Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

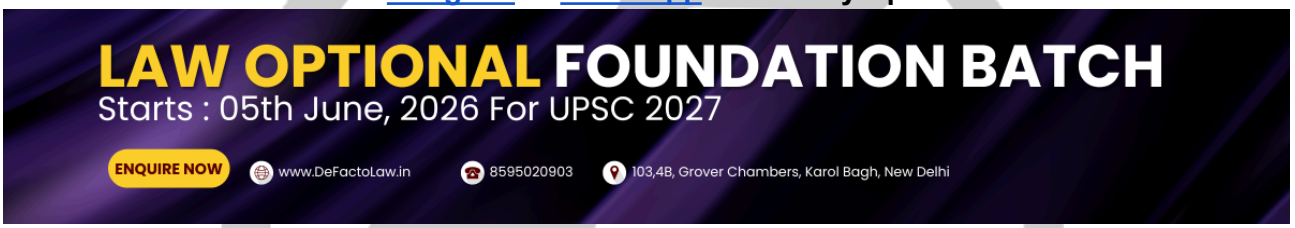
2nd May-9 May, 2026

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1.Speedy Trial Paramount: SC Grants Bail Despite Murder Charge

In **Sahil Manoj Machare v. State of Maharashtra**, the Supreme Court addressed a vital question of law on whether prolonged incarceration and delay in trial can justify bail even in serious offences like murder.

A Bench of Justices J.B. Pardiwala and Vijay Bishnoi held that the **right to speedy trial under Article 21 of the Constitution** cannot be compromised, irrespective of the gravity of the offence. The petitioner, accused under Sections 302/34 IPC, had been in custody since November 2022, with not a single witness examined despite charges being framed in 2024.

Setting aside the Bombay High Court's refusal of bail, the Court ruled that continued detention in such circumstances amounts to a violation of personal liberty. The core legal issue was whether seriousness of the offence can override constitutional guarantees of timely trial. Answering in the negative, the Court emphasized that delay attributable to the system cannot prejudice the accused.

Reiterating settled jurisprudence, the Court observed that where trial is unlikely to conclude within a reasonable time, bail must be considered to uphold constitutional rights.

The ruling reinforces that **procedural fairness and liberty under Article 21 prevail over punitive considerations**, marking yet another strong assertion of the right to speedy justice in criminal law.

2. SC Examines Treaty Override in Extradition Law

In **Christian Michel James v. Union of India**, the Supreme Court has taken up a significant question of law concerning the interplay between extradition treaties and domestic statutory safeguards.

A Bench of Justices Vikram Nath and Sandeep Mehta issued notice on a plea challenging **Article 17 of the India-UAE Extradition Treaty**, which permits prosecution for offences "connected with" those for which extradition was granted. The core legal issue is whether such a treaty provision can expand the scope of prosecution beyond the limits prescribed under Section 21 of the Extradition Act, 1962, which embodies the doctrine of **specialty**—restricting trial strictly to extradited offences.

The petitioner contends that Article 17 violates constitutional provisions, including Articles 21, 245, and 253, by allowing broader prosecution than permitted by parliamentary law. Conversely, the Delhi High Court upheld the treaty, holding that prosecution for offences arising from the same factual matrix does not violate the statutory framework.

The Supreme Court's consideration raises a broader constitutional question: **whether international treaty obligations can effectively override or expand statutory limitations enacted by Parliament**.

3.Consensual Relationship Not Rape on False Promise: SC Quashes Case

In **Shaileshbhai Govindbhai Makwana v. State of Maharashtra & Anr.**, the Supreme Court addressed a crucial question of law on whether a long-term consensual relationship can later be criminalised as rape on the ground of a false promise of marriage.

A Bench of Justices K.V. Viswanathan and Manmohan held that for an offence under Section 376 IPC to be made out on the basis of a false promise to marry, the promise must be **false from the inception** and must directly induce the consent for the sexual relationship.

Examining the facts, the Court noted that both parties were aware of each other's subsisting marriages and had entered into a relationship voluntarily, cohabiting for nearly four years without any allegation of coercion. The complaint was lodged only after the relationship deteriorated, which the Court found indicative of a consensual arrangement rather than deception.

The Court also clarified that **withdrawal of an earlier quashing petition without adjudication on merits does not bar a subsequent petition**, rejecting the High Court's contrary view.

Relying on established precedent, the Court distinguished between a **breach of promise** and a **false promise**, holding that the present case fell in the former category.

Finding no prima facie offence, the Court quashed the criminal proceedings, reinforcing limits on misuse of rape provisions.

4.SC: Legal Heirs Liable for Doctor's Negligence, But Limited to Estate

In **Kumud Lall v. Suresh Chandra Roy (Dead) through LRs & Ors**., the Supreme Court addressed a key question of law on whether **medical negligence claims** survive the death of a doctor and can be enforced against legal heirs under the Consumer Protection Act.

A Bench of Justices J.K. Maheshwari and Atul S. Chandurkar held that legal representatives of a deceased doctor can be impleaded in ongoing proceedings. However, **their liability is strictly limited to the extent of the estate inherited**, and they cannot be held personally liable beyond such assets.

The Court examined the interplay between the common law **maxim *actio personalis moritur cum persona*** and statutory provisions like Section 306 of the Indian Succession Act, 1925. It ruled that while personal injury claims may abate, claims involving pecuniary loss to the estate survive and can be pursued against the legal heirs.

Rejecting the earlier NCDRC view that such proceedings abate entirely upon death, the Court clarified that consumer fora must first determine negligence and then assess recoverable claims against the estate.

5.E-Commerce Liability Reinforced: Wrong Product Delivery Penalised

In **Rathod Swasthik v. Flipkart Internet Pvt. Ltd. & Anr.**, the District Consumer Commission, Adilabad addressed a significant question of law on whether e-commerce platforms can be held liable for delivery of incorrect goods and failure to redress consumer grievances.

The Commission held Flipkart and the seller liable for **deficiency in service and unfair trade practice** under the Consumer Protection Act after the complainant received a Qubo Q500 air purifier instead of the Q600 model ordered. The core issue was whether failure to rectify an acknowledged wrong delivery, coupled with alteration of product listings, violates consumer rights.

Proceeding ex parte, the Commission relied on documentary evidence including invoices and communication records to conclude that the opposite parties failed to exercise due diligence. It noted that the complainant had raised objections at the time of delivery under the Open Box Delivery policy, but was denied immediate remedy and later refused replacement on untenable grounds.

On the legal principle, the ruling underscores that **online marketplaces bear responsibility for accurate delivery and effective grievance redressal**, especially where consumer reliance is based on product specifications.

The Commission ordered refund with interest, ₹1.51 lakh compensation, and litigation costs, reinforcing accountability in digital commerce.

6.SC Delegates Enforcement Powers to District Collectors for Waste Management

In **Bhopal Municipal Corporation v. Dr. Subhash C. Pandey & Ors.**, the Supreme Court addressed a significant question of law concerning enforcement gaps under environmental regulations and the extent of delegated executive powers under the Environment (Protection) Act, 1986.

A Bench of Justices Pankaj Mithal and S.V.N. Bhatti held that effective implementation of the Solid Waste Management Rules, 2026 requires **decentralised statutory enforcement**, and directed the Central Government to delegate powers under Section 5 to District Collectors through Section 23 of the Act.

The Court recognized persistent non-compliance despite an existing regulatory framework and framed the legal issue as whether administrative inaction can be remedied through judicially guided delegation of

statutory authority. It answered in the affirmative, empowering District Collectors to issue binding directions, including coercive measures like suspension of water and electricity supply for non-compliance.

Importantly, the Court clarified that actions taken by District Collectors under delegated authority would carry the force of its own orders, strengthening accountability mechanisms. It also mandated creation of special monitoring cells, periodic reporting, and technological oversight of waste management systems.

Weekly Focus

K.M. Nanavati v. State of Maharashtra — Case Summary

Facts:
Commander K.M. Nanavati, a naval officer, discovered that his wife Sylvia was in an extramarital relationship with Prem Ahuja. After confronting his wife, Nanavati went to his ship, procured a revolver on a false pretext, and later visited Ahuja's residence where he shot him dead. Nanavati claimed the shooting occurred during a sudden altercation, while the prosecution argued it was a **premeditated killing**. The case initially went before a jury in Bombay, which returned a verdict of "not guilty" by 8:1. However, the Sessions Judge referred the matter to the High Court under Section 307 CrPC, disagreeing with the jury's verdict.

Issue (Question of Law):

1. Whether the killing amounted to **murder under Section 300 IPC** or culpable homicide not amounting to murder under **Exception 1 (grave and sudden provocation)**.
2. Whether the jury's verdict was perverse and liable to be set aside by the High Court.
3. Scope of judicial power to override jury findings.

Held / Ratio:
The Supreme Court upheld the Bombay High Court's conviction for **murder (Section 302 IPC)**. It held that the time gap between the confession and the killing allowed Nanavati's passions to cool, negating "grave and sudden provocation." The Court found the jury's verdict unreasonable and justified judicial interference.

Legal Principles:

- **Cooling-off period** defeats the defence of sudden provocation.
- Courts can override a **perverse jury verdict**.
- Distinction between premeditated intent and loss of self-control.

Significance:
This case marked the **end of the jury system in India**, exposing its susceptibility to bias and public sentiment. It remains a landmark on **provocation doctrine**, criminal intent, and appellate control over trial findings, shaping modern criminal jurisprudence in India.

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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