan Organic Chemicals Ltd (HOCL) and the long-standing occupation of 'Harchandrai House' in Mumbai, where litigation over rent and mesne profits dragged on for more than 25 years. The Court highlighted the impact of such delays: both landlords and tenants lose out—landlords on property income and tenants on stability—when the legal process drags for decades. Although the Supreme Court largely upheld a previous High Court ruling, it lowered the interest rate on due payments from 8% to 6% and gave HOCL three months to pay the arrears to the landlord. Importantly, the judgment does not just resolve the individual case. The Supreme Court expressed clear frustration that such matters should not take a quarter of a century to conclude, and recognized that delays could sometimes be due to litigants, but often involve inefficiencies within the courts themselves. By calling for structural reform and oversight, the Court's order is a call to action for the judiciary to tackle this long-standing bottleneck, so that parties can obtain timely justice and not wait decades for the monetary returns or possession that rightfully belong to them.

Case law: MOHIT SURESH HARCHANDRAI v. HINDUSTAN ORGANIC CHEMICALS LIMITED 2025 LiveLaw (SC) 663.

Read more:

1. <https://www.livelaw.in/top-stories/supreme-court-asks-bombay-high-court-to-look-into-pendency-of-landlord-tenant-disputes-294261>
2. <https://timesofindia.indiatimes.com/city/mumbai/sc-asks-hc-to-look-for-status-on-landlord-tenant-case-pendency/articleshow/121656513.cms>



SC: UNREGISTERED SALE AGREEMENT GIVES NO TITLE OR PROTECTION FROM DISPOSSESSION

The Supreme Court has ruled that an unregistered sale agreement, even if followed by subsequent instruments or purported validations, does not confer a valid title to immovable property and cannot be the basis for claiming protection from dispossession. A bench of Justices Sudhanshu Dhulia and K Vinod Chandran delivered this decision in Mahnoor Fatima Imran & Ors v M/s Visweswara Infrastructure Pvt Ltd & Ors [2025 LiveLaw (SC) 679; 2025 INSC 646], arising from a decades-long dispute over 53 acres of land in Telangana. The respondents claimed ownership under a 1982 sale agreement executed by the General Power of Attorney holder of the original landowners in favour of M/s Bhavana Cooperative Housing Society. The land, however, had already vested with the State in 1975 under the Andhra Pradesh Land Reforms Act, 1973, making private transfer legally impossible. The 1982 agreement, a compulsorily registrable document under the Registration Act, 1908, was never registered. Years later, an alleged "revalidation" in 2006 sought to revive the transaction without curing its original defect. The appellants, legal heirs of the original landowners, challenged a Telangana High Court Division Bench order restraining the Telangana State Industrial Infrastructure Corporation (TSIIC) from dispossessing the respondents. Restoring the High Court's Single Bench decision, the Supreme Court held that title based on such an unregistered instrument is prima facie

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suspect and cannot ground a claim of rightful possession. The Court placed reliance on *Suraj Lamp & Industries Pvt Ltd v State of Haryana* (2012) 1 SCC 656, reaffirming that immovable property can only be legally transferred by a registered deed of conveyance. The judgment also exposed discrepancies between two versions of the purported 1982 agreement, including changes in land extent, consideration amounts, cheque numbers, and payment terms, indicating manipulation to circumvent legal requirements. The Court stressed that statutory vesting under land reform laws is inviolable and that private parties cannot create valid titles to such land through unregistered transactions. This ruling reaffirms the principle that courts can take decisive action based on un rebutted pre-trial testimony to ensure that all responsible individuals are held accountable and brought to justice.

Rejecting the respondents' plea for writ protection, the Court underscored that extraordinary constitutional remedies under Article 226 are not meant to protect possession unsupported by valid title, especially when tainted by statutory violations or fraud. Interim status quo orders, it said, cannot establish actual possession in law. The decision has significant implications for property transactions, reinforcing the purpose of the Registration Act in providing orderliness, public notice, and certainty in ownership. It sends a clear message that "GPA sales" and other informal arrangements cannot replace the statutory requirements for transfer of immovable property. For land reform enforcement, the ruling strengthens State authority to reclaim vested lands free from private encumbrances created in defiance of law. By rejecting attempts to validate fundamentally defective transactions, the Supreme Court has fortified the legal safeguards against land fraud and reaffirmed that due process in property transfers is essential for protecting both public interest and genuine ownership claims.

Case Law: *Mahnoor Fatima Imran and Ors v M/s Visweswara Infrastructure Pvt Ltd and Ors* 2025 INSC 646.

Read more

1. <https://www.theedulaw.in/content/judgements/132/Supreme-Court-Case-Analysis:-Unregistered-Sale-Agreements-Cannot-Confer-Valid-Title>
2. <https://www.livlaw.in/supreme-court/unregistered-sale-agreement-doesnt-confer-title-cannot-give-protection-from-dispossession-supreme-court-294705>

SUMAN SC: HCS CAN'T USE SUO MOTU POWERS TO ENHANCE SENTENCE IN ACCUSED'S APPEAL BITE NOT A WEAPON UNDER SECTION 324 IPC

The Supreme Court has held that a High Court cannot, on its own, enhance a sentence while hearing an appeal filed by a convict against conviction. The ruling underscores that revisional powers under Section 401 of the Code of Criminal Procedure, 1973 (now Section 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023) cannot be exercised suo motu when neither the State nor the complainant has sought enhancement of the sentence.

A bench of Justice BV Nagarathna and Justice Satish Chandra Sharma delivered this ruling while allowing the appeal in *Nagarajan v State of Tamil Nadu* (2025 LiveLaw (SC) 672). The case arose from a 2003 incident in which the appellant was accused of outraging the modesty of a woman, who later died by suicide along with her infant daughter. The trial court acquitted him under Section 306 IPC (abetment of suicide) but convicted him under Sections 354 and 448 IPC, sentencing him to three years' imprisonment. Aggrieved, the appellant filed an appeal in the Madras High Court. During the proceedings, however, the High Court registered a suo motu criminal revision petition, and ultimately convicted the appellant under Section 306 IPC, sentencing him to five years' rigorous imprisonment. The court reasoned that it had the inherent power to exercise suo motu revisional jurisdiction. The Supreme Court strongly disagreed. Authoring the judgment, Justice Nagarathna observed: "In an appeal filed by the accused seeking setting aside of conviction and sentence, the High Court cannot exercise its revisional powers and, while affirming the conviction, enhance the sentence when no appeal has been filed by the State, victim or complainant." The Court stressed that an appellate court cannot act as a revisional court in such circumstances. Referring to Section 401(4) CrPC, it noted that when an appeal lies but has not been filed by the party entitled to do so, no revision can be entertained. Extending this principle, the Court held that revisional powers cannot be invoked to convert an acquittal into a conviction, nor can they be used to enhance the sentence in an appeal filed solely by the accused. Reinforcing the doctrine of no reformatio in peius (an appellant should not be left worse off for filing an appeal), the bench stated: "No appellant by filing an appeal can be worse-off than what he was. That is exactly what we are reiterating."

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The Court set aside the conviction under Section 306 IPC imposed by the High Court, restoring the trial court's original findings under Sections 354 and 448 IPC. It directed the appellant to serve the remainder of the sentence imposed by the trial court. By clarifying the limits of revisional powers, the judgment ensures that the right of appeal remains a safeguard for the accused, rather than a risk of harsher punishment, unless the State or complainant has independently sought such enhancement.

The bench ruled that the promise to perform religious marriage rites, if unfulfilled, may at most constitute a breach of promise, but does not amount to rape, especially since the marital status was never misrepresented. Holding that no offence of rape or cheating was made out, the Court quashed the FIR.

Case Law: Nagarajan v State of Tamil Nadu 2025 SCC OnLine SC 1302.

Read More:

1. <https://www.livelaw.in/top-stories/high-court-cannot-exercise-suo-motu-revision-power-to-enhance-sentence-in-convicts-appeal-supreme-court-294532>
2. <https://www.scobserver.in/supreme-court-observer-law-reports-scolr/nagarajan-v-state-of-tamil-nadu-appellate-court-cannot-enhance-sentence>

S C: RIGHT TO DO BUSINESS INCLUDES RIGHT TO CLOSE IT, WITH REASONABLE RESTRICTIONS

The Supreme Court has reaffirmed that the right under Article 19(1)(g) of the Constitution to carry on trade or business includes the right to shut down that business, but this right is subject to reasonable restrictions, especially those aimed at protecting workers and ensuring compliance with statutory procedures. This ruling came in a judgment delivered by Justices Sanjay Karol and Prashant Kumar Mishra in appeals filed by Harinagar Sugar Mills Ltd. (Biscuit Division) against orders of the Bombay High Court which had upheld restraints on the closure of its biscuit manufacturing unit.

Harinagar Sugar Mills Ltd. (HSML) had for over three decades operated its biscuit division exclusively for Britannia Industries Ltd. (BIL) under Job Work Agreements. In May 2019, BIL terminated the agreement, prompting HSML to apply for closure under Section 25-O of the Industrial Disputes Act, 1947. The application, filed on 28 August 2019, was rejected as incomplete by the Maharashtra Government's Deputy Secretary, who demanded resubmission. Despite providing additional information, HSML's application remained pending, and in the meantime, workers' unions obtained orders restraining the closure. The Bombay High Court dismissed HSML's petitions, holding that the application was incomplete and the deemed closure provision did not apply. Dissatisfied, HSML approached the Supreme Court. The Court held that the closure application dated 28 August 2019 was complete in all respects and that the statutory 60-day period for deemed closure had expired in October 2019, thereby permitting closure. It found that the Deputy Secretary was not the appropriate authority under the Act and that the Minister, who alone was competent, had failed to consider the application independently. This unlawful delegation rendered the Deputy Secretary's communications invalid. The Court also noted that HSML had compelling reasons for closure, given its complete dependence on BIL for work, and lack of alternative business avenues. The bench reaffirmed that the right to close a business is an essential part of the right to carry on business under Article 19(1)(g), as recognised in *Excel Wear v Union of India* (1978), though it is subject to reasonable restrictions under Article 19(6). Citing *Orissa Textile and Steel v State of Orissa* (2002), the Court

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reiterated that the statutory scheme under Section 25-O, which requires employers to obtain prior permission for closure, is a reasonable restriction in the public interest. The judgment stressed that while an employer has the right to close a business, this must be done in accordance with the procedures laid out in the Industrial Disputes Act to ensure fairness and protection of workers' rights. Setting aside the High Court's orders, the Supreme Court held that HSML's application was deemed approved as of 22 October 2019. It ordered that compensation already paid to employees would not be recoverable. Acknowledging HSML's efforts, the Court enhanced compensation to workers by ₹15 crores, to be disbursed within eight weeks.

Citation: Harinagar Sugar Mills Ltd (Biscuit Division) and Anr v State of Maharashtra and Ors
2025 INSC 801.

Read more

1. <https://www.scconline.com/blog/post/2025/06/11/right-to-close-business-protected-under-art-191g-sc>
2. <https://www.livelaw.in/supreme-court/right-under-article-191g-to-carry-on-business-under-also-includes-right-to-shut-down-business-supreme-court-294548>

S C: NARCO TEST ONLY VOLUNTARY, NOT ABSOLUTE RIGHT AND MUST BE TIMED APPROPRIATELY

The Supreme Court, in *Amlash Kumar v State of Bihar* [2025 LiveLaw (SC) 674], has held that while an accused may voluntarily undergo a narco-analysis test, this can only be permitted at the appropriate stage of trial—when the accused is exercising the right to lead defence evidence—and even then, it is not an indefeasible right. The bench of Justices Sanjay Karol and Prasanna B Varale clarified that any application for such a test must be considered by the concerned court in light of the totality of circumstances, ensuring free consent, appropriate safeguards, and adherence to legal protections. The case arose from an FIR lodged on 24 August 2022 alleging dowry harassment, disappearance, and death of the appellant's wife, under Sections 498A, 364, and 506 IPC.

While hearing the appellant's regular bail plea, the Patna High Court accepted the investigating officer's submission that narco-analysis tests would be conducted on all accused persons, and rejected bail. The appellant challenged this before the Supreme Court, contending that such direction violated the ruling in *Selvi v State of Karnataka* (2010) 7 SCC 263, which held that involuntary scientific techniques such as narco-analysis infringe Articles 20(3) and 21 of the Constitution.



Framing three questions—whether the High Court could accept the submission for such a test in bail proceedings; whether a voluntary narco-analysis report can be the sole basis for conviction; and whether the accused has an indefeasible right to such a test—the Court appointed Senior Advocate Gaurav Agarwal as *amicus curiae*. On the first question, the Court answered in the negative, holding that the High Court erred in accepting the proposal for narco-analysis during bail consideration. The bench stressed that bail proceedings under Section 439 CrPC are limited to assessing the allegations, custody, nature of evidence, and potential influence on witnesses, and cannot become a forum for authorising invasive investigative techniques. Forced narco-analysis, the Court reiterated, is impermissible and any report or information obtained thereby is inadmissible except as per Section 27 of the Evidence Act.

On the second question, the Court held that even if voluntarily undertaken with safeguards, the results of a narco-analysis test cannot form the sole basis for conviction. Only information discovered as a consequence, and corroborated by independent evidence, can be admissible under Section 27.

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On the third, the Court rejected the view of the Rajasthan High Court in *Sunil Bhatt v State* that an accused has a statutory right to seek such a test under Section 233 CrPC. The Supreme Court held that undergoing narco-analysis is not part of the indefeasible right to lead defence evidence due to its suspect reliability and the constitutional concerns identified in *Selvi*.

Reaffirming the need for compliance with NHRC guidelines, the Court mandated that consent must be recorded before a Judicial Magistrate, the accused must have legal assistance, be informed of the implications, and the procedure must ensure medical and procedural safeguards.

The appeals were allowed, with the Supreme Court setting aside the High Court's order to the extent it accepted the submission for conducting narco-analysis during bail proceedings, marking a firm stand against dilution of fundamental rights in the name of investigative expediency.

Case law: *Amlash Kumar v State of Bihar* 2025 SCC OnLine SC 1326.

Read More:

1. <https://www.livelaw.in/top-stories/accused-has-right-to-voluntarily-undergo-narco-analysis-test-subject-to-courts-permission-supreme-court-294577>
2. <https://www.scconline.com/blog/post/2025/06/10/sc-sets-aside-patna-high-court-order-permitting-forced-narco-analysis-test/#:~:text=On%20the%20issue%20of%20whether,indefeasible%20right%20to%20such%20testing.>



S C QUASHES FIR UNDER UP GANGSTERS ACT, WARNS AGAINST MISUSE OF HARSH LAWS

In a significant judgment reinforcing personal liberty, the Supreme Court has held that stringent state laws such as the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986 ("Gangsters Act") cannot be applied to individuals solely for their involvement in a single incident of anti-social activity, absent evidence of ongoing organised criminal conduct.

A bench of Justices Vikram Nath and Sandeep Mehta, quashed an FIR dated April 30, 2023, filed against the appellants under Section 3(1) of the Gangsters Act. The FIR stemmed from an October 10, 2022, communal clash triggered by a social media post allegedly defaming a particular religion. The Court found that the invocation of the Gangsters Act was based on conjecture rather than credible evidence.

"The mere listing of multiple accused persons without demonstrating their organisational roles, command structure, or evidence of prior or continued coordinated criminal activities fails to meet the stringent requirements for establishing gang membership," the bench observed. It clarified that mere participation in a communal protest, however serious, does not ipso facto convert participants into a 'gang'.

The appellants had already been granted bail in January 2023 after courts found no criminal history and only minor injuries resulting from the altercation. Yet, the gang chart was prepared on April 29, 2023, and the FIR was lodged a day later, without any fresh or intervening conduct. Calling this a "post-facto construction," the bench held that there was no material to show the appellants were part of an organised criminal enterprise.

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The Court reiterated that the Gangsters Act targets habitual offenders, not individuals implicated in isolated incidents. "Compelling the appellants to undergo another prosecution for the same allegations would constitute a manifest abuse of legal process," it said. The bench strongly cautioned against the routine invocation of extraordinary laws, stating that such provisions "must not be wielded as an instrument of harassment or intimidation, particularly where political motivations may be at play." Invoking Article 21 of the Constitution, the Court underlined that deprivation of life or liberty must follow procedures that are fair, just, and reasonable.

The Court also noted that the Uttar Pradesh government had failed to follow the procedural safeguards laid down in *Gorakh Nath Misra v. State of UP*, which mandate rigorous scrutiny of criminal antecedents, patterns of habitual crime, and the gravity of offences before applying the Act. Concluding that none of these criteria were met, the Supreme Court allowed the appeal and quashed the FIR. The judgment serves as a clear warning against the misuse of stringent legislation to target individuals arbitrarily or for collateral purposes.

Case law: Vinod Bihari Lal v State of Uttar Pradesh 2025 SCC OnLine SC 1216.

S

C: EMPLOYMENT IN ARTICLE 12 ENTITY DOESN'T MAKE ONE A GOVT SERVANT

The Supreme Court of India has clarified that employment in a government-funded society—even if it qualifies as "State" under Article 12 of the Constitution—does not automatically confer the status of a government servant. Delivering its judgment on June 16, 2025, a bench of Justices Ujjal Bhuyan and Manmohan dismissed a petition filed by a former employee whose appointment as Junior Weaver in the Weavers' Service Centre, Agartala, was terminated for misrepresenting his prior employment.

The petitioner had previously served as a craft teacher at the Tripura Tribal Welfare Residential Educational Institutions Society (TTWREIS), an autonomous body supported by the government. He falsely declared this role as government service to qualify for the Junior Weaver position under the Ministry of Textiles. Following an inquiry by the Ministry of Handloom and Textiles and confirmation by the Department of Personnel and Training (DoPT),

it was found that TTWREIS is not a government department. Accordingly, the petitioner's services were terminated on the grounds of having furnished false information.

The matter was first taken to the Tripura High Court, where a single bench held that TTWREIS employment could not be considered a civil post. The division bench upheld this view, citing Rule 2(h) of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, which defines a government servant as someone holding a civil post under the Union or a State—not in an autonomous society.

The Supreme Court affirmed these findings, emphasizing that while societies like TTWREIS may fall within the definition of "State" under Article 12 for the purposes of enforcing fundamental rights, this does not alter the legal status of their employees. Justice Bhuyan remarked, "Society being amenable to Article 12 doesn't make a person working there a government servant."

The Court further rejected the application of the doctrines of estoppel and waiver, noting that the petitioner's appointment was expressly conditional on providing valid proof of government service, which he failed to do. The Court held that appointments obtained by misrepresentation of material facts are voidable, and no equitable relief can be claimed in such instances.

This decision makes it clear that only those holding a civil post under the Union or State qualify as government servants, and that misrepresenting employment history to gain public posts undermines the integrity of the selection process. It also reinforces that constitutional accountability under Article 12 does not extend to individual employment claims within such entities.

Case law: Pintu Chowdhury v Union of India SLP(C) No 016733/2025 (SC).

Read more:

- <https://www.livelaw.in/top-stories/person-working-in-society-which-is-state-as-per-article-12-not-government-servant-supreme-court-295021>
- <https://www.outlookmoney.com/retirement/news/working-in-a-society-under-article-12-makes-you-govt-employee-know-what-the-law-is>

S

C: COMPASSIONATE APPOINTMENTS MUST HAVE REASONABLE LIMITS

On June 17, 2025, the Supreme Court of India dismissed a special leave petition challenging a Rajasthan High Court order that had denied compassionate appointment to the son of a deceased senior government officer. The bench of Justices Ujjal Bhuyan and Manmohan upheld the earlier findings and stressed that the scheme of compassionate employment is designed to support families in financial distress, not to extend undue benefits where substantial resources already exist.

The petitioner's father, who was serving as the Principal Commissioner (Central Excise) in Jaipur, passed away in service on August 27, 2015.

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Following his death, the petitioner applied for appointment on compassionate grounds. However, his claim was rejected at every stage, including by the Tribunal and the High Court, on the grounds that the family was financially secure. His mother was receiving a family pension of ₹85,000 per month, and the family owned a residential house in their native village, 33 acres of agricultural land, and a High-

Income Group (HIG) house in Jaipur.

During the hearing, the Supreme Court bench questioned the very basis of the claim. Justice Bhuyan observed: "You can't stretch compassionate appointments to absurd limits. You are the son of the Principal Commissioner, Central Excise. Where is the question of a compassionate appointment?" Justice Manmohan also remarked on the family's economic position, pointing out that they possessed significant property and income. "Madam, you have a residential house by way of 33 acres of land. You have a HIG house in Jaipur, your annual income from agriculture is substantial, and you are receiving a family pension," he noted.

The Court concluded that the case did not meet the conditions for extending compassionate employment and dismissed the petition both on grounds of delay and on merits. The order read: "We don't find any good ground to interfere with the impugned order. Dismissed on grounds of delay and merits."

Compassionate appointment, the Court reiterated, is not a matter of right. Instead, it is an exception carved out to relieve families of government employees who die in harness and leave their dependents in immediate financial hardship. Where adequate financial security already exists, the rationale behind compassionate employment is lost.

The Court's ruling reinforces the principle that compassionate appointment cannot be misused as a means of securing employment outside the normal recruitment process. It also aligns with consistent judicial precedents emphasizing that the scheme is intended as a measure of relief, not as an alternative route to public employment.

Case: RAVI KUMAR JEPH v JOINT DIRECTOR AND ANR
Diary No. 25916-2025.

Read More:

1. <https://www.livelaw.in/top-stories/compassionate-appointment-cant-be-stretched-to-absurd-levels-supreme-court-rejects-plea-of-man-with-33-acres-hig-house-295188>
2. <https://courtbook.in/posts/supreme-court-dismisses-plea-for-compassionate-appointment-assets-and-absurd-claim-cited>

On June 17, 2025, the Supreme Court of India came down heavily on the Karnataka government after Kamal Haasan's Tamil feature film *Thug Life*, directed by Mani Ratnam, was not released in the State due to threats from fringe groups. The Court stressed that "mob and vigilante groups cannot be allowed to take to the streets" and ordered the film's screening, noting that once a film receives certification from the Central Board of Film Certification (CBFC), it must be released nationwide.

The case arose from a Public Interest Litigation (PIL) filed by Mahesh Reddy, a Bengaluru resident, who alleged that despite having a valid censor certificate, *Thug Life* was effectively banned in Karnataka due to extra-judicial threats and the inaction of State authorities. The petitioner sought directions to ensure safe and unimpeded screening of the movie across the State and protection for theatres willing to exhibit the film.

A bench of Justices Ujjal Bhuyan and Manmohan expressed concern over what it called an "extra-judicial ban." Justice Bhuyan remarked: "We can't allow mobs and vigilante groups to take over the streets. The rule of law must prevail. If somebody has made a statement, counter it with a statement. If somebody has written something, counter it with some writing. But you can't stop the screening of a film cleared by the CBFC."



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The controversy stemmed from remarks allegedly made by actor-producer Kamal Haasan that Kannada was “born out of Tamil.” Following this, the Karnataka Film Chamber of Commerce (KFCC) announced a boycott of the film, and pro-Kannada organisations threatened arson if the film was released. The petitioner’s counsel argued that the State had “completely capitulated” to extremist elements and failed to file FIRs against those issuing violent threats. Justice Manmohan underlined the constitutional principle involved: “Rule of law demands that any film with CBFC certification must be released. It cannot be that at the fear of theatres being burnt down, films are not shown. We are not saying people must watch the film.

But the film must be allowed to be released.” The bench also criticised the Karnataka High Court for suggesting that Kamal Haasan apologise for his remarks. “It is none of the High Court’s business,” Justice Bhuyan observed, noting that courts are custodians of fundamental rights, not arbiters of cultural disputes. Referring to the Imran Pratapgarhi case, the Court recalled that the Bombay High Court had struck down the Maharashtra government’s ban on the play Me Nathuram Godse Boltoy, affirming that even controversial expression cannot be censored unlawfully.

Case law: Sri M Mahesh Reddy v State of Karnataka and Ors Writ Petition (Civil) No 575 of 2025 (SC, 17 June 2025).

Read more at:

1. <https://www.thehindu.com/entertainment/movies/thug-life-film-must-be-released-in-karnataka-guns-cant-be-put-to-peoples-head-supreme-court/article69703921.ece>
2. <https://www.newindianexpress.com/nation/2025/Jun/17/cannot-allow-mobs-vigilantes-to-take-over-sc-slams-karnataka-government-over-thug-life-ban>

SC: MOB CAN’T DECIDE FILM RELEASES; ORDERS ‘THUG LIFE’ SCREENING IN KARNATAKA

In a disturbing case emerging from Kolkata, three individuals associated with South Calcutta Law College — two current law students, Zaib Ahmed and Pramit Mukhopadhyay, and a former student who is also a practicing lawyer and contractual staff member at the college, Manojit Mishra

have been remanded to police custody following allegations of gangrape of a female student inside the college premises on June 25, 2025. The incident reportedly occurred in the college’s guard room between 7:30 p.m. and 10:50 p.m.

The charges against the accused include gangrape and wrongful confinement, with the complaint stating that while one accused perpetrated the assault, the others abetted it. The police swiftly arrested the three within hours and presented them before the Additional Chief Judicial Magistrate, Alipore, who extended their custody to facilitate further investigation.

The Kolkata Police Commissioner confirmed the ongoing sensitive investigation and emphasized evidence collection is underway. Meanwhile, police have warned against attempts to reveal the victim’s identity, underscoring legal obligations to protect survivor confidentiality under Indian law.

The case has sparked widespread outrage, prompting protests and a suspension of classes at the college. Additionally, a group of local lawyers has urged the Bar Council and court associations to pass resolutions preventing any advocate from representing the accused in bail proceedings, reflecting the legal fraternity’s condemnation. Notably, there are calls for scrutiny over Mishra’s status as a practicing lawyer, with critics questioning whether he disclosed his alleged criminal history and employment while seeking recognition from the Bar.

This incident serves as a stark reminder of the critical need for vigilant legal and institutional frameworks to protect vulnerable individuals, uphold the dignity of survivors, and ensure accountability within educational and legal establishments alike.

Case law: MADHURI DEVI v ARJUN DAS @ KARIYA & ORS.

Read more at:

1. <https://www.livewlaw.in/news-updates/kolkata-court-sends-three-to-police-custody-over-alleged-gangrape-of-law-student-on-college-campus-295940>
2. <https://www.thehindu.com/news/cities/kolkata/kolkata-law-college-rape-case-accused-sent-to-police-custody-till-july-8/article69760536.ece>

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KOLKATA COURT SENDS THREE, INCLUDING LAWYER, TO POLICE CUSTODY FOR ALLEGED CAMPUS RAPE OF LAW STUDENT

In a significant order, the Principal Sessions Judge of Anantnag has denied bail to a man accused of raping a 70-year-old tourist, underscoring the gravity of the allegations and ongoing investigation. The Court made it clear that the seriousness of the accusations, the prima facie evidence (including the survivor's statement, eyewitness accounts, and forensic

reports), and concerns over possible interference with the investigation weighed heavily against granting bail at this stage. Judge Tahir Khurshid Raina used sharp language in commenting not just on the case, but on broader societal values, lamenting the "depravity and sick mentality" reflected in the alleged incident. He stressed that the principle of "Bail Not Jail", although fundamental, cannot be applied automatically in heinous crimes; especially when public safety and the risk of evidence tampering are at stake. The judge also highlighted the unique vulnerability of the victim; a senior woman and guest to Kashmir, calling the episode not merely a criminal act, but a distressing moral failure. He warned that Kashmir's identity as a "paradise on earth" cannot rest on scenic beauty alone, but requires the community's moral conscience to be intact, especially in the way guests are treated. Ultimately, the decision reinforces the Court's commitment to a careful, context-sensitive approach in serious criminal cases, sending a strong message that quick release on bail is not compatible with the facts or the interests of justice where grave allegations and societal values are at stake.

Case law: Zubair Ahmad Bhat vs UT of J&K and others 2025.

Read More:

1. <https://www.livelaw.in/news-updates/jammu-kashmir-court-rejects-bail-tourist-rape-case-295963>
2. <https://economictimes.indiatimes.com/news/new-updates/pahalgam-horror-jk-court-slams-sick-mentality-of-man-accused-of-raping-70-year-old-maharashtra-tourist/articleshow/122156829.cms?from=mdr>

J&K COURT DENIES BAIL IN RAPE OF 70-YEAR-OLD TOURIST, TERMS IT 'MORAL COLLAPSE'

IA Poonch local court has taken a firm stand on irresponsible media reporting, directing police to register an FIR against editors and anchors from Zee News, News18, and unnamed television networks after they erroneously branded a deceased local teacher as a "Pakistani terrorist" during a period of heightened Indo-Pak hostilities. The individual was, in fact, a civilian teacher killed in cross-border shelling. The court rejected the notion that this mistake was a mere reports), and concerns over possible interference with the investigation weighed heavily against granting bail at this stage.

Judge Tahir Khurshid Raina used sharp language in commenting not just on the case, but on broader societal values, lamenting the "depravity and sick mentality" reflected in the alleged incident. He stressed that the principle of "Bail Not Jail", although fundamental, cannot be applied automatically in heinous crimes; especially when public safety and the risk of evidence tampering are at stake. The judge also highlighted the unique vulnerability of the victim; a senior woman and guest to Kashmir, calling the episode not merely a criminal act, but a distressing moral failure. He warned that Kashmir's identity as a "paradise on earth" cannot rest on scenic beauty alone, but requires the community's moral conscience to be intact, especially in the way guests are treated. Ultimately, the decision reinforces the Court's commitment to a careful, context-sensitive approach in serious criminal cases, sending a strong message that quick release on bail is not compatible with the facts or the interests of justice where grave allegations and societal values are at stake.



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Case law: File No.62 Misc - Sheikh Mohammad Saleem vs UT of J&K (2025).

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- <https://www.livelaw.in/news-updates/jammu-kashmir-court-rejects-bail-tourist-rape-case-295963>
- <https://economictimes.indiatimes.com/news/new-updates/pahalgam-horror-jk-court-slams-sick-mentality-of-man-accused-of-raping-70-year-old-maharashtra-tourist/articleshow/122156829.cms?from=mdr>

J&K COURT ORDERS FIR AGAINST CHANNELS FOR MISLABELING POONCH MAN AS 'PAKISTANI TERRORIST'

The Central Administrative Tribunal (Bangalore Bench) has quashed the suspension of IPS officer Vikash Kumar Vikash, who was earlier held responsible alongside other top Bengaluru police officials for a stampede that occurred ahead of RCB's IPL victory celebrations at Chinnaswamy Stadium. The bench, led by Justice B.K. Shrivastava and Member Santosh Mehra, found that the police had not been given adequate time to plan for crowd control because the event was publicized by RCB only at the last minute and without pursuing proper permissions.

The Tribunal sharply criticized the grounds for suspension, highlighting that the order was issued mechanically, without sufficient evidence of "substantial dereliction of duty," and absent any opportunity for the officer to present his defense. The order was found to lack reference to direct communication or official notifications being given to the supervising police officers in time to arrange for the influx of three to five lakh people. It noted that police personnel are not superhuman—effective crowd management requires reasonable advance notice, which was not given in this case. Importantly, the bench emphasized that suspension is an extreme measure, justified only when there is clear misconduct or negligence.

Since the magisterial inquiry into the incident is still pending and it remains unclear who was actually responsible for procedural lapses, premature punitive action lacked foundation. The Tribunal also expected that similar relief would be extended to other police officers suspended in the wake of the incident, unless specific individual fault is established.

The order directs the immediate reinstatement of Vikash, instructing the state to treat his suspension period as "on duty" with full pay and benefits, and serves as a reminder that accountability processes must respect due process, fairness, and the realities faced by law enforcement in crisis management scenarios.

Case law: ORIGINAL APPLICATION NO.170/00261/2025; Sri Vikash Kumar Vikash IPS (KN-2004) v State of Karnataka & Ors.

Read More:

1. <https://www.livelaw.in/news-updates/jammu-kashmir-court-rejects-bail-tourist-rape-case-295963>
2. <https://economictimes.indiatimes.com/news/new-updates/pahalgam-horror-jk-court-slams-sick-mentality-of-man-accused-of-raping-70-year-old-maharashtra-tourist/articleshow/122156829.cms?from=mdr>