Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

3rd - 2nd August, 2026

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1.Classification Needs a Nexus: Civil Jurisdiction Over Non-Tribal Disputes in Scheduled Areas

Topic 1 · Constitutional Law — Art. 14; Fifth Schedule (Scheduled Areas)

Mukkera Venkata Ratnam v. Vantasala China Venkateswarlu (2026) The **rational-nexus test of Article 14** determined the reach of the **Fifth Schedule** machinery in this appeal: do the special agency procedures of Scheduled Areas — which exclude ordinary civil court jurisdiction — govern a partition and succession dispute in which **every party is a non-tribal**, merely because the land lies within a Scheduled Area? A Bench of Justice Sanjay Karol and Justice N. Kotiswar Singh held they do not (2026 INSC 810).

The object of the Fifth Schedule and the land-transfer regulations made under it is **"to protect tribal populations and their property from exploitation."** Applying the special machinery to disputes **exclusively between non-tribals** — here, the partition of a common ancestor's estate — **"lacks a rational nexus to this object and would violate Article 14."** A protective classification cannot be stretched to persons who stand wholly outside the class it protects.

The consequence: the ordinary rule of **Section 9 CPC** — that civil courts try all suits of a civil nature unless barred — reasserts itself, and the High Court's view excluding civil jurisdiction was set aside. The exclusion of the civil court, being an exception carved for a protective purpose, extends no further than that purpose demands.

The decision disciplines protective legislation with the classic two-limb test: an **intelligible differentia** (tribal-protective machinery for Scheduled Areas) survives only so long as its application bears a **rational relation to the protective object** — a reminder that even benevolent classifications are judicially policed at their boundaries.

2.Breeders May Sue, Farmers Stay Shielded: The PPVFR Balance Restated

Topic 2 · Contemporary Law — IPR; Plant Varieties & Farmers' Rights

Kavitha Kuruganti v. PepsiCo India Holdings Pvt. Ltd. (2026) The equilibrium struck by the **Protection of Plant Varieties and Farmers' Rights Act, 2001** — India's *sui generis* alternative to patenting plant varieties — was tested in the long-running contest over PepsiCo's **FL 2027 potato variety** (used for Lay's chips). The question before Justice J.B. Pardiwala and Justice K. Vinod Chandran: could PepsiCo's infringement suits against individual farmers be restrained as intimidatory or vexatious litigation (2026 INSC 811)?

The Court declined: **"Filing of suits for the protection of rights conferred under the statute, per se cannot be held to be intimidatory or vexatious"** — a registered breeder cannot be barred from the remedies the Act itself confers, and **"we cannot restrain the first respondent from taking legal remedies, if their rights are infringed."** No finding of predatory litigation was recorded.

But the shield stands as firmly as the sword: in any such proceeding the farmer retains the **full protection of Section 39(1)(iv)** — the statutory right to **save, use, sow, resow, exchange, share or sell farm produce** of a protected variety, the singular Indian innovation that subordinates the breeder's monopoly to farmers' traditional practice (branded-seed sale alone excepted).

The judgment closes the FL 2027 chapter — after the earlier revocation battles under **Section 34** — with a calibrated settlement: breeders' remedies survive, farmers' immunities survive, and each operates as the boundary of the other. It is the PPVFR Act's central bargain, judicially reaffirmed.

3.The 'Veritable Party': Binding a Non-Signatory to Arbitration

Topic 3 · Contracts & Mercantile Law — Arbitration; Non-Signatories

KKH Finvest Pvt. Ltd. v. Ashiesh Shukla (2026) The consent-based doctrine of binding **non-signatories to arbitration** — settled by the Constitution Bench in *Cox and Kings v. SAP India* — received a working application. The question: was a consultant-shareholder who never signed the Memorandum of Settlement containing the arbitration clause nonetheless bound by it? A Bench of Justice Sanjay Kumar and Justice Sanjeev Sachdeva held he was (2026 INSC 803).

The Court restated the principle: **"a person or entity may not sign an arbitration agreement, yet give the appearance of being a veritable party to such agreement due to that person/entity's legal relationship with the signatory parties and involvement in the performance of the underlying contract."** Consent, in other words, is ascertained from the structure and performance of the transaction, not from signatures alone.

The facts supplied the structure: the respondent's **Share Purchase Agreement, executed the same day, expressly referenced the Memorandum of Settlement**, and four other participants in identical positions had already been held veritable parties on identical clauses. **"The logic applied to the four of them… equally applied"** to the respondent, and the High Court's contrary distinction was **"entirely unsustainable."**

The decision shows the *Cox and Kings* framework in operation at the **Section 11 referral stage**: where a composite, multi-document transaction knits a non-signatory into the bargain's performance, the

arbitration clause travels with the transaction — and cherry-picking one participant out of an integrated settlement will not defeat the reference.

4.When Defective Investigation Matters: Acquittal in a Factional Murder Upheld

Topic 4 · Law of Crimes — Proof Beyond Reasonable Doubt; Unlawful Assembly (s.149)

Nirmala Bai Devidas Chavhan v. State of Maharashtra (2026) The interplay between **defective investigation and the standard of proof** governed these appeals against the acquittal of twenty accused in a factional murder case. A Bench of Justice Sanjay Karol and Justice Augustine George Masih dismissed the appeals, laying down the operative rule (2026 INSC 787).

The principle is two-sided: **"a defect in investigation does not by itself entitle an accused to an acquittal where the substantive evidence is found to be reliable, but where the substantive evidence is itself infirm, the lapses assume significance and their benefit enures to the accused."** Investigation defects, in other words, are not an independent ground of acquittal — they operate as a multiplier upon the weakness of the substantive case.

Here the substantive evidence was infirm on its face: **parrot-like identical testimony** without the natural variations of truthful witnesses, roles attributed to twenty-three persons drawn from unrelated families, **nine accused with no weapon attributed to them** despite conviction under Section 149, discrepancies between the FIR and its carbon copy, and broken seals on the case property.

The Court added a caution central to the law of **constructive liability under Sections 147–149**: **"group and factional rivalries carry with them a tendency to rope in the innocent along with the guilty"** — membership of an unlawful assembly must be proved against each accused, and the wider the net cast by the prosecution, the closer the scrutiny of the evidence that casts it.

5.Redrawing the Lanes of Hormuz: Transit Passage Under Strain

Topic 5 · International Law — Law of the Sea; Straits

On 5 August 2026, **Iran announced agreement with Oman on coordinates for new commercial shipping corridors through the Strait of Hormuz** — closed by Iran since February 2026 amid its conflict with the United States and Israel. Parts of the new lanes run through **Iranian territorial waters**, departing from the long-standing routing through Omani waters; and on 7 August Iran declared the arrangement would **exclude US and Israeli vessels** and impose fines of up to twenty per cent of cargo value on violators, with reopening conditioned on the lifting of the US naval blockade of Iranian ports.

The strait — carrying roughly a quarter of seaborne oil — is governed by the regime of **transit passage under Part III of UNCLOS (Articles 37–38)**: passage through straits used for international navigation **cannot be suspended (Article 44)**; sea lanes and traffic separation schemes must be referred to the **IMO for adoption (Article 41)**; and the laws of strait States may **not discriminate among foreign ships or deny, hamper or impair transit (Article 42(2)).** Beneath the treaty lies custom: *Corfu Channel* (1949) established the non-suspendable right of passage through international straits.

Iran's counter-position is structural: it **signed but never ratified UNCLOS**, and by its declaration treats transit passage as a treaty right available only to UNCLOS parties — leaving, on its view, only the suspendable regime of **innocent passage**, and room for the two littoral States to reorder the lanes bilaterally as measures of self-defence. Maritime States answer that transit passage — or at minimum *Corfu Channel* passage — binds as **custom**, is **flag-blind**, and that a bilateral rerouting that bypasses the IMO has no effect on third States.

Core legal tension: whether two littoral States can bilaterally re-engineer — and selectively deny by flag — passage through the world's most strategic strait, against a customary regime of non-suspendable, non-discriminatory transit.

6.Paying Ukraine from Russia's Frozen Reserves: Countermeasure or Confiscation?

Topic 6 · International Law — State Responsibility; Immunities

On 3 August 2026, the European Commission received — and on 5 August announced — the **fifth tranche of €1.4 billion in 'windfall profits' generated by immobilised Central Bank of Russia assets** held at the Euroclear depository, taking the total extracted to €8 billion. The proceeds service the G7 loans to Ukraine, with a portion routed to military assistance.

The legal architecture engages the deepest questions of **State responsibility and sovereign immunity**. The EU's primary position is proprietary: the extraordinary profits are **not Russia's property** — they are the depository's cash balances, to which the Russian central bank has no contractual entitlement — so the customary rule reflected in **Article 21(1)(c) of the UN Convention on Jurisdictional Immunities**, which shields central-bank property from measures of constraint, is never engaged. In the alternative stands the argument from **ARSIWA Article 54**: measures by States other than the injured State in response to Russia's breach of **Article 2(4) of the Charter** — an obligation owed *erga omnes*.

Russia's answer is that this is **confiscation by instalments**: the fruits follow the principal; central-bank assets and their proceeds are immune under custom; and Article 54 — deliberately left open by the ILC — does not license **third-party countermeasures**, still less countermeasures that override immunity rules. The dispute is thus a live test of whether the countermeasures regime has grown a collective dimension the Articles only 'reserved'.

Core legal tension: whether extracting the proceeds of a sovereign's immobilised central-bank reserves is a lawful third-State countermeasure against aggression, or an unlawful measure of constraint against property the law of immunities places beyond reach.

Weekly Focus

Nandini Sundar v. State of Chattisgarh, [2011] 8 S.C.R. 1028

Facts: In a public interest petition, it was alleged that the State of Chhattisgarh was **actively promoting the activities of Salwa Judum** (also called Koya Commandos) — vigilante groups operating against the Maoist insurgency in Dantewada and neighbouring districts — and that **barely literate tribal youth were being appointed as Special Police Officers (SPOs)** and given firearms to undertake counter-insurgency tasks that only the formal police could undertake. The Union of India, on affidavit, confined its role to approving SPO numbers and reimbursing their honorarium. Both governments **acknowledged that SPOs were actually involved in combat** with the Maoists, in direct danger of attack, without the safety of formal security forces.

Question of Law: Does the appointment of tribal youth as SPOs for **counter-insurgency operations** violate **Articles 14 and 21**? And how far may the judiciary interfere with State policy designed to combat terrorism and extremism?

Decision: The Court (B. Sudershan Reddy and S.S. Nijjar, JJ) held the deployment **violative of Articles 14 and 21**: given their educational levels the training was inadequate, the use of firearms was not consonant with self-defence, the SPOs performed all the duties of police officers for a bare honorarium,

and their temporary appointment left their lives in danger thereafter. The State was directed to **cease and desist from using SPOs in counter-insurgency**, recall all firearms, protect former SPOs, and **prevent the operation of Salwa Judum and Koya Commandos**; the Union was barred from funding SPO recruitment for counter-insurgency; and the **CBI** was directed to take over investigation of the incidents of violence. Appointment of SPOs to perform police duties beyond the limited functions in **Sections 23(1)(h) and (i) of the Chhattisgarh Police Act, 2007** was held unconstitutional.

Ratio: The Constitution's promise of **complete justice — social, economic and political — "cannot condone policies that turn a blind eye to deliberate infliction of misery on large segments of our population."** The State's obligation to combat extremism and provide security is a **primordial necessity**, and courts will ordinarily not interfere with security policy — but the judiciary **intervenes to safeguard constitutional values and fundamental rights** such as equality and life. An approach of **lawless violence in response to insurgent violence** does not solve the problem; it only perpetuates the cycles of wider and more intense violence.

Legal Significance: The judgment is the leading authority that **constitutionalism binds counter-insurgency**: the State cannot outsource its monopoly of legitimate force to ill-trained, ill-paid civilians drawn from the very population caught in the conflict, and the human rights of both the deployed and the surrounding society set the outer limit of security policy. It stands alongside the Fifth Schedule's protective design as the constitutional baseline for State action in tribal areas.

PYQ Solution

"Article 14 forbids class legislation but does not forbid reasonable classification." Explain the doctrine of reasonable classification and the tests evolved by the Supreme Court under Article 14. (15 MARKS)

Equality before law means that **among equals the law should be equal and equally administered — the likes should be treated alike.** Article 14 guarantees **similarity, not identity, of treatment**: it does not require that things which are different be treated as though they were the same, and so it does not prohibit **reasonable classification.**

The doctrine and its tests

1. **Permissible classification:** The State may classify **on the basis of rational distinctions relevant to the particular subject dealt with.** What Article 14 forbids is class legislation — the arbitrary selection of persons for favour or disability; what it permits is classification made for the purposes of legislation directed at a real difference.
2. **The dual test:** A permissible classification must satisfy two conditions: it must be founded on an **intelligible differentia** which distinguishes those grouped together from those left out; and the differentia must bear a **rational relation — a nexus — to the object sought to be achieved by the legislation** (*K.R. Lakshman v. Karnataka Electricity Board*).
3. **The court's method:** When a provision is challenged under Article 14, the court first **ascertains the policy and object of the statute**, and then applies the dual test to the classification. So long as the classification rests on a rational basis and **all persons within the class are treated alike**, the equality clause is not violated — uniformity within the group saves the law.
4. **The boundary of protective classification:** A classification valid for its protective object cannot be applied beyond that object: machinery designed to protect one class fails the nexus test when extended to persons outside it — the principle applied when Scheduled-Area procedures,

designed to protect tribals from exploitation, were held inapplicable to disputes exclusively between non-tribals. The doctrine is supplemented by the later arbitrariness dimension of Article 14, under which State action lacking reason is itself a denial of equality.

Illustrations: Classification of vehicles by age or value for taxation has been upheld as founded on intelligible differentia; conversely, a classification collapses where the differentia, however intelligible, does nothing to advance the statute's object — for the nexus, not the neatness, of the classification is what Article 14 audits.

Conclusion: The doctrine reconciles legislative freedom with the equality guarantee: the legislature may draw lines, but every line must answer two questions — *whom does it separate, and why?* Only when both answers connect to the law's legitimate object does the classification survive Article 14.

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