Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

14th - 20th Sept, 2026

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1.Delegated Legislation Under the Proportionality Lens: The Methanol Rules Fall

Topic 1 · Administrative Law — Delegated Legislation & Its Constitutionality

M/s Balaji Formalin Pvt. Ltd. v. Union of India (2026) The **constitutionality of delegated legislation** — the administrative-law question UPSC has asked since 1991 — received a model modern answer. A Bench of Justice J.B. Pardiwala and Justice K. Vinod Chandran **struck down Rules 18A and 18B of the Maharashtra Poisons Rules, 1972**, which compelled every seller to mix methanol with a colourant and a bitterant, confined purchases to Form A licence holders, and armed the State with confiscation powers (2026 INSC 1009).

The Rules fell to **Articles 14 and 19(1)(g)** under the **four-limb proportionality framework** of *K.S. Puttaswamy*: preventing hooch deaths is a legitimate aim, but the additive mandate was **neither suitable nor necessary** — the State never showed that no equally effective, less-restrictive alternative existed, and the scheme attacked the symptom rather than the diversion of industrial methanol that actually kills.

The verification machinery compounded the vice: Form A does not disclose the purchaser's ultimate use, so a seller commanded to verify use through Form A was commanded to do the impossible — a restriction **manifestly arbitrary** and wider than its object could justify. Subordinate legislation, the decision reminds, must survive not only the parent Act but the Constitution: the delegate's rule enjoys no immunity the legislature's own statute would not enjoy.

Alongside the invalidation, the Court issued **systemic directions to prevent hooch tragedies**, observing that **"forced temperance is no solution for alcoholism."**

2.The Bribe That Never Reached the Officer: Acceptance Must Be Proved Home

Topic 2 · Law of Crimes — Prevention of Corruption Act; Proof of Acceptance

Bharat Raj Meena v. Central Bureau of Investigation (2026) The **ingredients of bribery under the Prevention of Corruption Act, 1988** — demand and acceptance — decided these appeals. A Railway Protection Force Divisional Security Commissioner stood convicted in two prosecutions on allegations that subordinates collected bribes in his name from personnel seeking transfers and postings. A Bench of Justice Dipankar Datta and Justice N. Kotiswar Singh acquitted him (2026 INSC 999).

The principle: **mere receipt of money by a third person invoking a public servant's name cannot, by itself, impute acceptance to the public servant.** A demand and an initial handover to an intermediary are not enough — the chain must be carried through, by cogent evidence, to the point where the money is shown to have **actually reached, or been intended for, the accused officer.** Here the tainted money was recovered from the intermediary alone and never traced onward.

The consequence runs through **Section 20**: the statutory presumption that gratification was accepted as a motive or reward is triggered only upon **proof of acceptance** — the very fact the prosecution failed to establish. Where the foundational fact fails, the presumption never rises; suspicion against an officer whose name was traded by subordinates cannot substitute for proof.

The decision is the working counterpart of *Neeraj Dutta*: the Constitution Bench allows demand and acceptance to be proved by **circumstantial evidence**, but this Bench polices the other boundary — circumstantial proof is still **proof**, and an inference that stops at the middleman convicts nobody.

3.No Repossession by Stealth: The Standard-Form Finance Contract Meets Its Limits

Topic 3 · Contracts & Mercantile Law — Hire-Purchase; Standard-Form Contracts

Hari Dutta Sharma v. State of U.P. (2026) What limits does the law place on the **self-help clauses of standard-form finance agreements**? A borrower's truck — hypothecated to secure a loan of about ₹9.36 lakh — was seized at one o'clock in the morning by breaking its steering lock, without the seven days' notice the contract and RBI norms required, and then sold. A Bench of Justice P.S. Narasimha and Justice Alok Aradhe held the recovery unlawful root and branch (2026 INSC 998).

Two propositions anchor the judgment.

First, **financiers cannot repossess financed vehicles by stealth or force**: whatever the hypothecation deed says, recovery must follow due process — the repossession clause in a contract of adhesion licenses no midnight seizure.

Second, the **RBI's fair-recovery guidelines bind banks and NBFCs with statutory force**; a lender cannot contract out of them, and the Court noted acidly that they had "existed only on paper."

The constitutional overlay gave the doctrine its teeth: arbitrary deprivation of a borrower's vehicle — his livelihood — by extra-legal self-help violates **Articles 14 and 21**, sounding in compensation even where the completed sale to a third party is not undone. The relief was concrete: loan account closed, sale price refunded with interest, **₹10 lakh compensation**, and the RBI directed to ensure genuine compliance.

4.The Answer Key's Presumption of Correctness: Judicial Review at Its Narrowest

Topic 4 · Administrative Law — Judicial Review of Administrative Action

U.P. Subordinate Service Selection Commission v. Ashok Yadav (2026) How far may a court sit in appeal over an **expert examining body**? In a Village Development Officer recruitment, a disputed history question led the High Court to award a candidate one mark against the Commission's answer key. A Bench of Justice Manoj Misra and Justice Vijay Bishnoi reversed (2026 INSC 991).

The standard is deliberately forbidding: an answer key carries a **presumption of correctness**, and judicial interference is permissible only where the error is **so glaring and apparent that no inferential process or reasoning is needed** to establish it. The onus lies on the candidate who challenges the key; and where the matter remains in doubt, **"the benefit should go to the examining body and not to the candidate."**

The Court added a discipline of reading: the question must be taken **as it literally stands**, not reconstructed into the question the candidates think ought to have been asked. A court that re-frames the question and then faults the key has substituted its own examination for the Commission's — precisely what the restraint standard forbids.

The decision consolidates the *Ran Vijay Singh* line into a clean rule of **deference to expert bodies in academic matters**: judicial review corrects demonstrable error, it does not re-mark answer scripts — an application, in the examination hall, of the general principle that review goes to the decision-making process, not the merits.

5.The Advertisement Is the Foundation: Deviation Is a Fraud on the Public

Topic 5 · Constitutional Law — Public Employment; Arts. 14 & 16

Sunita Lahu Panchpande v. District Collector (2026) **Equality of opportunity in public employment** under Articles 14 and 16 rests on an unglamorous instrument — the recruitment advertisement. In a challenge concerning an Anganwadi Supervisor appointment, a Bench of

Justice Dipankar Datta and Justice Sheel Nagu reiterated the rule that gives the instrument its force (2026 INSC 1002).

An appointment made **in disregard of the terms of the public advertisement amounts to a fraud on the public.** The advertisement is what makes a selection transparent and Article 14-compliant: every eligible candidate reads it, decides whether to compete, and shapes their candidature on its terms. An authority that appoints outside those terms has held one competition in public and decided another in private.

The corollary is the settled bar on **changing the rules mid-stream**: eligibility criteria and selection procedure cannot be altered after the process begins, and the recruiting body is as bound by its advertisement as the candidates are — the line of authority running through *K. Manjusree* and *Bedanga Talukdar* that keeps discretion out of the space between notification and appointment.

The principle's constitutional weight is easy to state: Article 16 guarantees not appointment but **equal opportunity to be considered**, and that guarantee lives or dies at the advertisement stage — which is why a deviation is characterised not as an irregularity against the disappointed candidate but as a fraud on the public at large.

6.Clean Hands at the Writ Court's Door: Suppression Disentitles by Itself

Topic 6 · Constitutional Law — High Courts; Art. 226 Writ Jurisdiction

Vinit Kumar v. State of U.P. (2026) The **equitable character of the writ jurisdiction** under Article 226 supplied the ratio here. A litigant who approached the High Court without disclosing earlier writ petitions seeking identical relief was met, in the Supreme Court, with the oldest maxim of equity. A Bench of Justice P.S. Narasimha and Justice Alok Aradhe dismissed his cause (2026 INSC 997).

The rule is absolute in form: **suppression of material facts — including the existence of earlier petitions for the same relief — automatically disentitles the litigant from discretionary relief, regardless of the merits.** He who seeks equity must come with clean hands; the writ court's extraordinary power is reserved for those who deal with it in utmost good faith.

The doctrine, standing on the *K.D. Sharma* and *Prestige Lights* line, is jurisdictional in its logic: the prerogative remedies are discretionary, and a party who obtains the court's attention by concealment has vitiated the very foundation on which discretion could be exercised in his favour. The court refuses relief not to punish, but because equity's machinery will not run on false premises.

The case also patrols a systemic boundary: serial, undisclosed petitions for the same relief are an abuse of process that clogs the constitutional courts — and the disentitlement rule is the High Courts' first defence of their own **Article 226 jurisdiction** against it.

7.A Founding President Convicted by His Own State's Foreign Court

Topic 7 · International Law — International Criminal Justice; Hybrid Tribunals

On 16 September 2026, the **Kosovo Specialist Chambers** at The Hague convicted former Kosovo President **Hashim Thaçi** of war crimes — murder, torture, cruel treatment and arbitrary detention — committed while he headed the Kosovo Liberation Army in 1998–99, and sentenced him to **25 years**; three KLA co-leaders received 13 to 25 years. The panel found him responsible for the murder of 96 detainees, holding that he used his position and authority to encourage the crimes.

The court itself is the doctrinal event. The KSC is a **hybrid, internationalized tribunal**: created by Kosovo's own statute under its own Constitution, yet staffed internationally and seated abroad — a third model standing between the **ICC's complementarity** under Article 17 of the Rome Statute and the Security Council's ad hoc tribunals (ICTY, ICTR) with their primacy over national courts. Consent-based but externally operated, it exists precisely because domestic trial of the state's founders was thought impossible at home.

The substantive law is classical: **war crimes in a non-international armed conflict** under Common Article 3 of the Geneva Conventions and customary humanitarian law, with the *Tadić* criteria of organization and intensity qualifying the KLA campaign; leadership liability built on the ICTY's joint-criminal-enterprise and superior-responsibility jurisprudence; and the **irrelevance of official capacity** — the Nuremberg principle carried into Article 27 of the Rome Statute — applied to a sitting state's founding president.

8.The Host State's Visa Power Against the General Assembly's Podium

Topic 8 · International Law — International Law vs Municipal Law; the UN

In the run-up to the General Assembly's high-level week, the United States extended visa sanctions on Palestinian officials and, for the second consecutive year, **denied President Mahmoud Abbas an entry visa**. On 17 September 2026 the General Assembly answered institutionally, voting **145–5** to permit Abbas to address the 81st session by pre-recorded video; the European Union formally urged the United States to honour its host-country obligations.

The governing instrument is the **1947 UN Headquarters Agreement**: Sections 11–13 oblige the United States not to impede the transit of persons invited to the headquarters district, whatever its general immigration law provides. The controlling authority is the ICJ's 1988 Advisory Opinion in the *Obligation to Arbitrate* case — provoked, fittingly, by the US Anti-Terrorism Act's move against the PLO Mission — reaffirming **"the fundamental principle of international law that international law prevails over domestic law."**

Behind it stand the codified rules of the law of treaties and State responsibility: **Article 27 of the Vienna Convention** — a party may not invoke its internal law to justify failure to perform a treaty — and **ARSIWA Article 3** — the characterisation of an act as internationally wrongful is governed by international law, unaffected by its lawfulness under domestic law. The United

States pleads its long-asserted 'security reservation'; the Agreement's own remedy, arbitration under Section 21, has never once been constituted.

Weekly Focus

Kaushal Kishor v. State of Uttar Pradesh & Ors., [2023] 8 S.C.R. 581

Facts: A State Minister publicly dismissed a gang-rape alleged against the background of a highway robbery as a **"political conspiracy"**; the survivors' family sought action against him under Article 32. The petition raised questions too large for the case: can a minister's speech be restricted beyond **Article 19(2)**? Do fundamental rights bind private actors? A three-Judge Bench referred five questions to a **Constitution Bench** (Nazeer, Gavai, Bopanna, Ramasubramanian and Nagarathna, JJ), which answered them on 3 January 2023.

Question of Law: (i) Are the grounds in **Article 19(2)** exhaustive, or can free speech be restricted by invoking other fundamental rights? (ii) Can rights under **Articles 19 and 21 be claimed against persons other than the State**? (iii) Is the State under a duty to affirmatively protect Article 21 rights against private threats? (iv) Can a minister's statement on affairs of State be attributed **vicariously to the Government** under collective responsibility? (v) Is a minister's statement inconsistent with Part III actionable as a **constitutional tort**?

Decision: The Bench held the grounds in **Article 19(2) are exhaustive**: "under the guise of invoking other fundamental rights or under the guise of two fundamental rights staking a competing claim against each other, additional restrictions not found in Article 19(2), cannot be imposed." By majority, a fundamental right under **Article 19/21 can be enforced even against persons other than the State** or its instrumentalities, and the State bears an **affirmative duty** to protect personal liberty even against non-State actors. A minister's statement **cannot be attributed vicariously to the Government** by collective responsibility; and a mere statement inconsistent with Part III is not by itself a constitutional tort — though acts of officials done in consequence, causing harm, may be actionable.

Ratio: Article 19(2)'s eight heads already protect every interest an additional restriction could serve — the individual, communities, the State, the court, the country — so the clause is a **closed list**, and restrictions may come only through "a law": neither executive instruction (*Bijoe Emmanuel*) nor judicial interpretation can add to them. The Court's constitutional role is that of a **gate-keeper** of restrictions, not their author. Nagarathna, J., partly dissenting, would confine horizontal enforcement to habeas corpus and common-law remedies, and would attribute a minister's statement to the Government where it represents the Government's view.

Legal Significance: The decision is the modern charter of **free speech's outer boundary and fundamental rights' inner reach**: 19(2) exhaustive against the censoring State, Articles 19/21 horizontal against private power — completing the arc from *A.K. Gopalan* through *R.C. Cooper* and *Puttaswamy*. Its refusal to gag ministers prospectively, while leaving consequential harm to constitutional-tort liability, marks the line between constitutional regulation of speech and political accountability for it.

PYQ Solution

"Delegation of legislative powers becomes unconstitutional when there is excessive delegation." Explain and examine the limits of valid delegation of legislative powers in India. (15 MARKS)

Delegated legislation is a **"compulsive necessity"** of the modern State — the Constitution itself recognises it, Article 13(3) defining "law" to include any order, rule or bye-law having the force of law — and the Supreme Court has called it "the natural reflection, in the sphere of constitutional law, of changes in our ideas of Government" (*St. Johns Teachers Training Institute*). The constitutional question is therefore not *whether* the legislature may delegate, but **how much**: the doctrine of excessive delegation marks the boundary.

The limits of valid delegation

1. **The foundational rule — In re Delhi Laws Act (1951):** The legislature **"must retain in its own hands the essential legislative functions which consist in declaring the legislative policy and laying down the standard which is to be enacted into a rule of law"**; what may be delegated is the ancillary task of subordinate legislation. Applying the test, the Court upheld the delegated **power to extend and modify** laws but struck down the **power to amend or repeal** — determining which laws shall stand is the making of policy itself, and its delegation is "excessive."

2. **Policy, not detail, is the touchstone:** The policy may be express or implied — gathered from the history, preamble, title, scheme or objects of the Act — and once stated with sufficient clearness, "skeleton legislation" filling in details is valid. But the delegate cannot be given power to **change the policy**: in *Raj Narain v. Patna Administration Committee*, the power to pick a single section of a municipal Act and apply it, modified, to a new area was ultra vires — the government had imposed a tax while discarding the Act's policy of prior hearing.

3. **Even taxing power is delegable — within policy:** Taxation is not an inalienable legislative function: broad delegations to **representative municipal bodies** were upheld in *Delhi Municipal Corporation v. Birla Cotton Mills* and *Corporation of Calcutta v. Liberty Cinema*, and the words "for the purposes of the Act" supplied sufficient guideline in *Avinder Singh v. State of Punjab* — while *Devi Das*, where sales tax could be levied "at such rates as the government deemed fit" with no ceiling or standard, fell for excessive delegation. The guideline may be thin, but it must exist.

4. **The deferential modern current:** Justice Mathew's test in *Gwalior Rayon* — so long as the legislature can **repeal the enabling Act**, it has not abdicated — captures the courts' reluctance to strike down delegation; and in *Ashoka Kumar Thakur* (2008), the delegation to the Union Government of the power to determine the 'Other Backward Classes' was upheld as sufficiently guided. The doctrine is applied "in a pragmatic and not a doctrinaire manner": broad general statements of policy routinely pass.

A judicially tailored principle: Three tests summarise the law: the legislature **cannot efface itself**; it **cannot delegate the essential legislative function** of policy-making; and **parliamentary control** over delegated legislation must remain "a living continuity as a constitutional necessity." Within those limits, the extent of delegation is for the legislature's discretion, not the court's.

Conclusion: Excessive delegation polices the *grant* of power; the Constitution also polices its *product* — as the Supreme Court demonstrated this very week in striking down the Maharashtra methanol rules under Articles 14 and 19(1)(g), subordinate legislation validly authorised must still be proportionate and non-arbitrary. The delegate stands doubly bound: to the parent Act's policy, and to the Constitution itself.

De Facto IAS