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3.	<b><i>Manjeet Singh v. State of Haryana and Ors. AIR 2021 SC 4274</i></b> [While exercising the powers under Section 319 Code of Criminal Procedure the Court has not to wait till the cross-examination and on the basis of the examination-in-chief of a witness if a case is made out, a person can be summoned to face the trial under Section 319 Code of Criminal Procedure. It is observed in the said decision that the entire effort is not to allow the real perpetrator of an offence to get away unpunished. It is observed that this is also a part of fair trial and in order to achieve this very end that the legislature thought of incorporating the provisions of Section 319 Code of Criminal Procedure.]	
4.	<b><i>Devendra Kumar Saxena v. Central Bureau of Investigation and Ors. AIR 2021 SC 2006</i></b> [In Matters of Transfer Petition, the Trial Court shall take note of the health condition of the Petitioner and dispense with his personal appearance, except when necessary. If online participation is permissible and the facility is also available, it is open to the Special Court to consider whether the Petitioner can be allowed to participate virtually, so that he is not completely in the dark about what is happening. It is true, the right of the Accused to a fair trial and a fair opportunity to defend himself against the charges will be meaningful only when there is an active participation of the Accused in the proceedings.]	
5.	<b><i>Sartaj Singh v. State of Haryana and Ors. (2021) 5 SCC 337</i></b> [The object and purpose of Section 319 Code of Criminal Procedure are to ensure a fair trial. It is further observed that for the empowerment of the courts to ensure that the criminal administration of justice works properly, the law has been appropriately codified and modified by the legislature under the Code of Criminal Procedure indicating as to how the Courts should proceed to ultimately find out the truth so that the innocent does not get punished but at the same time, the guilty are brought to book under the law.]	
6.	<b><i>Shantaben Bhurabhai Bhuriya v. Anand Athabhai Chaudhari and Ors. AIR 2021 SC 5368</i></b> [The concept of fair trial and the conception of miscarriage of justice are not in the realm of abstraction. They do not operate in a vacuum. To quash the entire criminal proceedings in exercise of powers under Section 482 of the Code of Criminal Procedure is impermissible. Even assuming that the High Court was right that in absence of sanction Under Section 197, the proceedings are vitiated, in that case, the High Court could have directed the authority to take sanction and then proceed, instead of completely quashing the entire criminal proceedings.]	
7.	<b><i>Dinubhai Boghabhai Solanki v. State of Gujarat and Ors. (2018) 11 SCC 129</i></b> [In a case of a slight doubt about guilt of under trial, he was entitled to benefit of doubt. All these principles were premised on doctrine that, "ten criminals might go unpunished but one innocent person should not be convicted". Emphasis here was on ensuring that; innocent person should not be convicted. Convicting an innocence leads to serious flaws in the criminal justice system.]	
8.	<b><i>Asha Ranjan and another v. State of Bihar and others AIR 2017 SC 1079</i></b>	

	[The concept, objectives, and principles of fair trial must be examined in matters of transfer petitions. The balance must be maintained between the rights of the accused, victims, their dependents and due process of law should be followed.]
9.	<b><i>Ajay Singh v. State of Chhattisgarh (2017) 3 SCC 330</i></b> [It is imperative for the trial court to pronounce judgment in open court by delivering the whole of the judgment or reading out the whole of the judgment or reading out the operative part of the judgment subject to the language understood by the accused or his pleader. Thus, without pronouncement of a judgment in open court, signed and dated, it cannot be treated as judgment.]
10.	<b><i>State of Bihar v. Rajballav Prasad @ Rajballav Pd. Yadav @ Rajballabh Yadav (2017) 2 SCC 178</i></b> [The court should adopt a liberal approach and properly balance individual liberty vs. social interest. The prime consideration for any trial to be called fair is when the witness feels protected for free, frank, and fearless deposition.]
11.	<b><i>Pooja Pal v. Union of India and others (2016) 3 SCC 135</i></b> [The extraordinary power of constitutional courts in directing CBI to conduct investigation in a case must be exercised sparingly, cautiously and in exceptional situations, when it is necessary to provide credibility and instil confidence in investigation or where incident may have national or international ramifications or where such order may be necessary for doing complete justice and for enforcing fundamental rights.]
12.	<b><i>State of NCT v. Shiv Kumar Yadav (2016) 2 SCC 402</i></b> [Mere observation that recall was necessary “for ensuring fair of trial” is not enough unless there are tangible reasons to show how fairness of trial suffered without recall.]
13.	<b><i>Bablu Kumar v. State of Bihar (2015) 8 SCC 787</i></b> [It is the duty of the court to see that neither prosecution nor the accused play truancy with criminal trial or corrode the sanctity of the proceeding. The court cannot be the silent spectator or mute observer.]
14.	<b><i>Vinod Kumar v. State of Punjab (2015) 3 SCC 220</i></b> [It is the duty of the presiding judge to conduct trial in a proper manner. There is a need for expeditious disposal so that the truth is not the victim and accused do not get time to win over witness. Calling of a witness after a long span of time is anathema to a concept of proper and fair trial.]
15.	<b><i>State of Himachal Pradesh v. Raj Kumar (2014) 14 SCC 39</i></b> [The chain of circumstances is not so complete as not to leave any reasonable ground for the conclusion consistent with the innocence of the respondent. It is also not possible to say that in all human probability respondent was the culprit.]
16.	<b><i>State of Gujarat v. Kishanbhai (2014) 5 SCC 108</i></b> [Every acquittal should be understood as a failure of the justice delivery system, in serving the cause of justice. Likewise, every acquittal should ordinarily lead to the inference, that an innocent person was wrongfully prosecuted. It is therefore essential that every state should put in place a procedural mechanism that would ensure that the cause of justice is served.]
17.	<b><i>Hardeep Singh and others v. State of Punjab (2014) 3 SCC 92</i></b> [Constructive and purposive interpretations should be adopted so as to advance the object and cause of justice. The concept of a fair trial is based on the doctrine <i>judex damnatur cum nocens absolvitur</i> (judge is condemned when guilty is acquitted). The real culprit should not get away unpunished.]

18.	<b><i>Dharam Pal and others v. State of Haryana (2014) 3 SCC 306</i></b> [Even without recording evidence, upon committal under section 209 CrPc, the session Judge may summon those persons shown in column 2 of the police report to stand trial along with that already named therein.]	
19.	<b><i>Sarah Mathew v. Institute of Cardio Vascular Diseases by its Director, Dr. K. M. Cherian (2014) 2 SCC 62</i></b> [Date relevant for the computation of period of limitation under, held is the date when criminal complaint is filed or date of institution of prosecution/criminal proceedings, and not the date when a court/magistrate takes cognizance.]	
20.	<b><i>Mohammed Ajmal Amir Kasab @ Abu Mujahid v. State of Maharashtra (2012) 9 SCC 1</i></b> [The right to free legal services is, therefore, clearly an essential ingredient of “reasonable, fair and just”, procedure for a person accused of an offence and it must be held implicit in the guarantee of Article 21. This is a constitutional right of every accused person who is unable to engage a lawyer and secure legal services on account of reasons such as poverty, indigence or incommunicado situation and the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so require, provided of course the accused person does not object to the provision of such lawyer.]	
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6.	<b><i>Mallikarjun v. State of Karnataka, 2019 (8) SCC 359</i></b> [While appreciating the evidence of a witness, the approach must be to assess whether the evidence of a witness read as a whole appears to be truthful. Once the impression is formed, it is necessary for the court to evaluate the evidence and the alleged discrepancies and then, to find out whether it is against the general tenor of the prosecution case. If the evidence of eye witness is found to be credible and trustworthy, minor discrepancies which do not affect the core of the prosecution case, cannot be made a ground to doubt the trustworthiness of the witness. Observing that minor discrepancies and inconsistent version do not necessarily demolish the prosecution case if it is otherwise found to be creditworthy.]	
7.	<b><i>State of Himachal Pradesh v. Raj Kumar, 2018 (2) SCC 69</i></b> [It is well settled that in a case based on circumstantial evidence, the circumstances from which an inference of guilt is sought to be drawn must be cogently and firmly established and that those circumstances must be conclusive in nature unerringly pointing towards the guilt of the accused. Moreover all the circumstances taken cumulatively should form a complete chain and there should be no gap left in the chain of evidence. Further the proved circumstances must be consistent only with the hypothesis of the guilt of the Accused and totally inconsistent with his innocence.]	

8.	<p><b><i>State of Andhra Pradesh v. Pullagummi Kasi Reddy Krishna Reddy @ Rama Krishna Reddy and others, 2018 (7) SCC 623</i></b>  [The principle of 'Falsus in uno falsus in omnibus' has not been accepted in our country. Even if some accused are acquitted on the ground that the evidence of a witness is unreliable, the other accused can still be convicted by relying on the evidence of the same witness. Minor contradictions and omissions in the evidence of a witness are to be ignored if there is a ring of truth in the testimony of a witness.]</p>
9.	<p><b><i>Suresh and Another v. State of Haryana (2018) 18 SCC 654</i></b>  [Extra Judicial Confession cannot be the sole basis of conviction and cannot be relied on when surrounding circumstances are improbable and create suspicion. It is a weak piece of evidence and the court needs to consider whether other circumstances prove the prosecution case.]</p>
10.	<p><b><i>Krishnegowda v. State of Karnataka, 2017 (13) SCC 98</i></b>  [The guilt of the Accused has to be proved beyond reasonable doubt and this is a classic case where at each and every stage of the trial, there were lapses on the part of investigating agency and the evidence of the witnesses is not trustworthy which can never be a basis for conviction. The basic principle of criminal jurisprudence is that the Accused is presumed to be innocent until his guilt is proved beyond reasonable doubt.]</p>
11.	<p><b><i>Sudha Renukaiah v. State of Andhra Pradesh, 2017 (13) SCC 81</i></b>  [Mere non-showing of the weapons to the Doctors at the time of their depositions in the Court is inconsequential and in no manner weakens the prosecution case. Some discrepancies referred by the Trial Court in the statements of eye-witnesses were inconsequential. The eye-witnesses after lapse of time cannot give picture perfect report of the injuries caused by each Accused and the minor inconsistencies were inconsequential.]</p>
12.	<p><b><i>Mukesh v. State (NCT of Delhi), 2017 (6) SCC 1</i></b>  [The evidence of a witness is not to be disbelieved simply because he is a partisan witness or related to the prosecution. It is to be weighed whether he was present or not and whether he is telling the truth or not. The evidence of an injured witness is entitled to a greater weight and the testimony of such a witness is considered to be beyond reproach and reliable. Firm, cogent and convincing ground is required to discard the evidence of an injured witness. It is to be kept in mind that the evidentiary value of an injured witness carries great weight.]</p>
13.	<p><b><i>Bhagwan Jagannath Markad and others v. State of Maharashtra, (2016) 10 SCC 537</i></b>  [It is accepted principle of criminal jurisprudence that the burden of proof is always on the prosecution and the accused is presumed to be innocent unless proved guilty. The prosecution has to prove its case beyond reasonable doubt and the accused is entitled to the benefit of the reasonable doubt. The reasonable doubt is one which occurs to a prudent and reasonable man. A witness being a close relative is not enough to reject his testimony if it is otherwise credible. Exaggerated to the rule of benefit of doubt can result in miscarriage of justice. Letting the guilty escape is not doing justice. A Judge presides over the trial not only to ensure that no innocent is punished but also to see that guilty does not escape.]</p>
14.	<p><b><i>Pawan Kumar v. State of Uttar Pradesh, 2015 (7) SCC 148</i></b>  [When a witness is examined at length it is quite possible for him to make some discrepancies. No true witness can possibly escape from making some discrepant details. But Courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the Court is justified in jettisoning his evidence.]</p>
15.	<p><b><i>Shanmughan v. State of Kerala (2012) 2 SCC 788</i></b>  [When a case is sought to be proved by the prosecution on basis of circumstantial evidence, the burden on the prosecution is that it must prove each circumstance in such a way as to complete the chain and at the same time it should be consistent with the guilt of the accused. Any reasonable doubt in proving circumstances must be resolved in favour of the accused and he must be given the benefit of any fact or circumstances which is consistent with his innocence, which is to be presumed unless the contrary is proved by the chain of circumstances.]</p>

16.	<b><i>Darbara Singh v. State of Punjab, 2012 (10) SCC 476</i></b> Motive in criminal cases based solely on the positive, clear, cogent and reliable ocular testimony of witnesses is not at all relevant. In such a fact-situation, the mere absence of a strong motive to commit the crime, cannot be of any assistance to the accused. The motive behind a crime is a relevant fact regarding which evidence may be led. The absence of motive is also a circumstance which may be relevant for assessing evidence]
17.	<b><i>Kulvinder Singh and Another v. State of Haryana (2011) 5 SCC 258</i></b> [Conviction of accused is generally based solely on oral or documentary evidence but in exceptional cases can be based solely on circumstantial evidence too.]
18.	<b><i>Noor Aga v. State of Punjab and Another, (2008) 16 SCC 417</i></b> [The foundational requirements of the provision of law providing for reverse burden should be strictly complied with and should be subject to the establishment of certain basic facts. The presumption of innocence can be given subject to certain exceptions and the establishment of certain basic facts.]
19.	<b><i>Trimukh Maroti Kirkan v. State of Maharashtra (2006) 10 SCC 681</i></b> [Where prosecution succeeds in leading evidence to show that either the husband and the wife were last seen together or the offence was committed in the dwelling house, where the husband also resided, and if the accused husband offers no explanation as to the injuries received by his wife, or if the explanation is false, then there is a strong circumstance which indicates that he committed the crime. Conviction can be based solely on the circumstantial evidence.]
20.	<b><i>Subhash Chand v. State of Rajasthan (2002) 1 SCC 702</i></b> [In a case based on circumstantial evidence, the circumstances from which the conclusion of guilt is to be drawn have not only to be fully established but also that all the circumstances so established should be of a conclusive nature and consistent only with the hypothesis of the guilt of the accused. Those circumstances should not be capable of being explained by any other hypothesis except the guilt of the accused and the chain of the evidence must be so complete as not to leave any reasonable ground for the belief consistent with the innocence of the accused. It needs no reminder that legally established circumstances and not merely indignation of the court can form the basis of conviction and the more serious the crime, the greater should be the care taken to scrutinize the evidence lest suspicion takes the place of proof.]

**Session 8**  
**Forensic Evidence in Civil and Criminal Trials**

1.	<b><i>Conclusions and Recommendation, 271<sup>st</sup> Law Commission of India Report on Human DNA Profiling – A Draft Bill for the Use and Regulation of DNA Based Technology 40-44</i></b> Law Commission of India (2017).	317
2.	G.K. Goswami, <b><i>Forensic Law</i></b> , 51 Annual Survey of Indian Law, 597630 (2016).	408
3.	Subhash Chandra Singh, <b><i>DNA Profiling And The Forensic Use Of DNA Evidence In Criminal Proceedings</i></b> , Journal Of The Indian Law Institute, Volume 53, April-June 2011 Number 2	429
4.	Andrew Ligertwood, <b><i>Can DNA Evidence Alone Convict an Accused</i></b> , 33 Sydney L. Rev. 487 (2011)	461
5.	Trichi Saukshmya and Dr. Dilip Dube, <b><i>Genetics of Crime : A Fresh Look at Evidence and Admissibility</i></b> , (2011) SCC J 60	489
6.	Carole McCartney <b><i>Forensic Identification: The Criminal Trial</i></b> in FORENSIC IDENTIFICATION AND CRIMINAL JUSTICE FORENSIC SCIENCE, JUSTICE AND RISK pp. 68-104	501
7.	<b><i>Veerendra v. State of Madhya Pradesh 2022 SCC OnLine SC 622</i></b> [The lapse or omission (purposeful or otherwise) to carry out DNA profiling, by itself, cannot be permitted to decide the fate of a trial for the offence of rape especially, when it is combined with the commission of the offence of murder - Even if such a flaw had occurred in the investigation in a given case, the Court has still a duty to	

	consider whether the materials and evidence available on record before it, is enough and cogent to prove the case of the Prosecution.]
8.	<b><i>Hari Om Alian Hero v. State of Uttar Pradesh (2021) 4 SCC 345</i></b> [In absence of any other reliable incriminatory materials, the evidence of child witness could not be made the basis to convict appellant. Further, opinion of fingerprint expert is not substantive evidence and such opinion can only be used to corroborate some items of substantive evidence which are otherwise on record.]
9.	<b><i>Pattu Rajan v. State of Tamil Nadu (2019) 4 SCC 771</i></b> [It is further held that the probative value accorded to DNA evidence, like all other opinion evidence, also varies from case to case, depending on facts and circumstances and the weight accorded to other evidence on record, whether contrary or corroborative. Thus, it cannot be said that the absence of DNA evidence would lead to an adverse inference against a party, especially in the presence of other cogent and reliable evidence on record in favour of such party.]
10.	<b><i>Chennadi Japapathi Reddy v. Baddam Pratapa Reddy (2019) 14 SCC 220</i></b> [A court must be cautious while evaluating expert evidence, which is a weak type of evidence and not substantive in nature it may not be safe to solely rely upon such evidence, and the Court may seek independent and reliable corroboration in the facts of a given case. Generally, mere expert evidence as to a fact is not regarded as conclusive proof of it.]
11.	<b><i>Rajendra Pralhadrao Wasnik v. State of Maharashtra (2019) 12 SCC 460</i></b> [DNA profiling is an extremely accurate way to compare a suspect's DNA with crime scene specimens, victim's DNA on the blood-stained clothes of the accused or other articles recovered, DNA testing can make a virtually positive identification when the two samples match. A DNA finger print is identical for every part of the body, whether it is the blood, saliva, brain, kidney or foot on any part of the body. It cannot be changed; it will be identical no matter what is done to a body. Even relatively minute quantities of blood, saliva or semen at a crime scene or on clothes can yield sufficient material for analysis. The Experts opine that the identification is almost hundred per cent precise. Using this i.e. chemical structure of genetic information by generating DNA profile of the individual, identification of an individual is done like in the traditional method of identifying finger prints of offenders.]
12.	<b><i>S.P.S. Rathore v. Central Bureau of Investigation &amp; Another (2017) 5 SCC 817</i></b> [It is not essential that the handwriting expert must be examined in a case to prove or disprove the disputed writing. It is opinion evidence and it can rarely, If ever, take the place of substantive evidence. It is thus clear, that uncorroborated evidence of a handwriting expert is an extremely weak type of evidence and the same should not be relied upon either for the conviction or for acquittal.]
13.	<b><i>Machindra v. Sajjan Gafra Rankhamb &amp; other (2017) 13 SCC 491</i></b> [Where medical evidence is such that it does not give any clear opinion with respect to injuries inflicted on body of victim or deceased, as the case may be, possibilities that injuries might have been caused by accused are also ruled out. such medical evidence is very important to assess the testimonies of eyewitness and whether they can be accepted or not.]
14.	<b><i>Dharam Deo Yadav v. State of Uttar Pradesh (2014) 5 SCC 509</i></b> [The question as to whether DNA tests are virtually infallible may be a moot question, but the fact remains that such test has come to stay and is being used extensively in the investigation of crimes and the court often accepts the views of the experts, especially when case rests on circumstantial evidence.]

15.	<b>Anil Alias Anthony Ariskswamy Joseph v. State of Maharashtra (2014) 4 SCC 69</b> [DNA is a molecule that encodes the genetic information in all living organism. Matching DNA profile of the sample at the scene of crime with that of the accused it can generally be concluded that both samples are of same biological origin. DNA profile is valid, reliable but variance in a particular result depends on the quality control and quality procedure in the laboratory.]
16.	<b>State of Gujrat v. Kishanbhai &amp; other (2014) 5 SCC 108</b> [Investigating agency ought to have sought DNA profiling of blood samples, which would have given a clear picture whether or not blood of victim was in fact on clothes of accused. DNA profiling of blood found on knife used in commission of crime would have uncontrovertibly determined whether or not such knife has been used in the commission of the crime. In spite of so much advancement in the field of forensic science, investigating agency seriously erred in carrying out an effective investigation.]
17.	<b>Dayal Singh &amp; Others v. State of Uttaranchal (2012) 8 SCC 263</b> [Expert report should be well authored and convincing. Report, duly proved has evidentiary value but it is not binding on the court.]
18.	<b>Surendra Koli v. State of Uttar Pradesh &amp; others (2011) 4 SCC 80</b> [Under medical jurisprudence, the matching of DNA of deceased with that of her parents and brother is considered as an established identity of the dead body.]
19.	<b>Selvi &amp; others v. State of Karnataka (2010) 7 SCC 263</b> [Voluntary undertaking of test is permissible provided certain safeguards as recommended by NHRC in case of polygraph test are observed. Similar is the case with BEAP test and narcoanalysis case also. But even such results are not admissible in evidence except that they can be puit to use for a limited purpose.]

Session 9

Transition to a Gender Just Society: Jurisprudential Developments

1.	Dr. Justice Shalini Phansalkar Joshi, <b>Gender Justice: Need to Remove Subtle Nuances of Gender Inequality</b> , XVI Nyaya Deep 58-69 (April 2015)	539
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3.	Banerjee <i>et. al</i> , <b>The Case for Legislating Equality in the Private Sphere</b> , (2016) 8 SCC J-1	564
4.	Tanja Herklotz, Shayara Bano versus Union of India and Others. <b>The Indian Supreme Court's Ban of Triple Talaq and the Debate around Muslim Personal Law and Gender Justice</b> , 50 (3) Law and Politics in Africa, Asia and Latin America, Special Issue: Self-Determination and Indigenoussness, 300-311 (2017)	581
5.	<b>Aparna Bhat v. State of MP, 2021 SCC OnLine 230</b> [Stereotyping affects women's right to a fair trial and the judiciary must be careful not to create inflexible standards based on preconceived notions of what constitutes domestic or gender-based violence. The greatest extent of sensitivity is to be displayed in the judicial approach, language, and reasoning adopted by the judge. Judges play at all levels a vital role as teachers and thought leaders. It is their role to be impartial in words and actions, at all times. If they falter, especially in gender-related crimes, they imperil fairness and inflict great cruelty in the casual blindness to the despair of the survivors.]	
6.	<b>Patan Jamal Vali v. The State of Andhra Pradesh (2021) SccOnline SC 343</b> [Victim being physically disadvantaged, she was already in a socially disadvantaged position which was	



	<p>exploited maliciously by the accused for his own ill intentions to commit fraud upon her and rape her in the garb of promised marriage which has put the victim in a doubly disadvantaged situation and after the waiting of many years it has worsened. It would not be possible for the victim to approach the National Commission for Women and follow up for relief and rehabilitation. Accordingly, the victim, who has already suffered a lot since the day of the crime till now, needs a special rehabilitation scheme.]</p>
7.	<p><b><i>Secretary Ministry of Defence v. Babita Puniya, (2020) 7 SCC 469</i></b>  [It re-affirms the transformative character of our constitution. The women officers did not ask for any positive discrimination in the form of leniency in physical or medical qualifications, but all they asked for, was to end the systematic discrimination against them and let them face the ‘inherent dangers’, challenges, and difficulties, as a part of their service, at par with male counterparts. The case delivered at par with the expectations and brought the first ever alteration to the social stability founded on the parameters of the gendered division of work in armed forces.]</p>
8.	<p><b><i>Ramphal v. State of Haryana, 2019 SCC OnLineSC 1993</i></b>  [It is imperative to emphasize that there is no acceptance of compromise in matters relating to offence of rape and similar cases of sexual assault.]</p>
9.	<p><b><i>Shayara Bano v. Union of India, (2017) 9 SCC 1</i></b>  [Triple Talaq cannot be treated as essential religious practice merely because it has continued for long. This practice thus declared illegal and set aside.]</p>
10.	<p><b><i>Indian Young Lawyers Association v. The State of Kerala, (2019) 11 SCC 1</i></b>  [The devotees of Lord Ayyappa do not constitute a separate religious denomination. They do not have common religious tenets peculiar to themselves, which they regard as conducive to their spiritual well-being, other than those which are common to the Hindu religion. Therefore, the devotees of Lord Ayyappa are exclusively Hindus and do not constitute a separate religious denomination.]</p>
11.	<p><b><i>Joseph Shine v. Union of India, (2018) 2 SCC 189</i></b>  [The court stated that are not making law or legislating but only stating that a particular act, i.e., adultery does not fit into the concept of a crime. If it is treated as a crime, there would be immense intrusion into the extreme privacy of the matrimonial sphere.]</p>
12.	<p><b><i>Laxmi v. Union of India, (2014) 4 SCC 427</i></b>  [In matters of acid attacks and as a preventive measure and relief to the victims of acid attacks the rate of compensation is not uniform in all the States. In fact, this Court had pointed out that the compensation should be enhanced to at least Rs 3,00,000 (Rupees three lakhs only) as aftercare and rehabilitation cost.]</p>
13.	<p><b><i>Ankush Shivaji Gaikwad v. State of Maharashtra, (2013) 6 SCC 770</i></b>  [The purpose of imposition of fine and/or grant of compensation to a great extent must be considered having the relevant factors therefore in mind. It may be compensating the person in one way or the other. The amount of compensation sought to be imposed, thus, must be reasonable and not arbitrary. Before issuing a direction to pay compensation, the capacity of accused to pay the same must be judged.]</p>
14.	<p><b><i>Suchita Srivastava v. Chandigarh Administration, (2009) 9 SCC 1</i></b>  [A mentally retarded woman should give her consent in order to proceed with the termination of a pregnancy. However, the High Court has invoked the doctrine of ‘Parens Patriae’ while exercising its writ jurisdiction to go beyond the literal interpretation of the statute and adopt a purposive approach. The same doctrine has been used to arrive at the conclusion that the termination of pregnancy would serve the ‘best interests’ of the victim.]</p>



Session 10 Alternative Dispute Resolution		
1.	A. Mohamed Mustaque, <i>Online Dispute Resolution with Special Emphasis on Mediation in India</i> , (2012) 4 SCC J-7	593
2.	Anand Kumar Singh, <i>Arbitrability of Disputes in India: The Changing Landscape of 'Exclusive Jurisdiction' Discourse</i> , 7.1 NLUJ LR (2020) 70	605
3.	Laila T. Ollapally, <i>Mandatory Court Referral for Mediation — Parties Retain the Right to Voluntary Decision</i> , (2011) 4 SCC J-27	625
4.	Mediation and Conciliation Project Committee, Supreme Court of India, Mediation Training Manual for Capsule Course	630
5	<b><i>BCCI v. Kochi Cricket (P) Ltd., (2018) 6 SCC 287</i></b> [Arbitration proceedings initiated prior to the ordinance will not be governed by amended provisions. However, parties can mutually agree to apply amended provisions to old arbitrations. The second part of Section 26 does not relate to arbitration proceedings per se but only to court proceedings relating to arbitration. The net impact of the decision is that no matter when Section 34 was filed, if it is still pending, the award has now become enforceable.]	
6.	<b><i>Mr. Vikram Bakshi and Ors. v. Ms. Sonika Khosla (Dead) by L.Rs. 2014 (6) SCALE</i></b> [Mediation being a form of Alternative Dispute Resolution is a shift from adversarial litigation. The parties will become partners in the solution rather than partners in problems. The beauty of settlement through mediation is that it may bring about a solution that may not only be to the satisfaction of the parties and, therefore, but also create a win-win situation, the outcome which cannot be achieved by means of judicial adjudication.]	
7.	<b><i>Afcons Infrastructure Ltd. And Anr. v. Cherian Varkey Construction Co. (P) Ltd. And Ors. 2010 (8) SCC 24</i></b> [The fees of the arbitrators must be fixed at the inception to avoid unnecessary litigation and conflicts between the parties and the arbitrators at a later stage. The fixation of arbitral fees at the threshold will obviate the grievance that the arbitrator(s) are arm-twisting parties at an advanced stage of the dispute-resolution process.]	
8.	<b><i>Salem Advocate Bar Association, Tamil Nadu v. Union of India; 2005 (6) SCC 344</i></b> [In this case, modalities have to be formulated with respect to the manner in which section 89 of the Code and, for that matter, the other provisions, which have been introduced by way of amendments, should be operated.]	

*\*Judgments mentioned in the Table of Contents include citations and short notes for reference and discussion during the course of the Workshop. Please refer to the full judgment for conclusive opinion.*