Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

12th May - 19th May 2025

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1) Supreme Court on Arbitrability of Trademark Disputes

In a ruling dated May 19, 2025, the Supreme Court in *K. Mangayarkarasi & Anr. v. N.J. Sundaresan & Anr.* reaffirmed that not all intellectual property disputes are *non-arbitrable*, particularly when the rights in question arise *in personam* from a contractual relationship.

The dispute concerned the usage of the "Sri Angannan Biriyani Hotel" trademark between two family factions, which arose from a Trademark Assignment Deed containing an arbitration clause. The appellants opposed the referral to arbitration, asserting that trademark disputes are *in rem* and thus outside the scope of arbitration.

However, the Court, relying on *Booz Allen & Hamilton Inc. v. SBI Home Finance Ltd.* and *Vidya Drolia v. Durga Trading Corporation*, clarified that contractual disputes involving subordinate rights, like licensing or assignment of trademarks, are *in personam* and hence arbitrable.

The bench, comprising Justices J.B. Pardiwala and R. Mahadevan, held that allegations of fraud or statutory violations do not oust the jurisdiction of an arbitral tribunal when the matter arises from a private contractual arrangement. The Court emphasized that under Section 11(6A) of the Arbitration and Conciliation Act, 1996, the referral court's role is limited to examining the existence of an arbitration agreement.

Accordingly, the Court dismissed the appeal, holding that the dispute rooted in the assignment deed was arbitrable, and directed that parties must honor the arbitration clause as per the legislative mandate.

This ruling provides that the arbitrability of IPR disputes where rights are derived contractually and do not affect public interest or third-party rights.

2) Supreme Court Declines to Frame Guidelines on Judicial Recusal

In *Chandraprabha v. Union of India*, the Supreme Court on May 16, 2025, emphatically ruled that **recusal of judges is a matter of personal discretion** and not subject to codified rules or external mandates. The bench comprising Justices Abhay S. Oka and Ujjal Bhuyan dismissed a writ petition seeking the issuance of guidelines on judicial recusal, holding that such judicial conduct matters fall outside the scope of Article 142 of the Constitution.

The petitioner argued for the adoption of practices akin to foreign jurisdictions where judges are required to disclose conflicts of interest in advance. She also referred to the recusal of a Karnataka High Court judge after reserving judgment in her matter, which allegedly caused procedural uncertainty due to the absence of guidelines.

Justice Oka responded that **"recusal is at the discretion of the judge"**, and the Court **"cannot frame such guidelines."** The bench reiterated that any direction under Article 142 must serve to do complete justice in individual cases, and cannot be used to set prescriptive rules on matters fundamentally rooted in judicial independence and ethics.

While noting the petitioner's grievance regarding the non-assignment of a fresh bench post-recusal in the High Court, the Court permitted the petitioner to move the Chief Justice of the Karnataka High Court on the administrative side and expressed confidence that the matter would be addressed accordingly.

3) Penalties for Illegal Tree Felling in Taj Trapezium Zone

In a environmental ruling on May 15, 2025, the Supreme Court, in *MC Mehta v. Union of India & Ors.*, imposed graded penalties up to ₹25,000 per tree for illegal tree felling in the Taj Trapezium Zone (TTZ), invoking its powers under **Article 142** of the Constitution.

The bench comprising Justices Abhay S. Oka and Augustine George Masih adopted the **Centrally Empowered Committee's (CEC) Report No.17 of 2024**, which prescribed differential penalties based on the category of the offender and type of tree felled.

Key Directions:

- **Farmers** felling private trees of *exempted species* are to pay ₹5,000 per tree as a compounding fee; timber to be returned.
- For *restricted species*, or when non-farmers fell exempted species, the fine is ₹10,000 per tree; timber seized, and offender must fund **block plantation of ten trees per tree felled** (with five years' maintenance).
  For illegal felling under the **Indian Forest Act, 1927**, the penalty is ₹25,000 per tree, seizure of timber, and **tree-guard protected plantation of ten times the number of trees**, again with five years' maintenance.

The Court expressed disappointment over Uttar Pradesh's inaction on enhancing penalties under the *UP Protection of Trees Act, 1976*, which currently prescribes a meagre ₹1,000 fine. To provide an interim deterrent, it directed the implementation of the CEC's recommendations in TTZ and authorized **Lok Adalats and District Courts** to adopt the same approach.

4) Supreme Court Criticizes Malafide, Ambiguous Arbitration Clauses

In a judgment, the Supreme Court in *South Delhi Municipal Corporation v. SMS Ltd.* strongly

deprecated the deliberate use of **ambiguous and poorly drafted arbitration clauses**. A bench of Justices Surya Kant and N. Kotiswar Singh held that such practices constitute a "**criminal wastage of judicial time**" and called upon judicial forums to **reject such cases at the threshold**.

The case involved disputes between South Delhi Municipal Corporation (SDMC) and private contractors regarding the interpretation of **Article 20** in Concession Agreements. While contractors argued the clause amounted to an arbitration agreement, SDMC contended it merely provided for **mediation**. The Court examined whether Article 20 met the requirements of a valid arbitration clause under the Arbitration and Conciliation Act, 1996.

The Court held that **Article 20 lacked the essential judicial element** required for arbitration, observing that its **ambiguity and procedural deficiencies** had led to further litigation, defeating the purpose of arbitration. It clarified that superficial use of terms like "final and binding" does not suffice to constitute a valid arbitration agreement.

Significantly, the Court cautioned the legal fraternity against **deliberately vague drafting**, warning that in future, **personal liability and sanctions** may be imposed in **malafide cases**. It encouraged courts to **invoke suo motu powers** in cases designed to mislead or misuse arbitration mechanisms.

Accordingly, the Supreme Court **set aside** the impugned High Court judgments that had erroneously treated the clause as arbitrable and upheld the one which correctly rejected arbitration.

5.Operation Sindoor and International Humanitarian Law

Operation Sindoor, launched by India in response to the heinous Pahalgam terror attack, must be evaluated within the framework of International Humanitarian Law (IHL) and Article 51 of the United Nations Charter.

India has consistently maintained that the strikes were a legitimate exercise of its inherent right to self-defense, a position well-supported by international law. Article 51 explicitly recognizes a state's right to defend itself against armed attacks, including those launched by non-state actors when the host state is either unwilling or unable to prevent such attacks from emanating from its territory. Given Pakistan's repeated failure to rein in cross-border terrorist groups operating from its soil, India's response can be seen as both necessary and proportionate.

In terms of proportionality, a core principle of IHL, India's targeting was focused and restrained. The military objectives were clearly defined—terrorist training camps and related infrastructure—without targeting civilian areas. By avoiding indiscriminate use of force and selecting precise targets, India demonstrated its commitment to minimizing civilian harm. The use of calibrated strikes suggests that the anticipated military advantage was carefully weighed against potential civilian impact, satisfying the IHL requirement that attacks should not cause excessive collateral damage.

Moreover, India has shown compliance with the IHL principle of distinction, which mandates that parties to a conflict distinguish between combatants and civilians. Official statements and media briefings following Operation Sindoor emphasized that the targets were terrorist operatives and infrastructure, not civilian populations or property. This clear focus on legitimate military targets aligns with IHL's fundamental objective of protecting non-combatants during armed conflict.

India's actions also reflected adherence to the precautionary measures required under IHL. The operation was executed with prior intelligence and planning to reduce the risk to civilians. There is

no credible evidence of mass civilian casualties or indiscriminate destruction, which reinforces India's claim of having taken all feasible precautions. The context—a retaliatory response to a brutal terror attack—further underscores the necessity and immediacy of the strikes

Weekly Focus

Case of the week : Brigadier Nalin Kumar Bhatia v. Union of India, (2020) 4 SCC 78

Brigadier Nalin Kumar Bhatia, commissioned into the Mechanised Infantry in 1981 and later transferred to the Intelligence Corps in 1991, was promoted to the rank of Brigadier in 2008. In 2015, he was the sole eligible officer from his batch considered for promotion to Major General. Despite a commendable service record and high evaluation scores, he was not empanelled for promotion.

Challenging this decision, Brigadier Bhatia filed an application before the Armed Forces Tribunal (AFT), which upheld the Selection Board's decision. Subsequently, he appealed to the Supreme Court. Supreme Court's Observations:

The Supreme Court emphasized that:

- **No Presumption of Validity Based on Rank:** Decisions made by individuals in high-ranking positions are not inherently valid. Judicial scrutiny focuses on the legality and validity of the decision itself, irrespective of the decision-maker's rank.
- **Adherence to Promotion Policy:** The promotion policy introduced a quantification system to ensure objectivity, giving primacy to Confidential Reports (CRs). Brigadier Bhatia secured high marks in both the initial and review selections. The Court noted that the policy did not permit overriding quantifiable assessments solely based on subjective value judgments
- **Violation of Constitutional Rights:** The Court held that the non-empanelment was contrary to the promotion policy and violated Articles 14 and 16 of the Constitution, which guarantee equality before the law and equal opportunity in public employment.

Judgment: The Supreme Court set aside the AFT's decision and directed that Brigadier Bhatia's case be reconsidered by a Review Selection Board in strict accordance with the promotion policy, ensuring adherence to the principles of objectivity and fairness.

Significance: This judgment reinforces the principle that administrative decisions, especially those affecting career progression in the armed forces, must strictly comply with established policies and constitutional mandates. It underscores the judiciary's role in ensuring that merit and fairness are not compromised by subjective assessments, thereby upholding the rule of law within hierarchical institutions.

PYQ Solution

"Any interference with a plaintiff's property may cause personal discomfort to the plaintiff in enjoyment of the property." Critically examine the statement with the help of decided cases.

The principle underlying the statement "Any interference with a plaintiff's property may cause personal discomfort to the plaintiff in enjoyment of the property" is intrinsically linked to the tort of nuisance, a major part of Property Law. Nuisance involves an unreasonable interference with a person's right to use and enjoy their property. The interference could take different forms like noise, smells, vibration, blocking of view or light, or physical damage.

The Indian law, influenced heavily by English law, recognizes nuisance as a legitimate cause of action. The primary aim of the law of nuisance is to balance competing interests of property owners. Notable cases in India illustrate this.

The landmark case **Ram Raj Singh v Babulal and Anr (AIR 1975 Patna 176)** established the principle of nuisance regarding personal discomfort. In this case, the defendant erected a structure that obstructed the plaintiff's ventilation and light. The court held that it constituted a nuisance, as it interfered with the plaintiff's comfortable enjoyment of his property.

In another case, **Ratlam Municipality vs Vardichan (AIR 1980 SC 1622)**, the Supreme Court dealt with a public nuisance caused by poor sanitation. The town's council was ordered to construct proper drainage to avoid health hazards and improve the living conditions for the residents. This case established that a body could be held accountable for a nuisance caused by neglecting their statutory duties.

On the other hand, a certain level of tolerance is required from every citizen. In **Radhey Shyam Bagla & Anr vs Mool Chand Bagla (AIR 1994 All 33)**, the Allahabad High Court held that "The ordinary noises of life, the ordinary incidents of life, are not actionable".

In conclusion, interference with a plaintiff's property that causes personal discomfort might be considered a nuisance, but the standard is one of reasonableness rather than absolute quiet or isolation. The nuisance law requires balancing the property owner's right to use and enjoy their property against neighbors' and public rights. Judicial precedents in India affirm this balance, emphasizing the subjective aspect of 'reasonable use' and the necessity of maintaining a certain level of tolerance.

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