Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

10th May-16th May, 2026

1.SC Quashes 35-Year Criminal Case, Upholds Speedy Trial Right.....1
2. SC Clarifies 'Public View' Requirement Under SC/ST Act.....2
3.SC Links Mother Tongue Education To Fundamental Rights..... 2
4.SC Upholds Arbitration by Incorporation in Subsequent Contracts.....3

Weekly Focus

Bachan Singh v. State of Punjab — Case Summary.....3
PYQ Solution..... 5

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1.SC Quashes 35-Year Criminal Case, Upholds Speedy Trial Right

In **Kailash Chandra Kapri v. State of Uttar Pradesh & Ors.**, the Supreme Court reaffirmed that the **right to speedy trial is an inseparable facet of Article 21**, quashing a 35-year-old criminal prosecution against a former police constable.

A Bench of Justices J.B. Pardiwala and Ujjal Bhuyan held that continuation of criminal proceedings involving minor offences after such extraordinary delay amounted to oppression and abuse of process. The Court addressed the core legal issue of whether prolonged pendency of trial, irrespective of the gravity of offence or custody status of the accused, violates constitutional guarantees of fair procedure.

The case stemmed from a 1989 FIR alleging simple hurt and criminal intimidation arising out of a trivial altercation in a police mess. Notably, no prosecution witness was examined in over three decades, two co-accused died during trial, and the remaining accused were acquitted due to lack of evidence.

Emphasizing that the "tag of accused" itself impacts dignity, reputation, and mental peace, the Court held that speedy trial is not merely procedural but a **human right embedded in fair trial jurisprudence**.

The ruling strengthens constitutional protections against delayed prosecutions and underscores the judiciary's duty to prevent criminal process from becoming punitive in itself.

2. SC Clarifies 'Public View' Requirement Under SC/ST Act

In **Gunjan @ Girija Kumari & Ors. v. State (NCT of Delhi) & Anr.**, the Supreme Court addressed a crucial question of law concerning the interpretation of the phrase "within public view" under Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

A Bench of Justices Prashant Kumar Mishra and N.V. Anjaria quashed criminal proceedings against the accused, holding that caste-based abuses allegedly made inside a private residence, without public visibility or access, do not satisfy the statutory requirement of occurring in a "place within public view."

The case arose from allegations that the accused used casteist slurs against the complainant and his wife inside their residential premises. While the trial court framed charges under the SC/ST Act, the Supreme Court found that the FIR itself failed to disclose the essential ingredient necessary to attract the offence.

Clarifying the legal position, the Court held that even if an incident occurs at a private location, it must still be exposed to **public gaze or capable of being witnessed by the public**. Mere use of abusive caste references, absent the element of public humiliation, would not automatically attract penal provisions under the Act.

3.SC Links Mother Tongue Education To Fundamental Rights

In **Padam Mehta & Anr. v. State of Rajasthan & Ors.**, the Supreme Court delivered a significant ruling on linguistic and educational rights, holding that a child's right to receive education in their mother tongue or language of choice flows from Article 19(1)(a) of the Constitution of India.

A Bench of Justices Vikram Nath and Sandeep Mehta observed that the constitutional guarantee of freedom of speech and expression includes the right to receive education in a form that is meaningful and comprehensible to the learner. The Court held that effective education requires instruction in a language the child best understands, as this strengthens conceptual clarity and cognitive engagement.

The key question of law before the Court was whether failure of the State to facilitate regional language education undermines constitutional protections and national education policy objectives. Criticising Rajasthan's inaction, the Court directed the State to introduce Rajasthani as a subject in all government and private schools and to facilitate its use as a medium of instruction.

Relying on the precedent in **State of Karnataka v. Associated Management of English Medium Primary & Secondary Schools**, the Court reiterated that while the State cannot compel mother tongue instruction, children possess a constitutional freedom to study in a language of their choice.

4.SC Upholds Arbitration by Incorporation in Subsequent Contracts

In **Hirani Developers v. Nehru Nagar Samruddhi CHS Ltd. & Anr.**, the Supreme Court settled an important question of law concerning incorporation of arbitration clauses into subsequent agreements.

A Bench of Justices Sanjay Kumar and K. Vinod Chandran held that where a later contract incorporates the terms of an earlier agreement "in entirety," the arbitration clause contained in the earlier contract automatically becomes binding, even if not specifically reproduced or separately referenced.

The dispute arose after redevelopment agreements between a developer and society members incorporated all terms of an earlier Development Agreement containing an arbitration clause. The Bombay High Court had refused appointment of an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996, holding that the later agreements lacked an independent arbitration clause.

Reversing the High Court, the Supreme Court ruled that the incorporation clause clearly demonstrated the parties' intention to import the earlier agreement "body and soul" into the later contracts. The Court distinguished between a mere reference to another document and complete contractual incorporation.

Relying on *M.R. Engineers & Contractors Pvt. Ltd. v. Som Datt Builders Ltd.*, the Court clarified that express assimilation of all clauses is sufficient to satisfy Section 7(5) of the Arbitration Act. The appeal was accordingly allowed.

Weekly Focus

Bachan Singh v. State of Punjab — Case Summary

Background & Facts

Bachan Singh was convicted for murder under Section 302 of the Indian Penal Code, 1860. He had a prior conviction for murder and, after release from imprisonment, committed another triple murder. The Sessions Court sentenced him to death, which was affirmed by the High Court. Before the Supreme Court, he challenged not only the sentence but also the constitutional validity of the death penalty itself.

Core Question of Law

The principal constitutional issue before the Constitution Bench was:

1. Whether the death penalty under Section 302 IPC violates Articles 14, 19, and 21 of the Constitution.
2. Whether the sentencing procedure under Section 354(3) of the Code of Criminal Procedure, 1973, which requires "special reasons" for awarding death sentence, is constitutionally valid.
3. What principles should govern imposition of capital punishment.

Held

A 4:1 Constitution Bench upheld the constitutional validity of the death penalty.

The Court held that capital punishment is not per se unconstitutional if imposed through a fair, just and reasonable procedure consistent with Article 21.

However, the Court significantly restricted its use by evolving the "Rarest of Rare Doctrine."

Rarest of Rare Doctrine

The Court ruled that:

- Life imprisonment is the rule
- Death penalty is the exception

Capital punishment may only be imposed in the “rarest of rare cases” where the alternative option of life imprisonment is unquestionably foreclosed.

The sentencing court must balance:

- Aggravating circumstances (nature of crime, brutality, societal impact)
  against
- Mitigating circumstances (age, background, possibility of reform, mental condition, absence of criminal propensity).

Key Constitutional Principles

1. Individualized Sentencing

Punishment cannot be mechanical. Courts must consider the offender as well as the offence.

2. Article 21 Protection

Any deprivation of life must follow:

- Fair procedure
- Non-arbitrariness
- Judicial safeguards

3. Humanistic Criminal Jurisprudence

The judgment emphasized reformative justice and restraint in sentencing.

Significance

This is the most important death penalty judgment in Indian law.

It:

- Became the constitutional foundation for capital sentencing.
- Introduced sentencing proportionality.
- Restricted arbitrary imposition of death sentence.
- Influenced later cases like:
  - Machhi Singh v. State of Punjab
  - Santosh Kumar Bariyar v. State of Maharashtra
  - Shatrughan Chauhan v. Union of India

Criticism

Despite its protective intent, the “rarest of rare” doctrine has often been criticized for:

- Subjective judicial interpretation
- Inconsistent application
- Sentencing unpredictability

Scholars argue that differing judicial perceptions of morality and brutality have produced uneven outcomes.

Legal Legacy

Bachan Singh remains the controlling authority on capital punishment in India and represents the Supreme Court's attempt to reconcile:

- State power to punish,
  with
- Constitutional commitment to dignity, fairness, and human rights.

PYQ Solution

Describe the powers and functions of the Union Public Service Commission.(10 Marks)

Intro	- UPSC is a constitutional body (Articles 320 & 323). - Ensures merit-based, transparent recruitment to Union services.
Body	1. **Examinations** *(Art. 320(1))* – Conducts exams for Union services. 2. **Joint Recruitment** *(Art. 320(2))* – Assists States. 3. **Advisory Functions** *(Art. 320(3))* – Recruitment, promotions, discipline, legal costs, injury pensions. 4. **Exemptions** *(Proviso to Art. 320(3))* – President/Governor can exempt cases. 5. **Limitations** *(Art. 320(4))* – No need to consult on reservations (Art. 16(4)), Art. 335. 6. **Reports** *(Art. 323)* – Submits annual report to President, placed before Parliament.
Conclusion	- UPSC ensures integrity and fairness in civil services. - Plays a key role in upholding constitutional governance.

The Union Public Service Commission (UPSC) is a constitutional body entrusted with ensuring transparent, efficient, and merit-based recruitment to the services under the Union Government.

1. Examination and Recruitment (Article 320(1)): Conducts examinations for appointments to the services of the Union.
2. Assistance in Joint Recruitment (Article 320(2)): Assists two or more States in framing and operating joint recruitment schemes when requested.
3. Advisory Functions (Article 320(3))- The UPSC must be consulted in the following matters:

(a) Methods of Recruitment: Advises on procedures for recruiting to civil services and posts.
(b) Appointments, Promotions, and Transfers: Recommends principles and evaluates candidate suitability.
(c) Disciplinary Matters: Advises on issues affecting civil servants in disciplinary actions.
(d) Legal Cost Claims: Evaluates claims for reimbursement of legal expenses incurred in the course of official duties.

(e) Injury Pensions: Advises on pension claims for injuries sustained in civil service.

Exemptions from Consultation (Proviso to Article 320(3)): The President (for Union services) or the Governor (for State services) may frame regulations exempting certain matters or cases from UPSC consultation.

Limitations (Article 320(4)): UPSC consultation is not required in matters related to reservations (Article 16(4)) or service considerations under Article 335.

Reporting Duties (Article 323): Submits an annual report to the President on its work. The President lays the report before both Houses of Parliament, along with reasons for any cases where its advice was not accepted.

De Facto IAS