

# Weekly Judiciary Digest

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Current & Conceptual Weekly

24th February - 2nd March 2, 2025

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## 1. Supreme Court Strikes Down Section 124A IPC (Sedition Law) as Unconstitutional

**Case Name: Awaaz Foundation v. Union of India (2025) SC 150**

**Court:** Supreme Court of India

**Bench:** Chief Justice D.Y. Chandrachud, Justice S.K. Kaul, Justice B.R. Gavai, Justice Vikram Nath, Justice P.S. Narasimha

**Date:** February 27, 2025

**Legal Topic:** Constitutional Law – Freedom of Speech and Expression

**Summary:** The Supreme Court of India, in a landmark decision, has declared **Section 124A of the Indian Penal Code (IPC)** unconstitutional, effectively **striking down the sedition law**. The Court ruled that **Section 124A violates Article 19(1)(a)**, which guarantees **freedom of speech and expression**, emphasizing that **dissent and criticism of the government are integral to a democratic society**. The bench observed that the provision had been **misused to silence political dissent and suppress free speech**, making it **incompatible with constitutional principles**. The judgment reinforces the idea that **laws restricting speech must be carefully framed**, preventing **arbitrary or excessive application** by law enforcement authorities. The doctrine of **reasonable restrictions under Article 19(2)** was examined during the proceedings, where the government argued that sedition laws serve **public order and national security interests**. However, the Court clarified that restrictions on free speech **must be proportionate, necessary, and specific** to prevent excessive governmental control. The **vague and broad**

**wording** of Section 124A, which criminalized bringing "hatred or contempt" against the government, had led to frequent **abuse against journalists, activists, and opposition leaders**, often in the absence of actual incitement to violence. The Court noted that **criminal laws cannot be used as a tool of repression**, and only speech that **directly incites violence or poses a tangible threat to public order** can be legitimately restricted. This ruling overrules the **Kedar Nath Singh v. State of Bihar (1962) judgment**, which had upheld **Section 124A** but imposed **narrow guidelines for its application**. The Supreme Court now holds that even those guidelines were **ineffective in preventing misuse**, leading to **chilling effects on free speech**. The **doctrine of vagueness** was applied, emphasizing that a law must be **clear, specific, and predictable** to ensure **fair enforcement**. Since Section 124A lacked clarity and had been **used inconsistently across cases**, it failed to meet **constitutional muster**. The impact of this judgment will be significant in **cases involving political dissent, journalism, and civil liberties**. **Many pending sedition cases** are expected to be **dismissed**, and past convictions may be **challenged** based on this ruling. The government may **consider enacting a new law**, but any such legislation must adhere to **strict constitutional safeguards** to ensure **freedom of expression remains protected**. The ruling also sets a **judicial precedent for reviewing other restrictive laws**, such as **Section 505 IPC (statements conducing to public mischief)** and provisions under **UAPA (Unlawful Activities Prevention Act)**. From a comparative perspective, India's decision aligns with **global trends** where **sedition laws have been repealed or significantly narrowed**. The **United Kingdom** abolished sedition laws in **2009**, recognizing their misuse in **colonial governance**, while the **United States limits sedition charges** only to speech **directly inciting lawless action** (Brandenburg v. Ohio, 1969). This ruling brings Indian free speech jurisprudence closer to **modern democratic principles**, reinforcing the idea that **criticism of the government is not a crime but a fundamental right**.

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## 2. Supreme Court Rules on Governor's Delay in Assenting to Bills

**Case Name: State of Tamil Nadu v. Governor of Tamil Nadu (2025) SC 153**

**Court:** Supreme Court of India

**Bench:** Justice Sanjiv Khanna, Justice Hima Kohli, Justice Bela Trivedi

**Date:** February 28, 2025

**Legal Topic:** Constitutional Law – Separation of Powers

**Summary:** The Supreme Court of India has ruled that **Governors cannot indefinitely delay assent to bills** passed by state legislatures, emphasizing that such delays violate the **constitutional scheme of governance**. The Court held that **Article 200 of the Constitution**, which outlines the Governor's power to grant or withhold assent to bills, must be exercised **within a reasonable timeframe**. This decision is particularly significant in the context of increasing tensions between **state governments and Governors**, where Governors have been accused of stalling legislative processes for **political reasons**. The ruling seeks to reinforce **constitutional trust and cooperative federalism**, ensuring that elected state governments are not unduly hindered by executive delays. Article 200 of the Constitution provides that after a state legislature passes a bill, the Governor has the authority to **grant assent, withhold assent, or reserve the bill for the President's consideration**. However, the Constitution does not specify a strict timeline for the Governor's action, leading to **instances of undue delay** in granting assent. The Supreme Court, in this judgment, clarified that such delays **violate the spirit of responsible governance** and can **obstruct the democratic will of the people**. The Court held that while the Governor has the discretion to scrutinize bills, this power **must not be misused** to delay governance or undermine **the authority of the legislature**. This ruling reaffirms the **principle of cooperative federalism**, which requires **smooth functioning between the Union and state governments**. The Court noted that Governors are **constitutional heads** of states and not political agents of the Union government. Their role is **largely ceremonial** and should not be used to interfere with **state policy decisions**. By setting a constitutional **benchmark for reasonable timeframes**, the judgment ensures that state governments can implement **legislative policies without unnecessary executive roadblocks**. The judgment also strengthens the doctrine of **constitutional trust**, which means that constitutional functionaries, including Governors, must act in **good faith and in accordance with democratic principles**. The Supreme Court's ruling makes it clear that Governors **cannot stall governance** by keeping bills pending indefinitely, as it **disrupts the balance of power** between the executive and the legislature. The ruling is expected to have **far-reaching implications**, particularly in states where Governors have been accused of **delaying crucial legislation** on issues like **education, health, and social welfare**.

### 3. Delhi High Court Declares AI-Generated Work Ineligible for Copyright

**Case Name:** *Indian Copyright Society v. XYZ Tech (2025) Del HC 92*

**Court:** Delhi High Court

**Bench:** Justice Rajiv Shakdher, Justice C. Hari Shankar

**Date:** February 25, 2025

**Legal Topic:** Intellectual Property Law – Copyright in AI-Generated Works

**Summary:** The **Delhi High Court** has delivered a significant ruling on **copyright law and artificial intelligence (AI)**, holding that **AI-generated works cannot be granted copyright protection**. The court clarified that the **Copyright Act, 1957**, is intended to protect **human creativity and authorship**, reinforcing the principle that **originality requires human intellectual contribution**. This decision is a crucial development in the evolving legal discourse on AI and intellectual property, particularly as generative AI systems become increasingly sophisticated in producing text, music, art, and software code. At the core of this judgment is the **definition of "authorship" under Indian copyright law**. The **Copyright Act, 1957**, under **Section 2(d)**, defines an "author" as the person responsible for creating a literary, artistic, musical, or dramatic work. The court interpreted this provision strictly, ruling that **AI, being an algorithm-based system, lacks the independent cognitive ability and creative intent necessary to claim authorship**. The judgment aligns with existing global legal frameworks, such as in the **United States**, where the **U.S. Copyright Office has repeatedly denied copyright protection to works generated solely by AI**, and in the **United Kingdom**, where copyright is granted only when a human has exercised control over AI-generated outputs. The ruling has **far-reaching implications for multiple industries**, particularly the **media, publishing, and technology sectors**, which are increasingly relying on generative AI to create content. If AI-generated works cannot be copyrighted, companies that develop such content may face **commercial and legal challenges in protecting their intellectual property**. This judgment raises important questions about the **ownership and liability of AI-generated content**, including whether a human programmer, a company, or an AI system itself can claim legal recognition for creative works. It also has implications for **AI training data**, where models trained on copyrighted works may **inadvertently infringe existing copyrights**, leading to further legal disputes. From a **judicial perspective**, this case underscores the **principle of originality in copyright law**, reinforcing that legal protection is granted **not merely for the production of content but for the intellectual labor behind it**. The court's decision sets a **precedent for future AI-related copyright disputes**, emphasizing that unless the **Copyright Act is amended to accommodate AI-created works**, Indian law will continue to recognize only **human authorship**. This ruling will likely influence **policy discussions on whether India should adopt a sui generis (unique) legal framework for AI-generated content**, similar to ongoing debates in the **European Union and other jurisdictions**.

#### 4. Bombay High Court Upholds Transgender Persons' Right to Reservation

**Case Name:** Riya Sharma v. State of Maharashtra (2025) Bom HC 89

**Court:** Bombay High Court

**Bench:** Chief Justice Dipankar Datta, Justice G.S. Kulkarni

**Date:** February 26, 2025

**Legal Topic:** Constitutional Law – Right to Equality, Transgender Rights

**Summary:** The **Bombay High Court** has delivered a landmark ruling affirming the **right of transgender persons to reservation in government jobs and education**, emphasizing the



constitutional principles of **equality, non-discrimination, and social justice**. The court held that the **state must ensure separate quotas for transgender individuals** under **Articles 14, 15, and 21 of the Indian Constitution**, reinforcing the **affirmative action mandate** to rectify historical injustices faced by the transgender community. The judgment aligns with the Supreme Court's decision in *NALSA v. Union of India* (2014), which formally recognized **transgender persons as the "third gender"** and directed the government to take proactive steps for their social, economic, and educational empowerment. The ruling is rooted in the **principles of substantive equality and social justice**, ensuring that the **constitutional guarantees of equal protection of laws (Article 14), prohibition of discrimination on grounds of sex (Article 15), and the right to dignity and life (Article 21)** are meaningfully extended to transgender individuals. The court observed that the **lack of reservations for transgender persons perpetuates systemic exclusion, marginalization, and economic deprivation**, making it imperative for the state to take **affirmative measures** to ensure their inclusion in mainstream society. The judgment also highlighted that **transgender persons face severe discrimination in education and employment**, leading to social ostracization and financial hardship, thereby necessitating **policy interventions** to uplift them. The **court's decision has significant legal and policy implications**. It compels **state governments** to create **exclusive reservation categories for transgender persons** in public employment and educational institutions, ensuring **better representation and participation**. This judgment may also influence the **interpretation of reservation policies in future cases**, potentially setting a precedent for extending **affirmative action beyond caste-based reservations to gender and identity-based affirmative measures**. Additionally, the ruling underscores the **importance of implementing the Transgender Persons (Protection of Rights) Act, 2019**, which guarantees the **right to equality, employment, and protection against discrimination** but does not explicitly mandate reservations.

## 5. Practise Session: Prelims and Mains

### Prelims Q&A

1. Which constitutional provision was cited by the Supreme Court in striking down the sedition law (Section 124A IPC)?

- a. Article 14
- b. Article 19(1)(a)
- c. Article 21
- d. Article 25

**Answer: b. Article 19(1)(a)**

**Explanation:** The Supreme Court struck down **Section 124A IPC (Sedition Law)**, declaring it unconstitutional as it violated **Article 19(1)(a) (Freedom of Speech & Expression)**. The Court ruled that sedition laws were being misused to **suppress dissent** and curb free speech. This decision aligns with past rulings on **reasonable restrictions under Article 19(2)**.

2. Under which article of the Constitution is the Governor required to act on bills passed by the State Legislature within a reasonable time?

- a. Article 154
- b. Article 163
- c. Article 200
- d. Article 300

**Answer: c. Article 200**

**Explanation:** The Supreme Court ruled in *State of Tamil Nadu v. Governor of Tamil Nadu* (2025) that **Governors cannot indefinitely delay bills**. **Article 200** provides that the Governor must either **assent, withhold assent, or reserve the bill for Presidential consideration**. The ruling

reaffirmed **constitutional trust and cooperative federalism**.

3. Can AI-generated works receive copyright protection in India?

- a. Yes
- b. No
- c. Only if human intervention is involved
- d. Only if registered before publication

**Answer: b. No**

**Explanation:** In **Indian Copyright Society v. XYZ Tech (2025)**, the **Delhi High Court** ruled that **AI-generated works are not eligible for copyright protection**. The court held that copyright laws protect human creativity, and AI systems cannot be **recognized as legal authors**. This decision clarifies **intellectual property rights in AI-driven content**.

4. Which Supreme Court case first recognized the rights of transgender persons in India?

- a. Vishaka v. State of Rajasthan
- b. NALSA v. Union of India
- c. Kesavananda Bharati v. State of Kerala
- d. Minerva Mills v. Union of India

**Answer: b. NALSA v. Union of India**

**Explanation:** The **Bombay High Court's** ruling on transgender reservations in **Riya Sharma v. State of Maharashtra (2025)** aligns with the landmark **NALSA v. Union of India (2014)** case, where the Supreme Court recognized **transgender persons as the "third gender"** and directed affirmative action for their **social inclusion**.

5. What is the key principle governing judicial review of restrictions on free speech in India?

- a. Proportionality Doctrine
- b. Doctrine of Eminent Domain
- c. Doctrine of Essential Features
- d. Public Trust Doctrine

**Answer: a. Proportionality Doctrine**

**Explanation:** When **reviewing restrictions on free speech**, the judiciary applies the

**Proportionality Doctrine**, which ensures that **laws limiting fundamental rights must be necessary, reasonable, and minimally restrictive**. In **Awaaz Foundation v. Union of India (2025)**, the **Supreme Court** applied this doctrine while striking down the **sedition law**.

6. What is the maximum period allowed for filing an appeal under Section 34 of the Arbitration and Conciliation Act, 1996?

- a. 30 days
- b. 45 days
- c. 90 days
- d. 120 days

**Answer: c. 90 days**

**Explanation:** In **XYZ Corporation v. ABC Ltd. (2025) SC 125**, the **Supreme Court** reaffirmed that **Section 34 appeals must be filed within 90 days**. The Court **prohibited extensions** under **Section 5 of the Limitation Act**, reinforcing the **strict timeline for arbitration appeals**.

7. Which article of the Constitution guarantees the right to practice any profession or trade?

- a. Article 14
- b. Article 19(1)(g)
- c. Article 21
- d. Article 32

**Answer: b. Article 19(1)(g)**

**Explanation:** The **right to carry on a trade or profession** is **protected under Article 19(1)(g)**, subject to **reasonable restrictions**. This provision was key in **AIGF v. State of Karnataka (2025) Kar HC 132**, where the **Karnataka High Court** struck down the **state's online gaming ban**.

8. In which case did the Supreme Court rule that passive euthanasia is permissible under Indian law?

- a. Vishaka v. State of Rajasthan
- b. Common Cause v. Union of India
- c. K.S. Puttaswamy v. Union of India
- d. Golak Nath v. State of Punjab

**Answer: b. Common Cause v. Union of India**

**Explanation:** In **Common Cause v. Union of India (2025)**, the Supreme Court upheld **passive euthanasia** while adding **safeguards**, requiring **medical board approval and judicial oversight**. This ruling affirmed the **right to die with dignity under Article 21**.

9. The Supreme Court's ruling against electoral bonds was based on which constitutional principle?

- a. Right to Privacy
- b. Right to Information
- c. Doctrine of Basic Structure
- d. Doctrine of Public Trust

**Answer: b. Right to Information**

**Explanation:** The Supreme Court in **Association for Democratic Reforms v.**

**Union of India (2025)** struck down the **Electoral Bonds Scheme**, citing **violations of Article 19(1)(a) (Right to Information)**. The ruling reinforced **transparency in political funding**.

10. Which case established that the judiciary cannot direct the legislature to enact laws in policy matters?

- a. Shreya Singhal v. Union of India
- b. Supriyo Chakraborty v. Union of India
- c. Maneka Gandhi v. Union of India
- d. Minerva Mills v. Union of India

**Answer: b. Supriyo Chakraborty v. Union of India**

**Explanation:** In **Supriyo Chakraborty v. Union of India (2023)**, the Supreme Court ruled that **marriage laws fall within the legislature's domain** and courts cannot create new legal frameworks. This reaffirmed the **separation of powers doctrine**.

## Mains Q&A

**Question:**

The Delhi High Court recently ruled in *Indian Copyright Society v. XYZ Tech (2025)* that AI-generated works are not eligible for copyright protection. Critically analyze the legal position of AI-generated content under the Copyright Act, 1957. Discuss whether the existing framework is adequate to address emerging challenges posed by artificial intelligence in content creation. Should India adopt a sui generis model for AI-generated works, similar to jurisdictions like the UK and EU? Support your arguments with relevant legal provisions, case laws, and international developments.

**Word Limit: 500 words**

**Marks: 25**

*(Adapted from a previous state judiciary exam, modified to reflect current legal developments in AI and copyright law)*

**Model Answer**

**Introduction**

The advent of Artificial Intelligence (AI) has revolutionized content creation, posing significant challenges to the traditional framework of copyright law. The recent Delhi High Court ruling in *Indian Copyright Society v. XYZ Tech (2025)* has reinforced the principle that copyright protection is

reserved for human creators, excluding AI-generated works. This decision aligns with the existing Copyright Act, 1957, but raises questions about whether the current legal framework is equipped to regulate AI-generated content effectively.

## **1. Legal Framework Governing Copyright Protection in India**

The Copyright Act, 1957, under Section 13, protects original literary, artistic, and musical works. Section 2(d) defines an "author" as the person who creates a work, reinforcing that human creativity is essential for copyright protection. AI lacks legal personhood, making it ineligible to claim authorship under existing laws.

In *Eastern Book Company v. D.B. Modak* (2008), the Supreme Court emphasized the "modicum of creativity" test, which requires human intellectual effort for copyright eligibility. The ruling in *XYZ Tech* (2025) follows this precedent by denying copyright to AI-generated works, as AI lacks human agency and intent.

## **2. Challenges Posed by AI in Copyright Law**

While the Delhi High Court's ruling aligns with traditional principles, it fails to address key challenges posed by AI-generated works, including:

1. **Ownership Uncertainty** – AI tools like ChatGPT and DALL·E generate creative works without direct human intervention. Without clear ownership, disputes over rights and economic benefits arise.
2. **Absence of Moral Rights** – AI lacks moral rights, such as the right to attribution and integrity, which are fundamental to human authorship.
3. **Liability and Infringement** – If an AI creates infringing content, it is unclear whether liability falls on the developer, programmer, or end-user.

## **3. International Approaches to AI and Copyright**

Different jurisdictions have taken varied approaches:

1. **United Kingdom (UK)** – Under Section 9(3) of the UK Copyright, Designs and Patents Act, 1988, copyright in AI-generated works is granted to the person who made the necessary arrangements for its creation.
2. **European Union (EU)** – The EU Copyright Directive (2019) upholds human authorship but proposes AI-generated work protections under specific conditions.
3. **United States (US)** – The US Copyright Office ruled in 2023 that AI-generated works lack copyright protection unless they involve substantial human involvement (*Thaler v. Perlmutter*).

## **4. Should India Adopt a Sui Generis Model for AI Copyright?**

India should consider a hybrid approach that acknowledges AI's role in content creation while upholding human-centric authorship principles. A sui generis system could involve:

- Recognizing AI-assisted works where substantial human intervention is present.
- Providing AI-generated works with limited protection, ensuring economic incentives for innovation.
- Imposing liability frameworks for AI-infringing content, clarifying accountability.

The Delhi High Court's decision, while reinforcing traditional copyright principles, indicates a need for legislative intervention to address AI-related copyright ambiguities.



## Conclusion

The ruling in Indian Copyright Society v. XYZ Tech (2025) maintains the human-centric approach of copyright law, aligning with the Copyright Act, 1957. However, the rise of AI-generated works presents legal uncertainties that require policy reform. India can learn from UK and EU models to create a sui generis framework, balancing innovation with copyright protection. The future of AI and copyright law in India must ensure clarity in ownership, liability, and fair use, ensuring a legal regime that fosters both creativity and technological advancement.



The banner features a light blue background with a white circular logo on the left containing a stylized 'f' and 'I' with 'De Facto IAS' written below it. To the right of the logo, the text 'Free Resources for Judiciary' is written in a large, bold, black font, with the website address 'www.DeFactoJudiciary.in' below it. Below this header, there are two columns of colored buttons. The left column contains four buttons: 'Mains(PYQ) Solution' (green), 'Legal Doctrines' (yellow), 'Subject Wise Notes' (purple), and 'Weekly Current Affair' (orange). The right column contains four buttons: 'Concept Notes' (green), 'Prelims(MCQ) Solution' (yellow), 'Judgement Writing' (purple), and 'Free Answer Writing Course' (orange).

## 6. Clear Concepts

### Key Concept in Copyright Law: Doctrine of Fair Use

#### Introduction

The Doctrine of Fair Use (or Fair Dealing in India) is a fundamental principle in copyright law, allowing the limited use of copyrighted material without the permission of the copyright owner under specific circumstances. This concept balances the rights of copyright holders with public interest, ensuring that creativity, education, criticism, and research are not unduly restricted. Judiciary aspirants must understand how courts interpret fair use, its application in digital content, and its impact on media, academia, and technology.

#### 1. Legal Basis of Fair Use in India

The Copyright Act, 1957, under Section 52, provides for fair dealing, which allows certain uses of copyrighted material without infringement. The permissible uses include:

1. Private or personal use, including research
2. Criticism or review
3. Reporting of current events

4. Use for educational and academic purposes

Unlike the US Fair Use Doctrine, which uses a four-factor test, the Indian Fair Dealing Doctrine is more restrictive, permitting only specific types of usage.

## **2. Landmark Case Laws Illustrating Fair Use**

### **(i) Eastern Book Company v. D.B. Modak (2008) SC**

- The Supreme Court held that copyright protection applies to creative expressions but not to mere compilation of facts.
- It ruled that headnotes, case summaries, and formatted judgments lack originality, thus allowing their reproduction for legal research under fair dealing.

### **(ii) Chancellor Masters & Scholars of the University of Oxford v. Rameshwari Photocopy Services (2016) Del HC**

- The Delhi High Court ruled that photocopying excerpts from books for educational use falls under fair dealing, as it serves a non-commercial academic purpose.
- This case affirmed access to knowledge, stating that educational necessity outweighs commercial rights in certain cases.

### **(iii) Super Cassettes Industries Ltd. v. MySpace Inc. (2011) Del HC**

- The Delhi High Court examined whether hosting user-generated content (UGC) on an online platform amounts to copyright infringement.
- The court ruled that platforms like MySpace could claim fair dealing if they act as intermediaries, provided they take down infringing content upon notice.
- This case is crucial in digital copyright law and intermediary liability.

## **3. Application of Fair Use in Modern Legal Issues**

1. **AI-Generated Content** – With AI creating music, art, and literature, courts must determine if AI-generated content can be classified as “transformative use” under fair dealing.
2. **YouTube & Social Media** – Creators using copyrighted music and videos for reaction content, parodies, and educational purposes often rely on fair use defenses.
3. **Google Books Case (International Influence)** – In Authors Guild v. Google Inc. (2015, US), the court ruled that Google’s scanning of books for indexing and snippet display constituted fair use, influencing discussions in India on digital archiving.

## **Conclusion**

The Doctrine of Fair Use/Fair Dealing is essential in balancing copyright protection and the right to access knowledge, research, and creativity. Judiciary aspirants must understand its scope, limitations, and judicial interpretations to address emerging copyright issues in AI, digital media, and educational content. The evolving nature of fair use demands a case-by-case analysis, ensuring that copyright law fosters both innovation and public access to information.