

# PAN ASIA TIMES

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# Can The Sessions Court Revoke The High Court's Bail Decision?



New Delhi SLNS

The Court examined the legislation pertaining to the revocation of bail and the setting aside of a bail order in its ruling. According to a recent ruling by the Punjab and Haryana High Court, a Sessions Court has the authority to revoke an accused person's bail if there are extenuating circumstances, such as a breach of the terms of release.

"A Sessions Court is able to revoke ordinary bail that has been granted by a Magistrate's Court, the High Court, or by itself. The Sessions Court, however, may only revoke regular bail that the High Court has granted in cases where the accused has broken any of the

conditions set forth by the High Court (during the bail process) or because the accused has abused the freedom that has been granted to him by attempting to influence witnesses, trying to delay trial by failing to appear in court, committing another crime while on bail, or other similar circumstances, the High Court stated.

A magistrate, however, can only revoke bail that he has personally given; he is not permitted to revoke bail that has been issued by a High Court or Sessions Court unless the accused has broken or neglected to comply with any requirements that were placed on them at the time of bail. In addressing petitions contesting the Sessions Court's ruling granting anticipatory bail in a case involving the Indian Penal Code

According to a recent ruling by the Punjab and Haryana High Court, a Sessions Court has the authority to revoke an accused person's bail if there are extenuating circumstances, such as a breach of the terms of release.

and the Arms Act, Justice Sumeet Goel made the following observations. It has to do with a marital conflict.

The lone judge examined the legislation pertaining to bail cancellation and bail order set aside in the ruling. The terms "cancellation of bail" and "setting-aside of a bail order" have different meanings.

The factors that must be taken into account in a plea seeking the "cancellation of bail" are similar to supervening circumstances/events or the accused's misbehavior, whereas in a plea seeking the "setting-aside of a bail order," the factors that must be taken into consideration are similar to the order in question being unjustified, illegal, or not based on relevant consideration(s). Stated differently, a plea for the "setting aside of a bail order" is essentially a challenge to a bail-granting ruling made on the merits before a higher court, according to the High Court.

Although the Sessions Court's or the High Court's bail may be revoked, the Sessions Court order cancellation should normally be brought before the same court.

The Court noted that entering

such a plea before the High Court is not prohibited because of the concurrent jurisdiction of the High Court and Sessions Court as stated in Section 439 (2) of the Code of Criminal Procedure. Nonetheless, the filing of such a plea immediately before the High Court is not ipso facto banned because of the concurrent jurisdiction of the High Court and Sessions Court under Section 439(2) of Cr.P.C. 1973. The Court stated that it would be convenient for such a plea to be immediately submitted before the High Court and that it should provide a convincing argument for not first going before the Sessions Court.

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## "Kerala High Court Exposes Misuse Of Section 498A In Marital Revenge Cases"

New Delhi SLNS

According to Justice A Badharudeen, courts should exercise extra caution while evaluating cases involving claims of abuse against a wife under Section 498A of the Indian Penal Code.

On Thursday, the Kerala High Court noted that wives in marital conflicts frequently file criminal complaints against their husbands and their rela-



tives out of a desire for retribution. According to Justice A Badharudeen, courts should exercise extra caution while addressing instances involv-

ing claims made under Section 498A of the Indian Penal Code, which pertains to a husband or a woman being cruelly treated by her relative. It is observed that in matrimonial disputes, some wives launch criminal proceedings on the basis of nebulous and all-encompassing allegations against the husband's parents, sisters, brothers, and other relatives with the ulterior motive of placing them under the radar of prosecution for non-bailable offenses and subjecting them to the ordeal of criminal prosecution and

trial by the husband's parents, sisters, brothers, and other relatives in order to malign and defame their image in society. In certain situations, the court's responsibility is to examine the evidence at its disposal when a request for a quashing is made in order to determine whether the accusations clearly include anything covered by Section 498A and to prosecute the accused for the aforementioned offenses by having them stand trial, according to the order.

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## Court's Intervention Sets Precedent in Delayed Homebuyer Claims

New Delhi SLNS

In a pivotal hearing at NCLAT today, the appeal by Sarvottam Realcon Pvt. Ltd. challenged NCLT's rejection of a delayed claim by a homebuyer, citing Puneet Kaur vs K V Developers Pvt Ltd. The homebuyer's claim, albeit 500 days late, argued for participation in the CIRP process, emphasizing the non-extinguishment of the claim.

During the proceedings,

Justice Ashok Bhushan's pointed query to the RP's advocate highlighted crucial issues: Was the claim reflected in the builder's account, and why wasn't it included in the Information Memorandum? The RP's advocate sought time to respond, leading the court to issue notices and direct a reply filing.

This development echoes the Supreme Court's stance in Ayush Agarwal v Jaypee Infratech Ltd, where post-res-

olution plan approval, notices were issued to RA and RP, underscoring evolving jurisprudence on delayed homebuyer claims. This case marks a significant step in clarifying legal ambiguities surrounding such claims, raising pertinent questions on due process and the protection of homebuyers' rights. In this matter, the petitioner was represented by Advocate, Dr. Ajay Kumar Pandey, a noted Advocate of the Supreme Court of India.

## Victory in a Challenging Anticipatory Bail Application: A Landmark Success

New Delhi SLNS

In a recent landmark case, Advocate Dr. Ajay Kumar Pandey, alongside Advocate-on-Record Mohit Daraad, successfully secured a notice issued to the state of Jharkhand by the Supreme Court in an anticipatory bail application. This case revolved around an alleged rape charge under various sections of the Indian Penal Code (IPC), brought against a young UPSC aspirant by a woman he had met on a social platform, shaddi.com.

**Chronology of Events:**

The petitioner and the complainant initially met on shaddi.com and engaged in conversations, eventually leading to an invitation from the complainant for the petitioner to visit her hometown. Over the course of several visits, during which the petitioner stayed with the complainant's family, a consensual sexual relationship was established. However,



the relationship soured, and the complainant filed a rape case against the petitioner, alleging that the consent was obtained under the pretext of marriage and did not remain consensual throughout.

**Legal Proceedings:**

Upon the complaint, an FIR was lodged by the police on the court's order, and the case was categorized as a special category case by the District Superintendent of Police (SP), with the SDPO appointed to supervise the investigation. Both the trial court and the High Court of Ranchi upheld the complaint, asserting that while initial consent may have been present, it did not persist,

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# The Promise and the Path

New Delhi SLNS

Yesterday, I called my mentor and guru, Abdul Khaliq, a brilliant bureaucrat and strategist, currently serving as the Chief General Secretary of Lok Janshakti Party (Ram Vilas). I reached out to him for some personal advice and immediately sensed from his voice that he wasn't keeping well.

When I asked if I could do anything for him, he simply said, "At my age, such ailments are routine. Just pray for my good health and refrain from consuming non-veg." I promised him I would. However, I soon realized that it was Friday, my cheat day. Having just recovered from three days of being unwell and sticking to a strict diet, I was eager to indulge a bit. My first instinct was to celebrate, reasoning that my mentor wouldn't know. But then, a stronger voice reminded me that a promise is a promise, irrespective of



who is watching. It was a test of my integrity, conviction, and mental strength. I kept my promise and stuck to my regulated diet. Next morning, I felt much better, both in terms of personal health and character. Though I'm touching 56, I feel the energy of a 16-year-old with new dreams in my



eyes. This change in attitude has set new altitudes to be conquered. Inspired by the journey of stalwarts around me and Rishi Sunak's resilience after losing the PM election in Britain, I realize that life is a continuous celebration of growth and progress. Set new targets after achieving the



present ones to keep moving forward. What early morning veteran Journalist, Rajat Sharma also shared on X, set new targets to keep going after achieving the present target, as if I have promise to keep before I sleep. Let's act and act every day, every moment.

## "Kerala High Court Exposes Misuse Of Section 498A In Marital Revenge Cases"

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The Court additionally stated that the High Court shall use its authority under Section 482 of the Crpc to dismiss matters in which, on the face of it, there are not enough specific allegations to support a trial. Nevertheless, the Court declared that cases in which particular accusations identifying the overt acts that would constitute an offense under Section 498A could be discerned, at least initially, from the prosecution case, would not be dismissed. The woman (the petitioner) filed a motion to vacate the proceedings against her under Section 498A, and the court noted these points while deliberating over her plea. According to the petitioner's daughter-in-law's initial information statement, the petitioner's



only accusation against her was that she watched helplessly as her son mistreated her daughter-in-law. The

petitioner contended that judges in 498A cases ought to avoid taking an overly technical approach and in-

stead consider the material in the context of each case, citing the Supreme Court's ruling in Achin Gupta v. State of Haryana. The daughter-in-law, however, objected to the plea before the High Court, claiming that the petitioner had mistreated her and was requesting an increased dowry. The petition was also rejected by the public prosecutor, who cited specific charges of cruelty made in the parents' testimonies about their daughter-in-law. The Court observed from the prosecution files that the petitioner was the sole target of omnibus claims, and that the remarks made by the daughter-in-law's parents are merely hearsay. According to the Court, this fact alone would be sufficient justification for stopping the criminal investigation.

## Can The Sessions Court Revoke The High Court's Bail Decision?

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The Court noted the termination of anticipatory bail in a permanent manner.

The Court further declared that any plea requesting the setting aside of a bail order—whether regular or anticipatory—must be submitted before a court higher in authority than the one that issued the bail. The court dismissed the applications to throw aside the anticipatory bail orders issued by the Sessions Court

in Faridabad because it did not find any allegations of misuse in this particular case. The petitioner's only line of defense is that the Sessions Court should not have given the private respondent(s) anticipatory bail because the full recovery of dowry articles/istridhan has not been made. According to standard law, the husband or his family cannot be denied anticipatory bail on the sole basis that the dowry items or stragedhan were not recovered.

## Victory in a Challenging Anticipatory Bail Application: A Landmark Success

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Thus categorizing the act as rape on the pretext of marriage. The High Court also noted the presence of a 90-day old foetus at the time of the victim's medical examination.

**Supreme Court Intervention:**

Recognizing the critical evidentiary contradictions and procedural oversights in the lower courts, Advocate Dr. Ajay Kumar Pandey meticulously drafted an appeal to the Supreme Court. Despite the procedural complexities and the high stakes in-

involved, the deftly crafted petition was presented before the vacation bench of the Supreme Court.

**Outcome:**

In a significant victory, the Supreme Court issued a notice to the state of Jharkhand, marking a pivotal step in the anticipatory bail application. Furthermore, the Court ordered no arrest of the petitioner until the next listing, providing a substantial relief to the young UPSC aspirant. This decision underscores the importance of thorough legal scrutiny and

the role of higher judiciary in ensuring justice.

**role of skilled**

This case exemplifies the crucial role of skilled legal representation in navigating complex legal landscapes. The success achieved by Advocate Dr. Ajay Kumar Pandey and AOR Mohit Daraad not only safeguarded the rights of the petitioner but also highlighted the significance of detailed and effective legal advocacy in the highest court of the land.

## Property Laws In New BNS Regime

Introducing the Must-Have Guide on Property Laws in India by Dr. Ajay Kumar Pandey! Unlock the secrets of property laws in India with the latest masterpiece from renowned Supreme Court Advocate, Dive deep into the intricacies of property rights, regulations, and legal nuances with expert guidance, including new BNS Laws.

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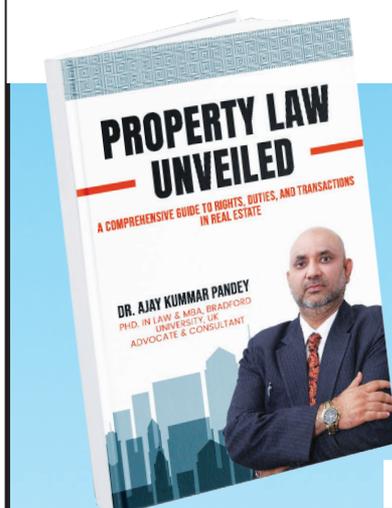
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## Rotary Magic Awaits:

### Shalini Leads as President for 24-25

level during your term.

New Delhi SLNS

**C**ongratulations to Shalini Hathiramani on being installed as President of the Rotary Airport, Pune District, for the year 2024-2025, along with her new board. It was a pleasure attending the meeting, along with Bollywood deva and Choreographer of Jhalak Dhiklaja and Lil Master fame, Vrushali Chavan.

Getting to know fellow Rotarians, including District Governor Sheetal Shah and past president Sanjay Saxena, was further an enriching experience. Meeting old friend a dynamic Rotarian, Anand was icing on the cake.

On behalf of Lok Janshakti Party (Ram Vilas), Union Minister Chirag Paswan, and advocates from the Supreme Court of India, I extend my best wishes to the new team. May you create Rotary magic at a universal

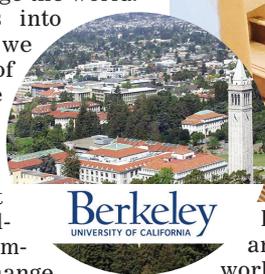


## Deena Kumar: Shaping the Future, One Innovation at a Time at UC Berkeley!

New Delhi SLNS

**W**e are thrilled to announce that Deena Kumar has officially embarked on her incredible journey of pursuing an M.Tech in Mechanical Engineering at the prestigious University of California, Berkeley! This moment is not just a personal milestone for Deena but a proud moment for all of us who believe in the power of education and innovation to change the world.

As Deena steps into this new chapter, we are reminded of the immense role mechanical engineers play in addressing some of the world's most pressing challenges—from combating climate change to pioneering sustainable development. Deena, your bril-



liance and dedication are exactly what the world needs right now. We are confident that you will not only excel in your studies but also contribute groundbreak-

ing ideas that will shape a better tomorrow. Congratulations, Deena! Your journey is just beginning; we can't wait to see all the incredible things you will achieve.

## Global Networking Mahakhumbh

New Delhi SLNS

**U**nlock unparalleled opportunities at the Global Networking Mahakhumbh, taking place on October 25th, 26th, and 27th in Delhi & NCR.

This premier event is your gateway to connecting with a diverse range of industry leaders, including business owners, Bollywood stars, top media personalities, financial institutions, government stakeholders, and experts from chambers of commerce. Whether you're in real estate, digital marketing, hospitality, jewelry manufacturing, or immigration services, this is the place to secure high-value collaborations and close deals worth crores.

Beyond networking, gain invaluable insights from top coaches, consultants, and business advisors who will share



life-changing lessons to drive your business forward. Don't miss this opportunity to expand your network, grow your business, and make lasting connections that will shape your future.

Register now and be part of an event where business meets opportunity.

Registration deadline?

First cum first serve basis, as we have limited seats. It's not open to all events, and only screened one will feature in the final list, after scrutiny.

Registration Form

<https://ajaykr.com/global-networking-mahakhumbh-registration/> Whatsapp : 9818320572

## The Silent Struggle of Operational Creditors: A Looming Threat to India's Business Growth

New Delhi SLNS

**I**n the evolving landscape of the Insolvency and Bankruptcy Code (IBC), operational creditors (OCs) find themselves in a precarious position. Despite contributing significantly to the business ecosystem, OCs are receiving a mere fraction of what they claim in insolvency proceedings. According to the



latest IBBI newsletter, OCs received just 0.88% of their claims

during liquidation—a startling statistic that raises questions about the fairness and efficacy of the current IBC framework.

The disparity in recovery between operational and financial creditors is stark. While financial creditors enjoy primary claims on assets, OCs, who provide essential goods and services, often end up with minimal recoveries. This imbalance not

only undermines the confidence of OCs but also threatens the overall business environment in India.

The need for reform is clear. Shouldn't the IBC be recalibrated to ensure a more equitable distribution of assets, fostering a balanced resolution process? The integrity of India's distressed asset market and the future of MSMEs depend on it.



# ECHOES OF DHAKA: A JOURNEY OF FRIENDSHIP AND JUSTICE

Ajay Kumar

The bustling streets of Dhaka once felt like home to me. As a journalist working for an English daily published from the heart of Bangladesh, I found myself immersed in a world that was both familiar and foreign. The sights, sounds, and spirit of the city wrapped around me like a warm embrace, making me forget the thin line that separated it from my homeland.

I remember vividly the joy of shopping in Indian rupees, a small but significant reminder of the deep ties between our two nations. The markets were a vibrant tapestry of colors, sounds, and aromas, and I would often lose myself in the labyrinth of stalls, savoring the experience as much as the goods I purchased.

My stay at Hotel Sonar, Dhaka, remains etched in my memory. The elegance of the place, coupled with the warmth of Bangladeshi hospitality, made every moment there special. I can still taste the flavors of the Hilsha fish I devoured during late-night street food escapades, particularly during the inaugural Oman Air flight from Muscat to Dhaka. The streets, alive with energy even at those late hours, offered a culinary adventure that rivaled any five-star dining experience.

The empowerment of women in Bangladesh, especially in the aviation industry, left a profound impact on me. These were not just women; they were trailblazers, leading the way in a society where tradition and modernity often clashed. My interactions with

them during various functions were both enlightening and inspiring, reinforcing my belief in the boundless potential of women, irrespective of religion or borders. One of my most cherished memories is reaching the last post of India, where Bangladesh lay just at arm's length. Standing there, with only a thin line of demarcation between the two lands, I felt a deep connection to the soil, the people, and the shared history that had once united us as one. It was a poignant reminder of the arbitrary nature of borders and the enduring ties that bind us beyond them.

Bangladeshi food became my comfort, my solace, especially when traveling or staying abroad. After Indian cuisine, it was Bangladeshi food that I craved the most. The spices, the textures, the love infused in every dish resonated with my soul. I can still savor the taste of Bihari Biryani, a delicacy I often enjoyed during Bangladesh's Independence Day functions. The celebrations were a testament to the resilience and spirit of a people who had fought for their freedom, and I was honored to be a part of it, even as an outsider.



My time in Dhaka was marked by deep and lasting friendships. Foreign service officials, teachers, journalists, business people – they all became part of my extended family. We shared stories, meals, and laughter, forging bonds that transcended professional boundaries. These friendships were a source of strength and joy, making my time in Bangladesh unforgettable.

But as I look back, I am filled with a sense of loss. Politics, religion, and that thin line on the border have driven a wedge between our nations, eroding the camaraderie and friendship that once flourished. The simplicity of our connections has been overshadowed by the complexities of geopolitics, and the warmth of our shared history has been chilled by the cold winds of division.

Yet, amidst these memories of Dhaka, one encounter stands out – my meeting with Chief Justice Md. Muzammel Hossain of Bangladesh during an international law conference in Mumbai in 2013. It was a moment of profound significance, a convergence of two worlds bound by a shared commitment to justice. The picture from that day still hangs on my office wall, a testament to the respect and camaraderie that transcended borders and professions.

I pray for the return of those good old days, when people-to-people connections were stronger than political divides, and the bonds of friendship were unbreakable. Dhaka will always hold a special place in my heart, not just as a city, but as a symbol of a time when we were not just neighbors, but family.

## Swift Action Taken by PMO on Employee Grievances

New Delhi SLNS

In a significant development today, the Prime Minister's Office (PMO) has taken cognizance of a serious complaint regarding mass termination, illegal and forced transfers, suicides, and sexual harassment of employees at ICICI Bank.

The Nodal Officer of the Reserve Bank of India (RBI) in Mumbai has been directed to conduct a thorough enquiry into these allegations and take appropriate action.

The matter came to light a week ago when a delegation of harassed ICICI Bank employees met Advocate Dr. Ajay Kumar Pandey, Supreme Court of India and National General Secretary and Spokesper-



son of Lok Janshakti Party (Ram Vilas), NDA Government led by Prime Minister Narendra Modi. The delegation apprised Dr. Pandey of their severe grievances, prompting him to immediately lodge a formal complaint with the PMO. In an exemplary display of promptness, the PMO responded within two working days, demonstrating the government's commitment to addressing issues of employee welfare and corporate accountability. We extend our gratitude to Prime Minister Modi and the concerned department for their swift and affirmative action in addressing these critical concerns. This intervention highlights the importance of robust oversight and proactive governance in safeguarding the rights and well-being of employees in the banking

## WARNING: RISING CRIMES ON DATING APPS IN INDIA

New Delhi SLNS

As an advocate of the Supreme Court of India, I feel compelled to raise awareness about the increasing incidents of crime associated with dating apps like Tinder, Bumble, and matrimonial platforms like Shaadi.com. These platforms, while offering opportunities for companionship, have also become breeding grounds for fraud, extortion, and exploitation. It is crucial to exercise caution when using these services.

### Crimes on Dating Apps

**Catfishing and Identity Theft:** Fake profiles using stolen or fabricated identities to deceive users.

**Extortion and Blackmail:** Scammers lure individuals into compromising situations, then demand money to prevent the release of private information or photos.



Barbara 34  
26 miles away

Financial Fraud: Perpetrators trick victims into sending

money for emergencies, investments, or fake business opportunities.

**Harassment and Stalking:** Continuous unwanted contact or threatening behavior after a match or meeting.

**Sexual Assault:** In some cases, meetings arranged through these platforms have led to sexual exploitation or assault.

### Precautions to Take

**Verify Profiles:** Cross-check the information provided in the profile on other social media platforms. Be cautious of profiles with limited information or too-good-to-be-true details.

**Avoid Sharing Personal Information:** Do not share sensitive information like your home address, financial details, or explicit photos.

**Meet in Public Places:** For initial meetings, always choose a public, well-populated location. Inform a friend or family member about your plans.

**Beware of Red Flags:** Be

wary of individuals who avoid video calls, refuse to meet in person after extended communication, or ask for money.

**Use Platform Security Features:** Utilize in-app features such as profile verification, blocking, and reporting suspicious activity.

### Fake Profiles and Frauds

**Inconsistencies in Information:** Discrepancies between what a person says and what is on their profile.

**Hesitation to Meet or Video Call:** Reluctance to engage in live interaction often indicates a fake profile. **Too Perfect or Generic Profile Photos:** Photos that look professionally taken or appear too polished may have been stolen from elsewhere.

**Pressure to Move Off the Platform:** Scammers often try to move the conversation to other platforms, where it is harder to trace them.

**Requests for Money:** Any

financial request, especially early in the interaction, is a strong indicator of fraud.

### Filing a Complaint

If you become a victim of any crime on these platforms, it is crucial to report the incident to the police. Under Indian law, crimes such as extortion, identity theft, harassment, and fraud are punishable offenses. Victims can file an FIR at their local police station or approach the Cyber Crime Cell. Additionally, most platforms offer mechanisms to report and block fraudulent accounts, which should be utilized immediately. In conclusion, while dating apps and matrimonial sites offer legitimate opportunities for connections, users must remain vigilant to protect themselves from potential risks. By taking necessary precautions and being aware of common scams, you can enjoy a safer online experience.

# Obstetric Violence in India



Dr. Ajay Kumar Pandey

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leaving countless women without recourse or justice.

### The Reality of Obstetric Violence in India

Obstetric violence can manifest in various forms, including verbal abuse, physical mistreatment, unnecessary medical interventions without informed consent, and a general lack of respect for the autonomy and dignity of the birthing woman. Instances of coerced or forced procedures, such as episiotomies or C-sections, have been reported, along with cases where women are denied adequate pain relief or are subjected to degrading treatment.

The lack of legal recognition of obstetric violence in India means that these egregious violations often go unreported and unpunished. This not only perpetuates the cycle of abuse but also undermines the trust that women should have in the healthcare system. The consequences of such violence are far-reaching, impacting not just the physical health of the mother, but also her mental and emotional well-being.

### The Need for Legal Intervention

To effectively curb obstetric violence, it is imperative that we bring this issue within the ambit of the law. The absence of specific legal provisions ad-

ressing obstetric violence creates a vacuum where accountability is severely lacking. Therefore, there is an urgent need to enact legislation that explicitly defines and criminalizes obstetric violence, providing clear guidelines and protections for women during childbirth.

### Legislation should encompass the following

**Informed Consent:** Every medical procedure during childbirth should be performed only after obtaining the informed consent of the woman. This consent must be based on a clear understanding of the risks, benefits, and alternatives available.

**Dignity and Respect:** Healthcare professionals must be legally obligated to treat every woman with dignity and respect, recognizing her autonomy and rights during childbirth.

**Training and Accountability:** Medical personnel should undergo mandatory training to prevent obstetric violence, with strict accountability measures in place for those who violate these standards.

**Accessible Redressal Mechanisms:** There should be clear and accessible mechanisms for women to report instances of obstetric violence, with legal

provisions for compensation and justice.

### The Role of Awareness and Advocacy

While legislation is crucial, it must be accompanied by widespread awareness and advocacy efforts. Women need to be educated about their rights during childbirth, and healthcare providers must be made aware of the consequences of obstetric violence. Public health campaigns, educational programs, and the involvement of civil society organizations can play a vital role in changing societal attitudes and promoting respectful maternity care.

### Fear or Fair

As a society, we must recognize that the experience of childbirth should be one of empowerment, not fear or trauma. The enactment of legislation to curb obstetric violence is not just a legal necessity but a moral imperative. By addressing this issue head-on, we can ensure that every woman in India is afforded the dignity, respect, and care she deserves during one of the most significant moments of her life.

It is time for India to lead the way in eradicating obstetric violence and setting a global example for compassionate, respectful, and woman-centered maternity care.

## Dr. Divekar Appointed as President of World Independent Lawyers League (WILL), India

New Delhi SLNS

Dr. Pallavi Divekar, a highly respected advocate in India, has been appointed as the President of the World Independent Lawyers League (WILL), India. Will is a global organization committed to empowering lawyers and enhancing access to legal services worldwide. This appointment is a significant milestone in the organization's ongoing efforts to promote independent legal practice and leadership across the globe.

Dr. Divekar, known for her extensive legal expertise and dedication to the profession, shared her gratitude upon her appointment: "I am humbled and honored to be chosen to lead WILL India. A big thank you to my WILL family for bestowing me with this honor. Here's to many years of collaboration and the pursuit of our dream to make the highest level of legal assistance accessible to every corner of the world!"

WILL is a global network



Dr. Pallavi Divekar

of independent lawyers committed to promoting excellence in the legal profession, fostering collaboration, and ensuring that high-quality legal services are accessible to all, regardless of geographical or economic barriers. The organization provides a platform for legal professionals to exchange knowledge, develop leadership skills, and advocate for the rule of law. Under Dr. Divekar's leadership, WILL is expected to expand its initiatives aimed at increasing access to legal resources, particularly in underserved regions. Her vision aligns

with the organization's mission to empower lawyers through education, mentorship, and collaboration, ultimately strengthening the legal systems worldwide.

The current leadership team of WILL includes several prominent figures in the global legal community, who work together to advance the organization's goals. Dr. Divekar's appointment as President is seen as a strategic move to further enhance WILL's impact on the international stage. Members of WILL and the broader legal community have expressed their support and confidence in Dr. Divekar's ability to lead the organization towards greater achievements, particularly in promoting independent legal practice and making legal assistance more accessible globally. Dr. Divekar's presidency is poised to bring renewed energy and focus to WILL's mission, ensuring that the organization continues to play a pivotal role in shaping the future of the legal profession.

## "My Encounter with Subhash Chandra"

New Delhi SLNS

Today, I found myself in a unique situation, sharing a bench with Subhash Chandra, the legendary promoter of Zee News, at the National Company Law Tribunal (NCLT). Gone were the entourages, the media frenzy, and the flashes of camera lights. Mr. Chandra was there alone, battling a personal insolvency plea with no resources to hire senior advocates or even afford a coffee at a five-star hotel.

The court expressed its ire at the resolution professional for holding a meeting at such a venue and promptly appointed a new one. As I sat beside Mr. Chandra, he recounted his journey from a humble rice trader to a media mogul who once sent edited news videos to Singapore for telecast due to the



lack of uplinking facilities in India. He also spoke fondly of his efforts to inspire new entrepreneurs by sharing his experiences at management colleges. It is disheartening to see an entrepreneur of his stature in such dire straits. This personal insolvency case raises questions—could it be a strategy to evade debts and ongoing litigation, or is it genuine?

## Lok Janshakti Party (R) hails union budget 2024



Presenting the views of Lok Janshakti Party (R) on union budget 2024, in the meeting of NDA Spokespersons at BJP HQ and greeting Union Council of Ministers on behalf of the Party.



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# Airbag Failure: Is Mercedes-Benz's Claim Of Seat Belt Adequacy Enough?

New Delhi SLNS

**S**upreme Court Upholds Rs.10 Lakh Fine Against Mercedes-Benz for Airbag Non-Deployment

The Supreme Court on Tuesday upheld a Rs.10 lakh fine against Mercedes Benz India Private Limited for unfair trade practices and service deficiencies related to the non-deployment of airbags in a vehicle during an accident [Mercedes Benz India Private Limited v. CG Power and Industrial Solutions Limited and Others.

Mercedes Benz argued that the driver's seat belt provided sufficient protection, negating the need for airbag deployment. Justices Bela M. Trivedi and Pankaj Mithal rejected this argument, emphasizing that the airbags should have activated given the driver was properly restrained by his seat belt. "The car's flaw regarding the frontal airbags' failure to deploy was amply demonstrated," the Court stated. Additionally, the Court criticized Mercedes-Benz for not

disclosing the airbag feature's limitations in its owner's manual or brochure. The Court upheld the National Consumer Dispute Redressal Commission (NCDRC) judgment, which imposed a total punishment of Rs.10 lakh, including Rs.5 lakh for the airbag failure and Rs.5 lakh for Mercedes-Benz's inadequate explanation of the airbag limitations. The NCDRC's decision to charge Rs. 25,000 for litigation costs was also supported.

The case involved a 2002 purchase of a Mercedes-Benz E-Class E 240 petrol version, which cost approximately Rs.45 lakhs. In 2006, a collision between a goods carrier and the Benz car resulted in significant injuries to the back-seat passenger, who was the vehicle's owner. The owner filed a complaint, arguing that Mer-

cedes-Benz had marketed the car as the safest on the road, yet the airbags did not deploy during the collision, exacerbating the injuries sustained.

Mercedes-Benz contended that the driver's

activated since the complainant was in the back seat. The side airbags did not deploy as there was no side contact. The Court, however, dismissed these claims, underscoring that deceptive marketing practices qualify as "unfair trade practice" under

Section 2(1)(r) of the Consumer Protection Act. In a related case within the same ruling, Mercedes-Benz was ordered to reimburse Rs. 36 lakh to another car owner due to an overheating problem. In the next episode, I'll delve deeper into my library sojourn, Rajasthan, and more insights from Ramao Ji Rao. Stay tuned.



seat belt sufficed for safety, and the front passenger airbag could not have

## Cleared of Taint: Advocates' Rights Affirmed in Nalini Chidambaram Acquittal

New Delhi SLNS

**A** Landmark Judgement and Its Implications for Legal Professionals

In a significant judgment, the PMLA Court acquitted senior advocate Nalini Chidambaram in a high-profile money laundering case. The case, which garnered substantial media attention, revolved around allegations that Chidambaram received money from the Saradha Group, which was accused of running a Ponzi scheme. The judgment has profound implications for advocates who represent accused individuals in criminal cases, particularly concerning the receipt of professional fees.

**Judgement on professional fees**

"The court finds that the payments received by Nalini Chidambaram were for professional services rendered as a legal practitioner. There is no substantial evidence to prove that the money received was tainted or part of the proceeds of crime as defined under the Prevention of Money Laundering Act (PMLA)." (Para 56, PMLA Court Judgement)

**Definition of Tainted Money**

Tainted money refers to funds derived from illegal activities, including, but not limited to, fraud, drug trafficking, embezzlement, or other criminal activities. Under the PMLA, tainted money is the proceeds of crime, and its possession, use, or laundering constitutes an offense. The court's decision underscores the importance of distinguishing between professional fees and tainted money. This distinction is crucial for advocates, as it upholds their right to practice law without being unjustly implicated in their clients' alleged crimes. The



judgment reiterates that receiving a fee for legal services does not automatically imply involvement in the client's illicit activities.

**Far-Reaching Impacts**

**Protection for Advocates:** This ruling offers advocates a layer of protection, ensuring they can represent clients without fear of unwarranted prosecution, provided their earnings are for legitimate services.

**Professional Integrity:** It reinforces the integrity of the legal profession by acknowledging that lawyers, in their professional capacity, are entitled to be remunerated without being presumed complicit in their clients' alleged offenses.

**Legal Precedent:** The judgment sets a legal precedent that could influence future cases involving advocates accused of receiving tainted money. It could act as a deterrent against frivolous litigation aimed at intimidating legal professionals.

**The Case of Kapil Sibal**

Similarly, senior advocate Kapil Sibal faced scrutiny for representing high-profile clients accused of serious crimes. However, the judiciary has consistently recognized the necessity of a robust legal defense for all accused individuals, as it is fundamental to the principles of justice and fair trial. Sibal's professional en-

gagements were ultimately upheld as legitimate legal practice, separate from the alleged crimes of his clients.

**Recent Trends: Advocates Under Siege**

The legal profession has recently seen increasing attacks on advocates, both within the judiciary and external pressures. Judges have expressed discontent with lawyers having websites or engaging in various professional activities beyond the courtroom. These constraints are concerning, as they limit the scope of professional growth and visibility for advocates.

At the same time, advocates find themselves without adequate support systems. Unlike other professions, lawyers often lack access to amenities like secure housing, continuous education, health benefits, and even physical safety measures. This disparity places a significant burden on legal professionals, who must navigate a challenging and often hostile work environment without institutional backing.

**Protection of pillars of Justice for justice**

The acquittal of Nalini Chidambaram marks a pivotal moment for the legal fraternity, reinforcing the crucial distinction between professional fees and tainted money. The legal community and the judiciary must continue advocating for the rights and protections of advocates, ensuring they can perform their duties without fear of persecution or undue restrictions. The legal profession must be safeguarded to uphold the rule of law and ensure justice for all. This post highlights the significance of recent legal developments while calling for greater support and recognition for advocates, who are essential pillars of the justice system.

## 4C New Partnership



New Delhi SLNS

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# Breaking the Silence: Obstetric Violence in India

New Delhi SLNS

Obstetric violence, a term that encapsulates the mistreatment and abuse of women during childbirth, remains an under-recognized and unaddressed issue in India. Despite the country's strides in maternal healthcare, many women continue to suffer in silence due to the absence of specific legal protections. This article explores the current status of obstetric violence in India, its implications, relevant legal judgments, and the urgent need for legal reforms to safeguard the dignity and rights of women.

## Understanding Obstetric Violence

Obstetric violence includes a wide range of abuses that women may face during pregnancy, labor, and postpartum care. This can range from physical abuse, verbal insults, and unnecessary medical interventions to the denial of pain relief and the lack of informed consent. Such practices not only violate the fundamental rights of women but also perpetuate a culture of fear and mistrust within the healthcare system.

## The Current Status in India

India's healthcare system, particularly in the public sector, is often plagued by overcrowding, under-resourcing, and a lack of adequate training. These systemic issues contribute to the perpetuation of obstetric violence, especially among vulnerable populations such as rural women

and those from marginalized communities. Despite numerous reports and testimonies, obstetric violence remains largely invisible in public discourse. The stigma associated with childbirth and the normalization of mistreatment within healthcare settings further exacerbate the problem. Women are often hesitant to report abuses, fearing social ostracism or retaliation from healthcare providers.

## Legal Provisions and Gaps

Currently, there is no specific legal framework in India that directly addresses obstetric violence. While general provisions under the Indian Penal Code (IPC) and the Consumer Protection Act may offer some recourse, these are often inadequate and do not fully capture the unique nature of obstetric violence.

For instance, Section 354 of the IPC, which deals with assault or criminal force to a woman with intent to outrage her modesty, could be invoked in cases of physical abuse during childbirth. However, this provision does not address the broader spectrum of emotional and psychological abuse that women may experience.

Similarly, the Medical Termination of Pregnancy Act, 1971, and the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, primarily focus on the regulation of medical practices rather than the protection of women's rights during childbirth. The absence of specific legislation means that many cases of obstetric violence go unreported and unpunished.

## Judgments and Case Laws

Although there is no direct legal framework addressing obstetric violence in India, several judgments and case laws have indirectly touched upon the issues of medical negligence and the violation of patients' rights during childbirth:

**Samira Kohli v. Dr. Prabha Manchanda & Anr. (2008):** This landmark Supreme Court judgment emphasized the importance of informed consent in medical procedures. The Court held that any medical procedure without the patient's informed consent constitutes medical negligence. This principle is crucial in cases where women are subjected to medical interventions during childbirth without adequate information or consent.

**State of Punjab v. Shiv Ram & Ors. (2005):** In this case, the Supreme Court held that medical professionals could be held liable for negligence if it is proven that they failed to adhere to the standard practices expected in their field. This judgment has relevance in obstetric violence cases where substandard care or unnecessary interventions result in harm to the patient. **Indian Medical Association v. V.P. Shantha & Ors. (1995):** The Supreme Court in this case brought medical services under the ambit of the Consumer Protection Act, allowing patients to seek compensation for deficiencies in service. Women who have suffered obstetric violence may seek redressal under this Act, though it still does not address the specificities of obstetric violence.

**Jasbir Kaur v. State of Punjab (1994):** This case dealt with a claim of negligence leading to the death of a woman during childbirth due to improper medical care. The Punjab and Haryana High Court awarded compensation to the victim's family, highlighting the importance of accountability in medical care.

## The Call for Legal Reforms

The absence of dedicated legal provisions raises critical questions: Shouldn't the Indian legal system recognize and address obstetric violence as a distinct category of abuse? How can we ensure that healthcare providers are held accountable for the mistreatment of women during childbirth? What role can civil society play in bringing this issue to the forefront of public consciousness? There is an urgent need for comprehensive legislation that specifically targets obstetric violence in India. Such a law should encompass a broad definition of obstetric violence, provide clear guidelines for healthcare providers, and establish robust mechanisms for reporting and redressal. Moreover, there should be a focus on training healthcare professionals to recognize and prevent obstetric violence, ensuring that the rights and dignity of women are upheld during childbirth.

## pressing

Obstetric violence is a pressing issue that demands immediate attention from lawmakers, healthcare professionals, and society at large. The lack of specific legal provisions in India leaves countless women vulnerable to abuse and mistreatment during one of the most critical moments of their lives. It is time to break the silence, acknowledge the gravity of this issue, and work towards creating a legal framework that protects the rights and dignity of every woman during childbirth. The question remains: How long can we afford to ignore this silent epidemic?



## Will New BNS replace the money laundering(PMLA) Act?

New Delhi SLNS

The prime objective of the new BNS law, which is based on protecting the principle of the presumption of innocence, appears to conflict with the provisions of the Prevention of Money Laundering Act (PMLA) in India. The conflict arises from differing approaches to the burden of proof and the availability of bail for individuals accused under these laws.

Under the new BNS law, the emphasis is on upholding the presumption of innocence, a fundamental principle in criminal law that presumes an individual innocent until proven guilty. This principle is crucial in safeguarding the rights of the accused and ensuring fair legal proceedings. The burden of proof typically rests on the prosecution to establish the guilt of the accused beyond a reasonable doubt.

In contrast, the PMLA imposes strict provisions regarding bail and places the burden of proving innocence on the accused rather than the prosecution. This reversal of the burden of proof can be seen as a departure from the traditional presumption of innocence and can pose challenges to individuals facing allegations under the PMLA. The conflict between these two legal frameworks highlights a fundamental divergence in approach towards the rights of the accused and the burden of proof. Balancing the

need to combat money laundering effectively while ensuring due process and protection of individual rights is essential in resolving this conflict.

To address this conflict, it may be necessary to review and potentially amend the relevant provisions of the PMLA to align with the principles of the presumption of innocence and fair trial. Revisiting the bail provisions and the burden of proof requirements under the PMLA could help mitigate the conflict and uphold the fundamental rights of individuals accused under the law.

Thus, reconciling the objectives of the new BNS law, focused on preserving the presumption of innocence, with the provisions of the PMLA, which impose strict bail conditions and a reversed burden of proof, requires a careful legal analysis and potential legislative adjustments to ensure coherence and fairness in the legal system. It is crucial to address this conflict to ensure legal harmony and uphold the rule of law. To deal with this conflict effectively, the following steps could be considered: **Legal Analysis:** Conduct a detailed legal analysis to identify the specific provisions of the new BNS law that conflict with the PMLA. Understanding the nature and scope of the conflict is essential in formulating a strategy to resolve it.

**Stakeholder Consultation:** Engage with stakeholders including legal experts, lawmakers, and government officials to discuss the implications of the

conflict and gather diverse perspectives on potential solutions.

**Amendment or Repeal:** Consider amending or repealing the conflicting provisions of either the new BNS law or the PMLA to eliminate inconsistencies and ensure consistency in the legal framework. **Judicial Review:** If necessary, seek judicial review to address the conflict through the legal system. The Supreme Court of India may guide interpreting the laws in question and resolving the conflict in a manner consistent with constitutional principles. **Awareness and Education:** Raise awareness among the legal community, law enforcement agencies, and the public about the conflict between the two laws and the steps being taken to address it. **Education and clarity can help prevent confusion and ensure compliance with the law.** **Regulatory Guidance:** Provide clear regulatory guidance to relevant agencies responsible for enforcing the laws to ensure they are equipped to navigate the legal complexities arising from the conflict. Overall, resolving conflicts between laws such as the new BNS law and the PMLA requires a comprehensive approach that involves legal analysis, stakeholder consultation, possible legislative action, judicial review, public awareness, and regulatory guidance. By addressing these conflicts proactively and collaboratively, legal systems can maintain coherence and uphold the rule of law effectively.



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देश में इस

Obstetric violence

को रोकने के लिए कोई कानून नहीं है।

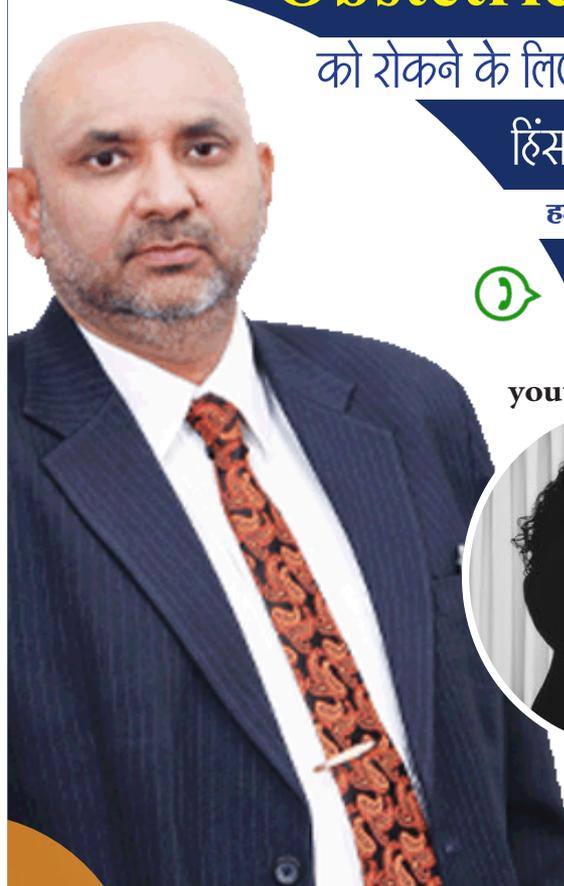
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## "From UNESCO Society to Silver Screen Stardom: Kriti Sanon's Inspiring Journey"



Dr. Mala Saini

In the heart of I. P. Extension, Delhi, the residents of UNESCO Apartment are abuzz with excitement and pride. They are celebrating the recent success of their cherished neighbor, Kriti Sanon, in her captivating portrayal of a robot in the film Baaton Mein Aisa Ulja Jiya.

Kriti, a national award-winning actress, holds deep roots



Ms. Vanya Sodhi

academics, Kriti exhibited a remarkable prowess that



"I am pleased about Kriti Sanon's success. It's a proud moment for us that a person among us has achieved such a prestigious award. Winning a National Award for Best Actress by Kriti Sanon is outstanding. Kriti is a humble, down-to-earth girl. We wish her the best of luck with her upcoming assignments."

Anjali Diwan  
President  
Unesco Apartments)

in the neighborhood. She is the beloved daughter of the UNESCO Parivar. Her journey to stardom is a personal triumph and a source of collective joy for the tight-knit community she calls home. As memories resurface, the residents fondly reminisce about Kriti's childhood, where her talents shone brightly across various domains. From acting to sports, dancing to



Mrs. Kusum Sikka

Mrs. Kusum Sikka, another esteemed resident, provides insight into Kriti's character and upbringing, "Kriti has been sincere and studious from childhood. She was always there for her younger sister Nupur. Her mother is a lecturer, and her father is a C.A. She did her engineering studies." Mrs. Sikka highlights Kriti's early foray into advertising and praises her relentless work ethic, "We are proud of her success. She deserves it as she has been a hardworking and committed girl." Reflecting on Kriti's journey from local talent to national sensation, Mrs. Sikka emphasizes the importance of dedication and perseverance. Indeed, Kriti's unwavering commitment to her craft and humble demeanor have endeared her to her community and audiences across the country. In an exclusive comment on her challenging role as a robot in "Baaton Mein Aisa Ulja Jiya," Kriti shares, "I always felt that people equated good performances to intense scenes and emotions. This character lacked emotions, so I didn't expect the response to be this overwhelming. To convince the audience that I am a machine in the film was ex-

left an indelible mark on all who knew her intimately. Mrs. Archana Sodhi, whose daughter Vanya shared a special bond with Kriti, recalls, "Kriti was a shining star even as a child. She was intelligent and friendly, always treating everyone equally." Ms. Vanya Sodhi, a resident of UNESCO Apartment, reminisces about Kriti Sanon's childhood. Adding to the narrative,

"It's a moment of great pride for us. I feel privileged to know that a celebrity of such a caliber lives among us. I wish Kriti, her proud parents, and her family congratulations and all the best for her future."

Madhu Sahu  
Resident of the Unesco  
Apartments

tremely tricky. I knew it was a challenging role, which is what made it easy for me to take it up."

Kriti's ties to UNESCO Apartment remain strong, with her parents still residing in the neighborhood, serving as a testament to her rootedness and humility. Her success serves as a beacon of hope and inspiration, demonstrating to the younger generation that dreams are within reach with hard work and deter-



Kriti's childhood, where her talents shone brightly across various domains. From acting to sports, dancing to academics, Kriti exhibited a remarkable prowess that left an indelible mark on all who knew her intimately. Mrs. Archana Sodhi, whose daughter Vanya shared a special bond with Kriti, recalls, "Kriti was a shining star even as a child."

nation. As Kriti Sanon continues to ascend the ladder of success in the entertainment industry, the residents of UNESCO Apartment stand united in their unwavering support, eagerly cheering her on as she continues to captivate audiences and etch her name in the annals of Bollywood history.