Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

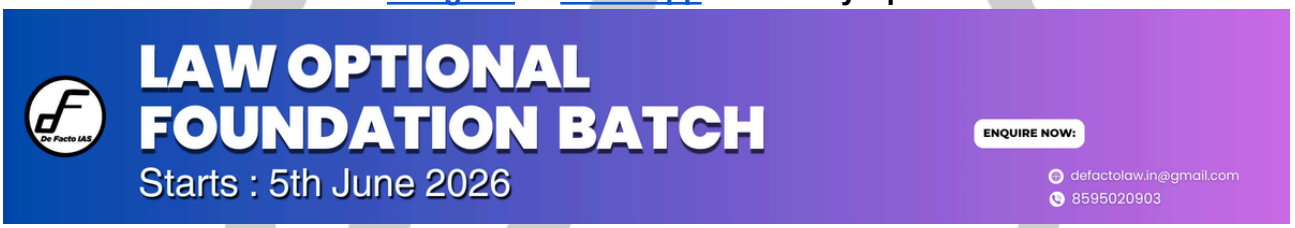
6th April-11th April, 2026

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1.Co-operative Societies Outside Article 12: Supreme Court Limits Writ Jurisdiction

Ram Chandra Choudhary & Ors v. Roop Nagar Dugdh Utpadak Sahakari Samiti Ltd. & Ors (2026) In a significant ruling, the Supreme Court clarified the scope of judicial review under Article 226 by holding that independent co-operative societies, such as District Milk Unions in Rajasthan, do not qualify as "State" under Article 12 of the Constitution. The core **question of law** before the Court was whether such societies, despite statutory regulation, could be subjected to writ jurisdiction in matters concerning their internal governance and electoral processes.

The Bench held that writ jurisdiction extends to non-State entities only when they discharge public functions or violate statutory/public duties. Mere statutory regulation or supervisory control does not transform a co-operative society into an instrumentality of the State. The Court emphasized that disputes relating to internal management, including election-related issues and validity of bye-laws, are fundamentally private in nature and fall outside the ambit of public law remedies.

Importantly, the Court underscored the existence of a comprehensive statutory dispute resolution mechanism under the Rajasthan Co-operative Societies Act, 2001, particularly Sections 58 and 104–105. Entertaining writ petitions in such cases would undermine legislative intent and bypass specialized remedies.

Accordingly, the Supreme Court set aside the Rajasthan High Court's interference, reinforcing that **internal disputes of co-operative societies must be resolved within the statutory framework, not through writ jurisdiction**.

2. SC Flags 'Even Single Instance' of Tainted Public Contract as Article 14 Violation

In ***Save Mon Region Federation And Anr v. The State Of Arunachal Pradesh And Ors., W.P.(C) No. 54/2024***, the Supreme Court of India delivered a significant ruling reinforcing transparency in public procurement. A Bench comprising Justice Vikram Nath, Justice Sandeep Mehta and Justice NV Anjaria held that even a single instance of awarding public work through a tainted process **violates Article 14** of the Constitution of India.

The Court ordered a preliminary enquiry by the Central Bureau of Investigation into allegations that contracts in Arunachal Pradesh were awarded with favouritism to relatives and associates of Chief Minister Pema Khandu. Rejecting the State's defence that such contracts formed a negligible percentage, the Court clarified that "a low percentage cannot become a licence" for nepotism.

Relying on findings of the Comptroller and Auditor General of India, the Bench noted repeated deviations from competitive tendering and missing procurement records. It emphasized that departures from open tender must be backed by recorded, rational reasons.

Highlighting concerns over institutional independence, the Court deemed a central probe necessary, observing that public trust and rule of law cannot be compromised, regardless of scale.

3.PwD Quota in Unreserved Category Open to All Social Classes: Supreme Court

In ***West Bengal State Electricity Transmission Co. Ltd. v. Dipendu Biswas & Ors.(2026)*****,** the Supreme Court has clarified that a horizontally reserved post for Persons with Disabilities (PwD) within the unreserved (UR) category is open to all candidates across social categories, including SC, ST, and OBC, provided they meet the disability criteria.

A Bench of Justice Sanjay Karol and Justice N. Kotiswar Singh held that horizontal reservations cut across vertical categories, and merit remains the sole determining factor for appointments under the unreserved category. The case arose from the denial of appointment to an OBC-A candidate with low vision (PWD-LV), who had secured higher marks than a general category PwD candidate for a UR (PWD-LV) post.

The Calcutta High Court had ruled in favour of the general category candidate, but the apex court set aside this decision, terming it contrary to equality principles. It held that excluding a more meritorious PwD candidate solely based on social category is arbitrary and violative of Article 14.

Clarifying the “non-availability clause,” the Court stated it is merely a fallback mechanism and cannot override merit. Upholding the respondent’s selection, the Court reaffirmed that all similarly situated PwD candidates must be treated equally in unreserved horizontal quotas.

4.Surgeon’s Discretion Upheld: Supreme Court Quashes Negligence Case

In **Dr. S. Balagopal v. State of Tamil Nadu & Anr.**,(**2026)** the Supreme Court reaffirmed the primacy of medical judgment in surgical decisions, quashing criminal proceedings against a paediatric surgeon accused of medical negligence.

A Bench comprising Justices P.S. Narasimha and Manoj Misra addressed the key legal issue: whether a surgeon can be held criminally liable for opting for a different but medically recognized procedure than the one allegedly consented to. The complainant-father argued that consent was limited to orchidopexy, while the surgeon performed orchidectomy without authorization.

The Court, however, found no evidence of mala fide intent or absence of consent. Crucially, it noted that the consent form included both procedures as alternatives, and the Medical Board supported the choice of orchidectomy to prevent future malignancy risks. Emphasizing the **standard of care**, the Court held that a surgeon is the “best judge” to determine the appropriate procedure in emergent medical situations, especially when backed by expert opinion.

On the question of law, the ruling clarifies the threshold for criminal negligence in medical cases, reinforcing that mere deviation from a preferred procedure does not amount to negligence absent recklessness or bad faith. The Court also implicitly limited the application of the **egg shell skull principle**, confining it to pre-existing patient vulnerabilities.

5.Iran's closure of Strait of Hormuz — transit passage rights vs. right of self-defence

Topic 4 · Law of the Sea

Following US-Israeli strikes, Iran's IRGC declared the Strait of Hormuz closed to vessels of "enemy states" and began charging $1 million tolls per ship. This triggered a landmark international law debate: UNCLOS **Articles 38 and 44** guarantee the right of transit passage through international straits, which cannot be suspended even during armed conflict. Iran — which has not ratified UNCLOS — claimed a self-defence exception **(Art. 51, UN Charter)** and argued the **Corfu Channel customary norm didn't apply**. World leaders (India, UK, Germany, Singapore, Italy) and the IMO unanimously rejected the tolls as a dangerous precedent. On 11 April, Trump declared US forces had begun "clearing" the strait.

The Strait of Hormuz is not merely a sensitive shipping route — it is a strait used for international navigation, placing it within specialized rules on passage, coastal-state powers, and protection of international maritime traffic.Iran has insisted that ships wanting to transit the strait must secure its permission and has suggested it retains the right to impose a fee for passage — a stance maritime experts called an "extreme outlier" that sets a dangerous precedent. This tests **UNCLOS Articles**

38 & 44 (transit passage cannot be suspended), the *Corfu Channel* case, and the San Remo Manual on armed conflict at sea.

6.US tariffs and the GATT/WTO crisis — national security exception vs. MFN obligations

China, Canada, and the EU have pending WTO dispute settlement complaints against the sweeping US tariff regime. This week's analysis focused on Article XXI of GATT (national security exception) and whether the US can lawfully invoke it to justify tariffs that WTO panels ruled violated tariff binding obligations (Art. II) and the MFN non-discrimination clause (Art. I). The US continues to "appeal into the void" — exploiting the Appellate Body's vacancy (caused by US blocking appointments since 2019). Scholars warned this could lead the US to effectively withdraw from the WTO, dismantling the post-1948 multilateral trading order.

Weekly Focus

Case of the Week: Donoghue v Stevenson [1932] AC 562 [Topic- Negligence]

Facts: In 1928, May Donoghue visited a café in Paisley, Scotland, where her friend purchased her a ginger beer manufactured by Stevenson. The bottle was opaque. Upon pouring the remainder, a decomposed snail floated out. Donoghue, having already consumed part of the drink, suffered gastroenteritis and nervous shock.

Question of Law: Can a manufacturer owe a duty of care in tort to an end consumer with whom he has no contractual relationship? Prior to this case, liability was restricted by the doctrine of privity of contract — only parties to a contract could sue each other.

Decision: The House of Lords held **3:2 in favour of Donoghue**. Lord Atkin delivered the landmark majority judgment, establishing two foundational principles.

The Neighbour Principle: Lord Atkin held that every person must take reasonable care to avoid acts or omissions which they can reasonably foresee would injure their "neighbour" — defined as any person so closely and directly affected by one's conduct that they ought reasonably to be in one's contemplation.

Manufacturer Liability: A manufacturer who places a product into commerce in a form showing it is intended to reach the consumer without intermediate examination owes that consumer a duty of reasonable care.

Legal Significance: The case abolished privity as a bar to tortious claims, established the three essential elements of negligence — **duty of care, breach, and damage** — and created the foundational framework upon which all subsequent negligence law is built. It remains the most influential tort law case in common law jurisdictions worldwide.

PYQ Solution

Explain the various circumstances under which a 'public servant' is said to commit the offence of "Criminal misconduct" under 'The Prevention of Corruption Act, 1988'. (15 MARKS)

The Prevention of Corruption Act, 1988 (PCA), was enacted with the primary objective of combating corruption in various forms within the public services in India. Under this Act, the term 'Criminal Misconduct' is comprehensively detailed to cover a range of offences committed by public servants. Specifically, Section 13 of the Act provides for different circumstances under which a public servant can be said to have committed the offence of "Criminal Misconduct."

Section 13(1): Criminal Misconduct Defined

1. **Section 13(1)(a) - Obtaining illegal gratification:** If a public servant, by corrupt or illegal means or by otherwise abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage, he can be charged with criminal misconduct.
2. **Section 13(1)(b) - Possession of Disproportionate Assets:** A public servant is considered to commit criminal misconduct if he or she accumulates or is in possession of pecuniary resources or property disproportionate to his known sources of income, and cannot satisfactorily account for it.
3. **Section 13(1)(c) - Dishonest or Fraudulent Misappropriation:** If a public servant dishonestly or fraudulently misappropriated or otherwise converts for his use any property entrusted to him or under his control as a public servant or allows any other person to do so, it is deemed as criminal misconduct.
4. **Section 13(1)(d) - Abuse of Position:** This covers a public servant who, by corrupt or illegal means or by abusing his position, gains any valuable thing or pecuniary advantage for himself or any other person, or causes undue harm or hardship to another.
5. **Section 13(1)(e) - Favors and Disfavors:** A public servant commits criminal misconduct if he shows favour or disfavour to any person in the exercise of his official functions, thereby flouting the guidelines meant to govern such tasks.

In **Vineet Narain v. Union of India (1996)**, the Supreme Court emphasised the necessity for a speedy trial in corruption cases under PCA, highlighting how criminal misconduct by public servants affects the very essence of democracy.

The case of **CBI v. S.Mohan (2012)** also serves as a notable judgement clarifying the scope of 'disproportionate assets' under Section 13(1)(e) of the PCA, thereby streamlining what constitutes criminal misconduct.

In the State of **M.P. v. Ram Singh (2000)**, the Court held that the act of obtaining a valuable thing need not be in connection with the official duties of the public servant.

The Prevention of Corruption Act, 1988, through Section 13, lays down comprehensive grounds for what constitutes 'Criminal Misconduct' by a public servant. It serves as a critical legal framework for prosecuting corruption and upholding integrity within the public service, safeguarded by a rich body of case law that further refines its application.