Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

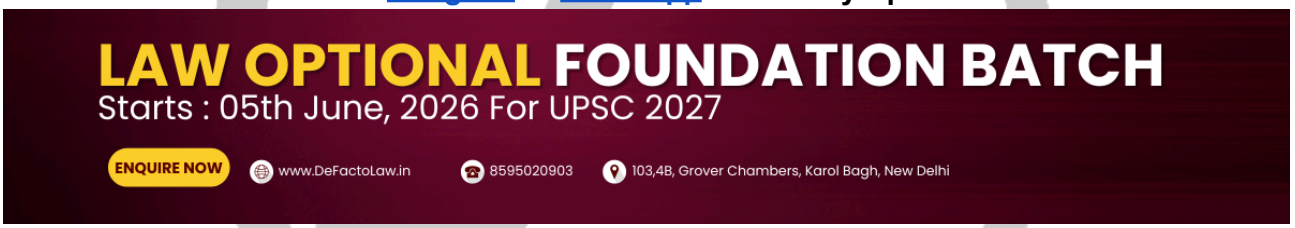
24th May-31st May, 2026

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1.SC Declares Trauma Care Integral to Right to Life, Issues Nationwide Directions

In **SaveLife Foundation & Anr. v. Union of India**, the Supreme Court addressed a significant constitutional question of law: whether access to timely trauma care forms part of the fundamental right to life under Article 21 of the Constitution.

A Bench of Justices J.K. Maheshwari and Atul S. Chandurkar held that the **right to trauma care is an integral component of Article 21**, emphasizing that the State has a constitutional obligation to establish an effective emergency response system for road accident victims.

Acting on a public interest petition filed by SaveLife Foundation, the Court issued extensive interim directions to all States and Union Territories. These include integration of all emergency helplines into a unified **112 emergency response system**, implementation of the **PM RAHAT cashless treatment scheme**, creation of Good Samaritan grievance redressal mechanisms, mandatory GPS-enabled ambulance tracking, establishment of trauma registries, and nationwide public awareness campaigns.

The Court noted that fear of legal complications often discourages bystanders from assisting accident victims and stressed that systemic reforms are necessary to encourage Good Samaritan intervention.

The ruling significantly expands the scope of Article 21, recognizing trauma care not merely as a public health concern but as a constitutional entitlement requiring coordinated action by governments across India.

2. SC: Serious Injury Alone Not Enough For Attempt to Murder Conviction

In **Roshan Lal v. State of Haryana & Anr.**, the Supreme Court clarified a crucial question of criminal law concerning the ingredients required to sustain a conviction under Section 307 of the Indian Penal Code, 1860.

A Bench of Justices Sanjay Karol and Nongmeikapam Kotiswar Singh held that the gravity of injuries suffered by a victim cannot, by itself, justify conviction for attempt to murder unless the prosecution independently establishes the accused's **intention or knowledge to cause death**.

Setting aside the conviction affirmed by the Punjab and Haryana High Court, the Court observed that Section 307 IPC requires proof of two essential elements: the requisite mens rea to commit murder and an overt act towards its commission. The Court found that the prosecution failed to establish premeditation, prior enmity, or conduct indicating a deliberate intention to kill.

The incident, according to the Court, arose suddenly during an altercation when the injured intervened, indicating a spontaneous reaction rather than a planned murderous assault. The Bench emphasized that even injuries described as "dangerous to life" do not automatically attract Section 307 IPC in the absence of proven intent.

The ruling reinforces the principle that **criminal liability under attempt to murder provisions rests primarily on mens rea, not merely on the seriousness of injuries caused**.

3.SC Shields Anaesthetist From Criminal Negligence Liability

In **Supriya Kumari M.C. v. State of Kerala & Ors.**, the Supreme Court clarified the threshold for criminal liability of medical professionals under Section 304-A of the Indian Penal Code, 1860 in cases of post-operative complications.

A Bench of Justices Pankaj Mithal and Prasanna B. Varale discharged an anaesthetist accused of causing a patient's death after allegedly prescribing medication over the phone to a staff nurse. The Court held that an off-duty anaesthetist cannot be criminally prosecuted for a procedural lapse committed independently by hospital staff beyond her direct supervision.

The central question of law was whether telephonic medical advice for routine post-operative pain management amounts to "gross negligence" necessary to attract criminal prosecution. Relying on

Jacob Mathew v. State of Punjab, the Court reiterated that criminal negligence in medical cases requires conduct so reckless that no ordinarily prudent medical professional would have acted similarly.

Importantly, the Court also found the prosecution legally defective because the expert medical panel did not include an anaesthetist, contrary to the safeguards mandated in *Jacob Mathew*.

The ruling reinforces judicial protection against indiscriminate criminal prosecution of doctors while distinguishing civil negligence from criminal culpability.

4.SC Acquits KSRTC Driver, Clarifies Scope of Criminal Negligence

In **Mohammad Hanif Jainum Khalifa v. State of Karnataka**, the Supreme Court addressed a crucial question of law concerning the standard of culpable negligence required for conviction under Sections 279 and 304A of the Indian Penal Code, 1860.

A Bench of Justices Prashant Kumar Mishra and N.V. Anjaria acquitted a Karnataka State Road Transport Corporation bus driver convicted for the death of a passenger who fell while alighting from the bus. The Court held that a driver acting on the conductor's whistle signal in the ordinary course of bus operations cannot automatically be presumed to have acted rashly or negligently.

The prosecution alleged that the driver moved the bus prematurely, causing the passenger to fall. However, the Supreme Court placed decisive reliance on the conductor's testimony, which confirmed that he had signalled the driver to proceed after passengers had alighted.

Clarifying the legal position, the Court reiterated that criminal negligence under Section 304A requires proof of a culpable mental state involving conscious disregard of risk. Mere occurrence of an accident is insufficient to infer criminality.

The Bench emphasized that law must be applied with "common sense" and held that expecting a driver to independently verify each passenger's exit despite the conductor's signal was unreasonable. The conviction was accordingly set aside.

5.SC Reiterates Proof of Demand Essential in Bribery Cases

In **State of Uttar Pradesh v. A.K. Gaba & Ors.**, the Supreme Court reaffirmed a settled but crucial principle of anti-corruption jurisprudence: mere recovery of tainted money cannot sustain conviction under the Prevention of Corruption Act, 1988 unless the prosecution independently proves demand and voluntary acceptance of illegal gratification.

A Bench of Justices Pankaj Mithal and Prasanna B. Varale dismissed Uttar Pradesh's appeal against the acquittal of three Central Excise officers accused in a 1995 bribery case involving an alleged demand of ₹80,000. The Court held that proof of demand is the "sine qua non" for conviction under Sections 7 and 13 of the Act.

The Court found that several material witnesses had turned hostile and that the prosecution failed to establish any clear evidence of conspiracy or meeting of minds among the accused. Importantly, the investigating agency had withheld a tape-recorded conversation allegedly capturing the demand, prompting the Court to draw an adverse inference under Section 114(g) of the Indian Evidence Act, 1872.

Reinforcing the double presumption of innocence operating after acquittal, the Court held that appellate interference under Article 136 is unwarranted absent perversity or manifest illegality.

6.SC Bars Parties From Challenging Award After Accepting Arbitrator's Extended Mandate

In **Gujarat Water Supply and Sewerage Board v. Saryu Plastics Pvt. Ltd.**, the Supreme Court addressed an important question of law concerning waiver, acquiescence, and extension of an arbitrator's mandate under the Arbitration and Conciliation Act, 1996.

A Bench of Justices Pamidighantam Sri Narasimha and Alok Aradhe held that a party which continues participating in arbitral proceedings without objecting to repeated extensions of the arbitrator's mandate cannot subsequently challenge the award on the ground that the mandate had expired.

The dispute arose after the arbitrator, initially appointed under a six-month mandate, continued proceedings through unilateral extensions beyond the formally agreed timeline. The Gujarat Water Supply and Sewerage Board later argued that the award was without jurisdiction as no express consent existed after September 2015.

Rejecting the contention, the Court found that the Board had tacitly accepted the extensions by continuously participating in proceedings and failing to raise objections at relevant stages. The Bench emphasized that, at the relevant time, no statutory requirement mandated written consent for extension of mandate.

The ruling reinforces the doctrine of **estoppel and acquiescence in arbitration law**, clarifying that parties cannot approbate and reprobate by participating in proceedings and challenging jurisdiction only after an adverse award is delivered.

7.SC: Section 33 Cannot Be Used To Rewrite Arbitral Awards

In **Gujarat Water Supply and Sewerage Board v. Saryu Plastics Pvt. Ltd.**, the Supreme Court clarified a crucial question of law concerning the scope of correction powers under Section 33(1)(a) of the Arbitration and Conciliation Act, 1996.

A Bench of Justices P.S. Narasimha and Alok Aradhe held that Section 33 is confined to correcting computational, clerical, or typographical errors and cannot be invoked to alter the substantive

findings of an arbitral award. The Court ruled that changing the nature of interest awarded from simple interest to compound interest amounts to a substantive modification and falls outside the limited corrective jurisdiction contemplated by the statute.

The dispute arose after an arbitral award granted simple interest for the pendente lite period and compound interest only from the date of the award. Treating this as an alleged error, the Commercial Court modified the award by substituting compound interest for the earlier period as well, dramatically increasing the liability from approximately ₹30.38 crore to ₹144.93 crore. The Gujarat High Court upheld the modification.

Setting aside both decisions, the Supreme Court emphasized that the character of interest awarded reflects the arbitrator's assessment on merits and is neither a clerical slip nor an arithmetical mistake. The ruling reinforces the principle of minimal judicial interference and finality of arbitral awards.

Weekly Focus

S.S. Lotus Case (France v. Turkey) (1927) PCIJ – Summary

Facts

A collision on the high seas between the French ship **S.S. Lotus** and the Turkish vessel **Boz-Kourt** caused the death of eight Turkish nationals. Turkey prosecuted the French officer on watch, while France argued that only France, as the flag state, had jurisdiction.

Issue

Whether Turkey violated international law by exercising criminal jurisdiction over a French national for an incident occurring on the high seas.

Held

The Permanent Court of International Justice (PCIJ) ruled in favour of **Turkey**.

The Court held that:

> **Restrictions on State sovereignty cannot be presumed.**

A State may exercise jurisdiction unless there is a specific rule of international law prohibiting it.

Lotus Principle

> **"What is not prohibited by international law is permitted."**

This became the foundation of the classical doctrine of State sovereignty and jurisdiction.

Significance

- Landmark case on **State jurisdiction**.
- Established the **Lotus Principle**.
- Emphasized **State sovereignty and consent** as the basis of international law.
- Influenced doctrines such as territorial jurisdiction and the effects principle.

Criticism

The judgment is criticized for giving excessive importance to sovereignty and creating potential jurisdictional conflicts.

Present Position

The specific rule in Lotus has been largely modified by **UNCLOS, 1982**, but the case remains a foundational authority on jurisdiction and sovereignty in international law.

Conclusion

Lotus is the classic authority for the proposition that States enjoy freedom of action in international law unless expressly restricted by an international legal rule.

PYQ Solution

"Right to Health and Right to Education, though not explicitly mentioned as Fundamental Rights, have been read into Article 21 through judicial interpretation." Evaluate the role of DPSPs in expanding the scope of Fundamental Rights in contemporary times. (15 Marks)

Introduction	Introduced Article 12 and framed the problem of its limited applicability amidst privatization.
Body	- Explained key judicial interpretations expanding Article 12 (Mohan Lal, Ramana, Ajay Hasia). - Discussed modern relevance and Kaushal Kishore case. - Addressed the dilemma of public duty vs. private character.
Conclusion	Advocated a functional test for including private entities performing public duties and highlighted the judiciary's balancing approach.

Constitutional Gatekeepers: The Evolution of Article 12

The Indian Constitution, under Article 12, defines "State" for the purposes of Part III (Fundamental Rights). Traditionally, the scope of Article 12 was confined to the Government and its instrumentalities. However, with the growing privatization of public functions, questions have emerged about whether private entities discharging public functions should also be amenable to fundamental rights enforcement. This has prompted constitutional courts to reinterpret the reach of Article 12 in the interests of justice and accountability.

Beyond Traditional Frontiers: Expanding the Meaning of 'State'

The term "other authorities" in Article 12 has been central to this debate. In **Rajasthan Electricity Board v. Mohan Lal (1967)**, the Supreme Court recognized statutory corporations as State entities. This was further crystallized in **Ramana Dayaram Shetty v. International Airport Authority of India (1979)** and **Ajay Hasia v. Khalid Mujib (1981)**, where the Court laid down tests such as financial control, administrative supervision, and functional obligations to identify "instrumentalities or agencies of the State."

Public Duties, Private Hands: A New Constitutional Imperative

With liberalization, private entities are increasingly entrusted with traditionally sovereign functions. In **Zee Telefilms v. Union of India (2005)**, the Supreme Court declined to declare the BCCI a “State” under Article 12, but it acknowledged the need to evolve legal remedies for violation of fundamental rights by private bodies performing public duties. This marked a judicial shift in focus from the character of the entity to the nature of the function it performs.

Kaushal Kishore’s Case: Reimagining Article 12 in the 21st Century

The most recent jurisprudential development is **Kaushal Kishore v. State of U.P. (2023)**. The Supreme Court, while examining hate speech made by public officials, clarified that rights under Articles 19 and 21 can be enforced not only against the State but also against "non-state actors" under certain circumstances. Though not a wholesale expansion of Article 12, the judgment opened a window for enforcing horizontal rights against private bodies.

Constitutional Balancing Act: Weighing Rights and Autonomy

Expanding Article 12 to include private actors exercising public functions could potentially ensure stronger enforcement of fundamental rights. However, such expansion must be cautiously balanced against the autonomy of private entities. The judiciary, while stopping short of amending Article 12, has innovated by invoking **Article 226** to hold private bodies accountable if they perform public duties, thereby protecting constitutional values without overstretching textual limits.

Towards a Rights-Conscious Jurisprudence

Given the evolving role of private entities in governance, there is a strong case for recognizing their accountability under the fundamental rights framework, especially when they perform functions of public interest. While a formal constitutional amendment to Article 12 may not be imminent, the judiciary’s interpretative activism has ensured that the spirit of the Constitution prevails over mere formalism. The functional test—rather than structural affiliation—ought to be the guiding principle going forward.

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