

Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

15th June - 21st June, 2026

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1.Anti-Corruption Agency Is Not an 'Intelligence Organisation': RTI Exemption Read Narrowly

Special Police Establishment v. Kamta Prasad Mishra (2026) The Supreme Court held that the Madhya Pradesh Special Police Establishment (SPE) — the State's anti-corruption investigating agency — is **not** an "intelligence and security organisation" entitled to blanket exemption from the **Right to Information Act, 2005**. A Bench of Justice J.K. Maheshwari and Justice Atul S. Chandurkar (who authored the judgment) decided whether information about the process of sanction for prosecuting a public servant under the **Prevention of Corruption Act, 1988** could be withheld.

The SPE relied on a 2011 State notification issued under **Section 24(4)** of the RTI Act — which lets a State exempt notified intelligence and security organisations — and on **Section 8(1)(h)**, which protects information that would impede an investigation. The Court rejected both grounds.

It reasoned that the SPE's jurisdiction is confined to investigating offences under the PC Act 1988 and Sections 409, 420 and Chapter XVIII of the Penal Code; a body dedicated to anti-corruption investigation cannot be characterised as an "intelligence and security" organisation. The notification, to the extent it sought to bring the SPE within the Section 24 exemption, was set aside as travelling beyond its parent enactment.

Holding that disclosure of the sanction process would not impede any investigation, the Court dismissed the appeal and upheld the direction to furnish the information — affirming that exemptions under the RTI Act are construed narrowly and the authority resisting disclosure must bring itself squarely within them.

2.Compensation for a Child's Death: Supreme Court Restores the Tribunal's Award

Maniyar Iliyaz @ Shaik Riyaz v. P. Ayyappan (2026) Restoring compensation that the High Court had cut, the Supreme Court reaffirmed the principles for computing **just compensation** under the Motor Vehicles Act for the death of a young child. The case arose from the death of a five-year-old boy struck by

a tanker while walking to school along a road that had neither a footpath nor a pedestrian crossing. The Bench comprised Justice P.S. Narasimha and Justice Atul S. Chandurkar.

The question of law concerned the proper basis for valuing the **notional income** of a deceased minor, who has no actual earnings, after the High Court had reduced the award made by the Motor Accidents Claims Tribunal.

Following its recent decision in *Karuna Parmar v. Prakash Sinha*, the Court held that the notional income of a child may be fixed by reference to the wages payable to a **skilled worker under the Minimum Wages Act, 1948**, and that the High Court had erred in scaling down the Tribunal's award.

The Court also dwelt on the State's **correlative duty** to provide safe pedestrian infrastructure, observing that such accidents will recur until the rights regime governing access to roads is restructured to recognise the duties that correspond to those rights, while ensuring full and fair compensation to the bereaved family.

3. Who Can Dismiss? Substituted Statute Prevails Over Older Service Regulations

Rajesh Sharma v. North Delhi Municipal Corporation (2026) The Supreme Court clarified the identity of the **competent disciplinary authority** empowered to dismiss a municipal employee, upholding the dismissal of an Executive Engineer by the Commissioner. The Bench comprised Justice Sanjay Karol and Justice Manoj Misra, who authored the judgment.

The narrow question of law was whether the Commissioner was competent to impose the punishment of dismissal, given an apparent tension between the statutory scheme and the older 1959 service regulations.

The Court held that, consequent to the **substitution of clause (d) of Section 59 by Act 67 of 1993** (with effect from 1 October 1993), it is the **Commissioner** who is the disciplinary authority competent to impose dismissal, notwithstanding the pre-existing 1959 Regulations. A later statutory amendment prevails over earlier subordinate regulations to the contrary.

Rejecting the argument that this reading created a conflict between the substituted Section 59(d) and Section 95(1) of the 1957 Act, the Court harmonised the provisions and dismissed the appeal, affirming that the competent disciplinary authority is fixed by the current statutory text.

4. Stick to the Advertisement: SC Directs TNPSC to Conclude a Stalled Recruitment

S. Senthil Kumaran Bose v. State of Tamil Nadu (2026) In a batch of appeals arising from a **Tamil Nadu Public Service Commission (TNPSC) recruitment**, the Supreme Court examined the validity of directions on verification of candidates' work-experience and driving-experience certificates and on the conduct of the selection. The Bench comprised Justice J.K. Maheshwari and Justice Atul S. Chandurkar.

The recruitment, commenced under a 2018 notification, had become mired in litigation over the verification clause, the eligibility certificates and a disclosure direction, with the TNPSC itself aggrieved by parts of the High Court's order.

The Court upheld the core directions on verification of certificates **in accordance with the advertisement**, modified others, and clarified that the notification did not require a particular departmental letter that had been insisted upon.

Noting that the recruitment had begun in 2018 and more than six years had elapsed, the Court directed the TNPSC to **complete the entire exercise at the earliest and strictly in accordance with the advertisement** — reinforcing that a recruiting authority is bound by the terms of its own advertisement and that protracted litigation cannot defeat the public interest in a rule-bound, timely recruitment.

5.ICJ Climate Advisory Opinion Moves to Action — Custom, Due Diligence and State Responsibility

Topic 5 · Public International Law

International-law debate this fortnight centred on operationalising the **International Court of Justice's Advisory Opinion on the Obligations of States in Respect of Climate Change**. On 20 May 2026 the UN General Assembly adopted resolution **A/80/L.65** — tabled by Vanuatu and a cross-regional core group — welcoming the Opinion by **141 votes to 8, with 28 abstentions**.

The Opinion located States' climate obligations not only in the **UNFCCC and Paris Agreement** but also in **customary international law**, holding that the duty to prevent significant transboundary environmental harm and to exercise **due diligence** extends to greenhouse-gas emissions. It reframed climate-damaging conduct through the prism of **internationally wrongful acts**, opening questions of State responsibility and reparation.

The ripple effects reach **international investment law**, where stringent climate obligations sit in tension with investor-State protections, and domestic climate litigation, for which the Opinion supplies a firmer legal foundation.

Core legal tension: the interface between treaty-based climate commitments and **customary obligations** of prevention and due diligence, and the extent to which their breach engages State responsibility and reparation under general international law.

6.ICJ Affirms the Right to Strike Under ILO Convention No. 87

Topic 6 · International Law / Human Rights

In an opinion of wide significance for labour and human-rights law, the **ICJ held — by ten votes to four — that the freedom of association guaranteed by ILO Convention No. 87 protects the right to strike**, resolving a long-running interpretive deadlock within the ILO's supervisory machinery.

The dispute had set the ILO Committee of Experts, which had long read a right to strike into Convention 87, against employer groups and some States who denied that the text supported it. The **question of law** was whether such a right could be derived from a convention that nowhere mentions it expressly.

Methodologically, the Court's approach to **treaty interpretation under the Vienna Convention** is the lasting contribution: it treated the pronouncements of treaty-supervisory bodies as a **“supplementary means” of interpretation under Article 32 VCLT** — entitled to great weight — rather than as binding “subsequent practice” under Article 31.

Core legal tension: how far an international court may give evolutive content to a treaty silent on the point, and the weight to be accorded to expert supervisory bodies in fixing the meaning of treaty obligations.

Weekly Focus

Property Owners Association v. State of Maharashtra, [2024] 11 S.C.R. 1 : 2024 INSC 835

Facts: A batch of petitions led by the Property Owners' Association of Mumbai challenged provisions of the Maharashtra Housing and Area Development Act that empowered the State to acquire certain old 'cessed' buildings and the land beneath them for restoration and transfer to occupiers. The provisions were defended as giving effect to **Article 39(b)** of the Directive Principles. Because earlier rulings had read that clause very widely, the matter was placed before a **nine-judge Bench**.

Question of Law: Do **privately owned resources** fall within the expression 'material resources of the community' in Article 39(b), which the State may direct to subserve the common good — and must the expansive interpretation given by Justice Krishna Iyer in *State of Karnataka v. Ranganatha Reddy*, followed in *Sanjeev Coke*, be reconsidered?

Decision: By a majority, the Bench led by Chandrachud, CJI (for himself and six colleagues) held that **not every privately owned resource qualifies** as a 'material resource of the community.' Whether a particular resource does is **context-specific**. Justice B.V. Nagarathna concurred separately; Justice Sudhanshu Dhulia dissented.

The Test Laid Down: The relevant factors include the **nature and characteristics of the resource, its impact on the well-being of the community, its scarcity, and the consequences of its concentration in private hands**; the **Public Trust Doctrine** may also help identify qualifying resources. The majority thus distanced itself from the view that *all* private property is, by definition, a community resource.

Legal Significance: The judgment recalibrates the relationship between **private property and the Directive Principles**, rejecting a doctrinaire reading of Article 39(b) while preserving the State's power to regulate genuine community resources. In dissent, Justice Dhulia would have retained the wider interpretation, reading Articles 39(b)–(c) in the light of **Article 38** to favour distributive justice.

PYQ Solution

Distinguish between the rule of 'Strict Liability' and 'Absolute Liability' in the law of torts, with reference to decided cases. (15 MARKS)

The law of torts imposes liability in certain situations even without proof of negligence or wrongful intent. Two such no-fault regimes — **strict liability** and **absolute liability** — though related, differ markedly in their scope and exceptions.

Strict Liability — the rule in *Rylands v. Fletcher*

1. **Origin and Rule:** The rule in **Rylands v. Fletcher (1868)** holds that a person who, for his own purposes, brings onto his land and keeps there anything likely to do mischief if it escapes, keeps it **at his peril**, and is *prima facie* answerable for all damage that is the natural consequence of its escape.
2. **Essential Ingredients:** Three elements must be shown — a **dangerous thing** brought onto the land, a **non-natural use** of the land, and an **escape** causing damage. Liability arises irrespective of negligence.

3. **Recognised Exceptions:** The rule is subject to several defences — the plaintiff's own default, an **act of God**, the act of a third party, consent of the plaintiff, and statutory authority — which considerably narrow its operation.

4. **Absolute Liability — M.C. Mehta v. Union of India:** In **M.C. Mehta v. Union of India (1987)** (the Oleum Gas Leak case), the Supreme Court evolved the rule of **absolute liability**, holding that an enterprise engaged in a **hazardous or inherently dangerous activity** owes an absolute and non-delegable duty to the community and is liable for resulting harm **without exception**.

Key Distinctions: Absolute liability **admits none of the exceptions** available under *Rylands*; it does **not require an 'escape'** from the premises, applying even to those injured within; and the damages may be **correlated to the magnitude and capacity of the enterprise** so as to have a deterrent effect.

Indian Position: Though *Rylands* was received into Indian law, the Supreme Court in *M.C. Mehta* consciously departed from it, finding the nineteenth-century rule inadequate for the hazards of a modern industrial economy. The principle informed the **Bhopal Gas Tragedy** jurisprudence and underlies the 'polluter pays' and environmental-liability regimes.

Conclusion: Strict liability is a fault-independent but **exception-laden** rule of nineteenth-century origin; absolute liability is its stricter, **exception-free** Indian evolution, fashioned to hold hazardous enterprises fully accountable for the risks they create.

