Weekly Update for Law Optional UPSC

A mix of Conceptual, Current/Contemporary Topics

01st - 15th March 2026

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1. Dispensing With Departmental Enquiry Under Article 311(2)(b) Requires Objective Material

The Supreme Court has reaffirmed that the **constitutional protection granted to civil servants** under **Article 311(2) of the Constitution of India** cannot be bypassed on the basis of **mere presumption or speculative apprehension**. The Court held that the **exceptional power to dismiss a government servant without conducting a departmental enquiry**, under **clause (b) of the second proviso to Article 311(2)**, can be exercised only when the **competent authority demonstrates, on the basis of objective and relevant material**, that holding such an enquiry is **"not reasonably practicable."**

A Bench of Justices J.K. Maheshwari and Atul S. Chandurkar, in *Manohar Lal v. Commissioner of Police & Ors.*, set aside the dismissal of a **Delhi Police constable** who had been removed from service **without a departmental enquiry** on the assumption that he might **threaten or intimidate witnesses** in a pending criminal case. The disciplinary authority had invoked **Article 311(2)(b)** on the ground that conducting an enquiry was not reasonably practicable.

The Court emphasized that **holding a disciplinary enquiry is the general rule**, reflecting the **principles of natural justice**, which require that a government servant be **informed of the charges and given a reasonable opportunity of defence** before dismissal, removal, or reduction in rank. The **dispensation of enquiry is therefore an exception**, and such satisfaction must be **supported by recorded reasons and objective facts**.

Relying on the precedent in *Jaswant Singh v. State of Punjab*, the Court reiterated that the **decision to dispense with an enquiry cannot rest solely on the ipse dixit of the disciplinary authority**. When such satisfaction is challenged

before a court, it must be shown that the decision was **based on tangible material and not on conjecture, whim, or subjective apprehension**.

Finding **no material indicating actual intimidation or attempts to influence witnesses**, particularly when the appellant was **in custody at the relevant time**, the Court held the dismissal **legally unsustainable**. The dismissal order was therefore **quashed**, and the constable was directed to be **reinstated with continuity of service**, though **back wages were limited to 50%**, leaving the authorities free to **initiate a regular departmental enquiry in accordance with law**.

2. Does Lokpal Act Requires Separate Sanctions for Chargesheet and Prosecution?

The Supreme Court has agreed to examine an important **question of statutory interpretation under the Lokpal and Lokayuktas Act, 2013**, namely **whether the statute envisages separate sanctions for filing a chargesheet and for initiating prosecution against a public servant**. The issue arose in a petition filed by the **Lokpal of India** challenging a decision of the **Delhi High Court**, which had held that the Act contemplates **only a single, composite sanction for prosecution**.

In *Lokpal of India v. Mahua Moitra*, the Court issued notice on the challenge and indicated **prima facie reservations about the High Court's interpretation of Section 20 of the Act**. The Bench comprising the Chief Justice of India Surya Kant and Justice Joymalya Bagchi observed that the matter requires a **closer examination of the interplay between Sections 20(7)(a) and 20(8)** of the Act.

The **core legal issue** concerns whether **two distinct stages of approval** are contemplated under the statutory scheme—**one permitting the investigating agency to file a chargesheet**, and another concerning the **conduct or initiation of prosecution**. The High Court had interpreted **Section 20(7)(a)** as the **sole and final stage for sanction for prosecution**, holding that **Section 20(8)** merely empowers the Lokpal to determine **which agency will conduct the prosecution**, and does not create an additional sanctioning requirement.

However, the Supreme Court noted that **the statutory language of the two provisions differs**, suggesting that they may operate at **distinct procedural stages**. The Bench indicated that the scheme of the Lokpal Act, which seeks to ensure **independent investigation and prosecution of corruption cases involving high public officials**, may justify a **separate consideration by the Lokpal at the prosecution stage**, particularly where concerns arise regarding the fairness or diligence of prosecuting agencies.

Pending final adjudication, the Court passed an **interim direction relieving the Lokpal from complying with the High Court's direction** requiring reconsideration of sanction within a specified timeframe.

3. SC Extends Civil Judge Application Deadline Amid Review of Practice Rule

The Supreme Court, while hearing review petitions challenging the **mandatory three-year practice requirement for entry into the Civil Judge (Junior Division) service**, directed all High Courts to **extend the last date for submission of applications until April 30, 2026**. The direction applies both to **ongoing recruitment processes and future advertisements** issued by High Courts or State Public Service Commissions.

A Bench comprising Chief Justice Surya Kant, Justice Augustine George Masih and Justice K. Vinod Chandran clarified that the **three-year practice condition, introduced by the Supreme Court's earlier judgment**, will continue to operate. According to the Court, the **central issue in the review proceedings is not the validity of the requirement itself but the modalities for implementing it**.

The Court observed that the **practice mandate was laid down by a binding judicial precedent and must be respected**, emphasising that the requirement was intended to ensure that **candidates entering the judicial service possess practical courtroom exposure and professional maturity**. The Chief Justice noted that the objective of the rule is that **prospective judges acquire meaningful litigation experience rather than merely remaining nominally enrolled as advocates**.

During the hearing, the Bench also indicated that **special relaxations for categories such as women candidates or persons with disabilities may not be easily workable**, though suggestions from High Courts and legal institutions regarding implementation mechanisms are under consideration.

The review petitions arise from the Court's judgment restoring the **three-year advocacy practice requirement for entry-level judicial posts**, which had earlier been relaxed to allow **fresh law graduates to directly compete in judicial service examinations**. Petitioners have contended that the rule creates **practical hardships, delays entry into the judiciary, and may disproportionately affect certain groups of candidates**.

4. SC Strikes Down Bihar Law Allowing Property Acquisition for ₹1

The Supreme Court has reaffirmed that **deprivation of property under Article 300A of the Constitution must be based on a law that is just, fair and non-arbitrary**, striking down a Bihar statute that permitted the State to **take over a historic library by paying a token compensation of one rupee**. The Court held that **legislation enabling acquisition of property with illusory or nominal compensation is confiscatory in nature and cannot withstand constitutional scrutiny**.

In *Anurag Krishna Sinha v. State of Bihar*, a Bench comprising Justices Vikram Nath and Sandeep Mehta set aside the judgment of the Patna High Court which had upheld the **Srimati Radhika Sinha Institute and Sachchidanand Sinha Library (Requisition & Management) Act, 2015**. The Act dissolved the trust managing the historic library and vested its **management, control and assets in the State Government**, while **Section 7 authorised compensation "up to a maximum of one rupee."**

The **central question of law** before the Court was whether a statutory scheme allowing **compulsory acquisition of property with merely token compensation** satisfies the constitutional requirement under **Article 300A**, which permits deprivation of property only by **authority of law**. The Court held that although the Constitution no longer guarantees a fundamental right to property, **the law authorising acquisition must still meet the standards of fairness, reasonableness and non-arbitrariness**.

The Bench found the statute **manifestly arbitrary on two grounds**. First, the law **assumed State takeover of the trust without any demonstrated necessity**, such as abandonment of purpose, mismanagement, or failure of the institution's objectives. No **prior inquiry or material justification** was placed on record to show that such drastic action was required.

Secondly, the **compensation framework under Section 7 lacked any guiding principles**, granting the State **unguided discretion to determine compensation up to a nominal amount of one rupee**, thereby rendering the payment **illusory and confiscatory**.

Holding that such a scheme **violates constitutional standards under Article 300A**, the Court quashed the Act and restored **management and administration of the trust and library to its original legal position**.

5. Mere Quarrel With Daughter-in-Law Not Cruelty Under Section 498A

The Supreme Court has reiterated that **vague and omnibus allegations cannot sustain prosecution for cruelty or dowry harassment**, holding that **a mere quarrel with a daughter-in-law does not by itself constitute an offence under Section 498A of the Indian Penal Code or Sections 3 and 4 of the Dowry Prohibition Act**.

In *Dr. Sushil Kumar Purbey & Anr. v. State of Bihar & Ors.*, a Bench of Justices Vikram Nath and Sandeep Mehta **quashed criminal proceedings against the parents-in-law of the complainant**, finding that the allegations against them were **general, identical and devoid of specific particulars**.

The **core legal issue** before the Court was whether **general allegations without attribution of any specific act, date, or role** can justify criminal prosecution for offences relating to **domestic cruelty and dowry harassment**. The Court emphasised that **criminal liability under Section 498A IPC requires specific allegations demonstrating acts of cruelty connected with dowry demands**, and cannot be inferred from **vague or routine familial disputes**.

The FIR alleged that the husband, parents-in-law and sister-in-law subjected the complainant to **harassment for dowry, including a demand for a BMW car and other valuables**. However, the **only distinct allegation against the parents-in-law** was that they **"would quarrel" with the complainant**.

The Court noted that the **Patna High Court had earlier quashed proceedings against the sister-in-law** arising from the same FIR on the ground that the allegations were **general and omnibus**, yet declined to grant similar relief to the parents-in-law.

Setting aside the High Court's order, the Supreme Court held that **identically placed accused persons must be treated on the same footing**, particularly where the **nature of allegations is materially indistinguishable**. The Court observed that the FIR **did not attribute any overt act or specific instance of harassment to the appellants**, and a **mere allegation of quarrelling cannot, by itself, constitute the ingredients of cruelty or dowry harassment**.

Accordingly, the Court **quashed the criminal proceedings against the parents-in-law**, while clarifying that the **case against the husband would continue in accordance with law**.

6. SC Lays Down 'Best Interest' Test for Passive Euthanasia

The Supreme Court has clarified the **legal framework governing withdrawal or withholding of life-sustaining medical treatment**, holding that the **"best interests of the patient" must be the paramount consideration** when deciding whether life support may be discontinued. In a significant ruling, the Court permitted **passive euthanasia for the first time in a specific case**, allowing withdrawal of life support for a patient who had remained in a **persistent vegetative state for over a decade**.

In *Harish Rana v. Union of India*, a Bench of Justices J.B. Pardiwala and K.V. Viswanathan held that the **best interests standard requires an objective and holistic evaluation of both medical and non-medical considerations**. The Court clarified that the determination cannot be reduced to a **rigid or formulaic test**, but must involve a **comprehensive assessment of the patient's condition, prognosis, and dignity**.

The Court emphasised that **there exists a strong presumption in favour of preserving life**, reflecting the **constitutional value of the sanctity of life under Article 21**. However, this presumption is **not absolute**. Where **continued medical intervention becomes futile, provides no therapeutic benefit, and merely prolongs biological existence while extending suffering or indignity**, withdrawal of treatment may be justified.

The judgment identified several **indicative factors** relevant to the "best interests" inquiry. These include whether the treatment **serves any therapeutic purpose**, the **burdensome or invasive nature of continued medical intervention**, and the **patient's overall welfare in a broad sense—encompassing medical, psychological and social considerations**. Decision-makers must also consider **the patient's likely wishes, values and preferences**, applying a **substituted judgment approach**, while ensuring that the final determination remains grounded in the **patient's objective welfare**.

The Court further clarified that **withholding or withdrawing treatment in such circumstances is not aimed at causing death**, but rather at **relieving prolonged suffering where medical intervention no longer provides therapeutic benefit**.

The ruling was delivered in accordance with the constitutional principles laid down in *Common Cause v. Union of India*, which recognised the **right to die with dignity as part of Article 21** and established the legal framework for **passive euthanasia and advance medical directives**.

7. Judicial Sensitivity and Free Speech: The Textbook Ban Debate

The Supreme Court's recent direction banning a **Class 8 Social Science textbook published by the National Council of Educational Research and Training (NCERT)** raises a significant **constitutional question concerning the limits of judicial power vis-à-vis freedom of speech and academic discourse**. The order required **seizure of physical copies, removal of digital versions and prohibition of republication in any form**, after the Court found objectionable references to **"corruption in the judiciary" and judicial backlog**.

The Bench led by Chief Justice Surya Kant viewed the chapter as part of a **"well-orchestrated conspiracy" to malign the judiciary**, observing that the material created the **impression that complaints against judges receive no action**. While stating that it did not intend to **stifle legitimate criticism**, the Court nonetheless imposed a **blanket prohibition on the textbook**.

The **legal issue raised by the episode** concerns whether such a **sweeping restriction on expression can originate directly from a judicial order** rather than from a statute. Under **Article 19(1)(a) of the Constitution**, freedom of speech and expression may be curtailed only through **reasonable restrictions imposed by law on specified constitutional grounds**. Ordinarily, courts review the validity of such legislative restrictions; they do not themselves **create regulatory prohibitions on speech**.

The Court could potentially justify intervention through **Article 129**, which empowers it to punish for **contempt of court**, particularly where material is alleged to **scandalise or undermine the authority of the judiciary**. Alternatively, **Article 142** permits orders necessary to do **"complete justice."** However, a **complete prohibition on publication** arguably extends beyond the traditional contours of contempt jurisdiction.

The controversy is sharpened by the fact that **discussion of judicial accountability forms part of legitimate public debate**, including in educational contexts. The Court itself has previously emphasised the **importance of protecting critical speech**, notably in *Imran Pratapgarhi v. State of Gujarat (2025)* and *Wikimedia Foundation v. ANI Media (2025)*, where it cautioned against **criminalisation or premature censorship of expression**.

The episode thus raises a **larger constitutional tension between protecting institutional integrity and preserving open democratic discourse**, particularly within the sphere of **academic freedom and civic education**.

8. Ghana Invokes UNCLOS Arbitration Over Maritime Boundary Dispute with Togo

The Government of Ghana has initiated international arbitration against Togo under the United Nations Convention on the Law of the Sea to resolve a **long-standing dispute concerning the delimitation of their maritime boundary in the Gulf of Guinea**. The recourse to arbitration follows **nearly eight years of unsuccessful bilateral negotiations** conducted through a joint technical committee established by the two States in 2017.

The dispute arises from the **absence of a formally delimited maritime boundary**, a legacy of colonial-era arrangements that clearly defined the land frontier but left offshore boundaries unresolved. The lack of delimitation has resulted in **overlapping claims over the territorial sea and Exclusive Economic Zone (EEZ)**, particularly after Ghana discovered **significant offshore oil and gas resources in the late 1990s**. Tensions intensified when Togolese authorities reportedly **interfered with Ghanaian seismic survey vessels** operating in areas Ghana considers part of its maritime jurisdiction.

Under UNCLOS, maritime boundary delimitation between neighbouring States is governed by principles aimed at achieving **equitable solutions through negotiation or compulsory dispute settlement mechanisms** where negotiations fail. Ghana's notification indicates that arbitration is intended to **avoid further incidents and promote peaceful resolution while preserving good neighbourly relations**.

The arbitration concerns the **delimitation of the territorial sea and EEZ**, areas which are critical for **hydrocarbon exploration, fisheries management and the broader "blue economy."** A legally determined maritime boundary would provide **certainty regarding sovereign rights over natural resources and maritime jurisdiction**.

This development marks **Ghana's second recent resort to international adjudication in maritime boundary disputes**. In *Ghana v. Côte d'Ivoire (2017)* before the International Tribunal for the Law of the Sea, a Special Chamber delimited the maritime boundary largely in Ghana's favour after negotiations between the two States failed.

The present proceedings under UNCLOS arbitration therefore seek to **secure a definitive legal settlement of the Ghana–Togo maritime boundary**

9. UN Security Council Condemns Iran's Attacks on Gulf States

The United Nations Security Council adopted a **legally binding resolution condemning Iran's attacks on Gulf countries and demanding an immediate cessation of hostilities**. The resolution, sponsored by the Gulf Cooperation Council—comprising the United Arab Emirates, Bahrain, Saudi Arabia, Oman, Qatar and Kuwait—was adopted with **13 votes in favour**, while Russia and China **abstained** but did not exercise their veto powers.

The resolution reportedly attracted **unprecedented international support**, with **135 countries co-sponsoring the draft**, marking one of the **largest co-sponsorships of a Security Council resolution**. It was adopted in response to **escalating hostilities in the Middle East**, following large-scale military strikes on Iran by the United States and Israel on February 28, and subsequent **retaliatory attacks launched by Iran across the Gulf region**.

The Council declared that **Iran's strikes against neighbouring states and key infrastructure facilities such as ports and energy installations constitute violations of international law**, particularly the prohibition on the use of force contained in Article 2(4) of the United Nations Charter. As a **formally adopted Security Council resolution**, the demand that Iran **halt military operations immediately carries binding force under international law**.

International organisations have expressed **concern over the broader humanitarian and economic consequences of the conflict**, including risks to civilian populations, environmental safety, energy security and global trade routes.

The African Union Commission warned that attacks on **energy and transportation infrastructure** could have far-reaching implications for international commerce.

Iran's Ambassador to the UN, Amir-Saeid Iravani, criticised the resolution as **"manifest injustice,"** arguing that Iran was **responding to aggression following the US-Israeli strikes**. Despite accusations that those earlier attacks also violated international law, the Security Council recently **failed to adopt a separate resolution calling for a comprehensive ceasefire**, after the United States voted against it.

Weekly Focus

Indian Young Lawyers Association v. State of Kerala (2018)

The dispute concerned the **customary prohibition on the entry of women aged 10–50 years** into the Sabarimala Temple, dedicated to Lord Ayyappa. The restriction was enforced through **Rule 3(b) of the Kerala Hindu Places of Worship (Authorisation of Entry) Rules, 1965**, which permitted exclusion of women where tradition so required. Petitioners challenged the practice as **violative of fundamental rights**, particularly **Articles 14, 15, 17 and 25 of the Constitution**.

Issues

1. Whether the **exclusion of women of menstruating age** from Sabarimala violates **Article 25(1) (freedom of religion)** and **Article 14 (equality)**.
2. Whether the devotees of Lord Ayyappa constitute a **religious denomination entitled to protection under Article 26**.
3. Whether the practice qualifies as an **"essential religious practice."**
4. Whether the exclusion amounts to a form of **"untouchability" prohibited under Article 17**.

Majority Decision (4:1): The majority held that the exclusion of women devotees is unconstitutional.:

- **Women have an equal right to worship** under **Article 25(1)**; denial of temple entry violates **gender equality and dignity**.
- The **followers of Lord Ayyappa do not constitute a separate religious denomination**, as the temple lacks independent organisational and financial structure.
- Even if treated as a denomination, **Article 26 rights cannot override the social reform mandate under Article 25(2)(b)**, which opens Hindu temples of a public character to all classes and sections.
- The practice cannot be protected as an **essential religious practice**.
- The Court adopted an **expansive interpretation of Article 17**, suggesting that exclusion based on notions of ritual impurity resembles forms of social exclusion barred by the Constitution.

Dissent (Justice Indu Malhotra): Justice Malhotra held that courts should not ordinarily interfere in matters of faith unless a practice is clearly oppressive or illegal. She concluded that the Ayyappa devotees constitute a religious denomination, and that customs integral to the deity's character as a "Naishtik Brahmachari" should be protected under Article 26.

PYQ Solution

"Where extradition begins, asylum ends." Critically examine this statement with reference to the rights of individuals and obligations of States. (15 Marks)

The phrase “Where extradition begins, asylum ends” highlights the perceived conflict between a State’s right to extradite individuals accused or convicted of crimes, and the individual’s right to seek asylum from persecution. However, this relationship is more nuanced under international law, which seeks to balance the sovereign rights of states with human rights protections.

Extradition: Extradition is a formal process by which a person accused or convicted of a crime is surrendered by one state to another for prosecution or punishment. It is typically governed by bilateral or multilateral treaties, and sometimes domestic laws. States are not obligated under general international law to extradite unless bound by a treaty.

Asylum: Asylum refers to protection granted by a state to individuals fleeing persecution, especially on grounds of race, religion, nationality, political opinion, or membership of a particular social group, as recognized in the 1951 Refugee Convention and its 1967 Protocol.

Article 33(1) of the Refugee Convention provides for the principle of non-refoulement, prohibiting states from returning refugees to territories where their life or freedom would be threatened.

Conflict and Reconciliation: The tension arises when a state requests extradition of an individual who claims refugee status. However, international law provides safeguards:

- **Exclusion Clauses (Article 1F, Refugee Convention): I**ndividuals accused of serious non-political crimes or crimes against humanity may be excluded from refugee protection.
- **Non-refoulement Obligations:** Even in the absence of refugee status, extradition may be barred if it would result in torture or inhuman treatment, as per Article 3 of the Convention Against Torture (CAT) and Article 7 of the ICCPR.
- **Political Offence Exception:** Many extradition treaties prohibit extradition for purely political offences, reflecting protection from persecution.

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