

# **Comprehensive Compendium of Core Cases and Legal Developments for the UPSC Law Optional Exam**

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# Constitutional Law

## Case Title: *Arjun Dass v. State of Andhra Pradesh (2026)*

### Core Constitutional Issue

- **Article 26 Violation:** The scope of State regulation over religious institutions and the limits of State interference in the administrative and secular affairs of a religious denomination.

### Key Rulings & Legal Principles

- **Indivisibility of Mahantship:** The Supreme Court held that the State cannot permanently strip a *Mathadhipati* (religious head) of their administrative and secular responsibilities to vest them in a state-appointed authority ("Fit Person").
- **Intertwined Nature of Roles:** Spiritual leadership and temporal (secular/administrative) management are intrinsically linked in the concept of *Mahantship*. Separating them permanently destroys the very core of the institution.
- **Doctrine of Proportionality in Religious Rights:** Any deprivation or suspension from a religious office by the State must follow procedures that are fair, neutral, and **minimally invasive**.

### Administrative & Natural Justice Findings

**Vitiating of Enquiry:** The Apex Court set aside the state government's removal orders because the disciplinary proceedings violated the **Principles of Natural Justice (PNJ)** on three counts:

1. **Violation of *Audi Alteram Partem*:** Crucial evidence and documents were withheld from the accused, and the enquiry was conducted *ex parte* (without hearing the other side).
2. **Rule Against Bias (*Nemo iudex in causa sua*):** Members of the *Dharmika Parishad* who initially filed the charges also sat on the panel that adjudicated them, creating a clear conflict of interest and reasonable apprehension of bias.

### Final Outcome

- The Supreme Court restored the petitioner to his office as the *Mathadhipati* of Sri Swamy Hathiramji Mutt.
- The Court ordered a fresh, independent inquiry to be conducted under strict judicial supervision to ensure neutrality.

## Case Title: *Special Police Establishment v. Kamta Prasad Mishra (2026)*

### Core Legal & Constitutional Issues

- **Scope of Executive Rule-Making Power (Section 24(4) RTI Act):** The extent to which a State Government can utilize delegated legislation to exempt an anti-corruption body from transparency mandates.
- **Strict Construction of Statutory Exemptions:** The judicial principle that transparency exemptions must be interpreted narrowly to preserve the democratic intent of the parent statute.

### Key Rulings & Interpretations

- **Investigation vs. Intelligence:** The Supreme Court held that a body strictly dedicated to anti-corruption investigations (like the MP Special Police Establishment) cannot be legally classified as an "intelligence and security organisation." Its functional jurisdiction is limited to economic and statutory offenses under the Prevention of Corruption (PC) Act and specific provisions of the Penal Code.
- **Ultra Vires Delegated Notification:** The Court set aside the 2011 State notification to the extent that it sought to grant a blanket exemption to the SPE. The Court ruled that the notification traveled beyond the scope of its parent enactment—**Section 24(4) of the RTI Act, 2005**—rendering it invalid.
- **Narrow Interpretation of Section 8(1)(h):** To successfully withhold information under Section 8(1)(h) (which protects data that would impede an ongoing probe), the agency must explicitly prove a direct, adverse impact on the investigation. The Court clarified that disclosing records regarding the *sanction process* for prosecuting a public servant does not hinder or block the investigative process.

### The Fundamental Administrative Law Principle

**Onus of Proof on the State:** The Apex Court reaffirmed that under the RTI Act, disclosure is the binding rule and exemption is the rare exception. Any public authority resisting transparency bears the absolute burden of proof to bring itself squarely and undeniably within the strict, narrow limits of the statutory exemptions.

## Case Title: *S. Senthil Kumaran Bose v. State of Tamil Nadu (2026)*

### Core Legal & Constitutional Issues

- **Sanctity of the Recruitment Notification:** Whether a public recruiting agency can alter, add, or read external conditions into eligibility criteria midway through or after the publication of an employment advertisement.

- **Public Interest in Timely Recruitment:** The balance between rigorous administrative verification and the right of candidates to a time-bound, rule-governed selection process free from arbitrary delays.

## Key Rulings & Interpretations

- **Recruiting Authority Bound by its Own Terms:** The Supreme Court reaffirmed the settled principle of service jurisprudence that the terms and conditions specified in a recruitment advertisement are sacrosanct. The recruiting body (TNPSC) is strictly bound by the rules of the game it initially laid down and cannot dynamically shift eligibility thresholds.
- **Exclusion of Unlisted Prerequisites:** The Court modified the High Court's findings to clarify that the recruiting authority cannot insist on administrative or departmental letters/certificates that were not explicitly mandated in the original 2018 notification.
- **Bar on Protracted Litigation Defeating Merit:** Noting that over six years had elapsed since the initiation of the recruitment process, the Court emphasized that prolonged administrative stagnation and litigation undermine public interest. It directed the immediate conclusion of the selection process strictly on the basis of the original terms.

## The Foundational Service Law Principle

**The "Rules of the Game" Doctrine:** Once a public selection process commences via an official advertisement, the criteria for eligibility, verification, and evaluation become unalterable parameters for that specific cycle. The state cannot introduce retrospective administrative mandates that catch candidates by surprise or disqualify them based on unadvertised benchmarks.

## Mercantile Law

**Case Title: National Highway Authority of India v. T. Younis & Anr. (2026)**

### Core Legal Issue

- **Computation of Limitation Period:** Determination of the starting point of the limitation period for challenging an arbitral award under **Section 34(3)** when post-award modification proceedings under **Section 33** (seeking correction, interpretation, or an additional award) are pending before the tribunal.

### Key Rulings & Interpretations

- **Commencement of Limitation:** The Supreme Court clarified that once a party formally invokes Section 33, the limitation period for filing a Section 34 petition to set aside the arbitral award begins *only* from the date the Section 33 application is officially disposed of by the tribunal.

- **Irrelevance of the Outcome:** The statutory rule applies uniformly regardless of whether the Section 33 application is allowed, dismissed, rejected, or found to be non-maintainable. The text of Section 34(3) draws no distinction between successful and unsuccessful post-award applications.
- **Avoidance of Precautionary Litigation:** Parties cannot be legally compelled to file a Section 34 challenge out of sheer caution while their Section 33 application is still active. The award remains within the tribunal's limited jurisdictional review during this period, deferring the right to challenge it as final.

## Judicial Counterbalance (Preventing Misuse)

**Caveat against Bad Faith Applications:** To prevent the abuse of this rule as a delaying tactic, the Apex Court issued a vital clarification:

If a court finds that a Section 33 application was **sham, frivolous, mala fide**, or designed solely to artificially extend the limitation timeline under Section 34(3), the court is completely justified in imposing **exemplary and punitive costs**.

## Reversal of the High Court's Stand

- The Supreme Court rejected the Karnataka High Court's approach, which had ruled that an unmaintainable Section 33 application would not stop the limitation clock.
- The Apex Court re-established that courts should not judicially read restrictions or conditions (such as a "maintainability threshold") into statutory provisions where the legislature has consciously omitted them.

**Case Title: K. Ranganayakulu v. State of Telangana & Ors. (2026)**

## Core Legal Issue

- **Vicarious and Personal Liability of Authorised Signatories:** Whether an individual who acts as an authorised signatory and executes a cheque on behalf of a Non-Governmental Organisation (NGO) qualifies as a "drawer" under **Section 138** of the Negotiable Instruments (NI) Act, 1881, and can be held personally liable if the cheque bounces.

## Key Rulings & Interpretations

- **Signatory as the "Drawer":** The Supreme Court held that when an organisation formally empowers an individual to sign cheques, issue negotiable instruments, and execute payment mandates on its behalf, that individual assumes the legal status of a "drawer" for the purpose of attracting prosecution under Section 138.
- **No Immunity via Office-Bearer Status:** The Court explicitly ruled that individuals cannot escape statutory criminal liability simply by pleading that they were acting solely in their official capacity as office-bearers (e.g., Treasurer, Secretary) of a non-corporate body or NGO.

- **Joint Application of Sections 138 and 141:** The Apex Court clarified that authorized signatories can be validly prosecuted alongside the parent organisation, provided the statutory prerequisites of **Section 138** (dishonour and notice compliance) and **Section 141** (offences by companies/associations of individuals) are properly met.

## Factual Context & Application

- The dispute arose when cheques issued by an NGO under a Memorandum of Understanding (MoU) with a state electricity distribution company were dishonoured due to insufficient funds.
- The appellant, who was the NGO's Treasurer and designated signatory for the transaction, attempted to dodge personal accountability by arguing the debt belonged entirely to the NGO.
- The Supreme Court rejected this defense, establishing that as the designated representative directly responsible for executing the financial commitments under the MoU, the appellant drew the statutory liability upon themselves.

## Administrative Law

**Case Title: *Rajesh Sharma v. North Delhi Municipal Corporation (2026)***

### Core Legal Issues

- **Implied Repeal & Statutory Hierarchy:** Resolving a direct structural conflict between a subsequent parent statutory amendment and pre-existing subordinate/service regulations.
- **Competence of Disciplinary Authority:** Determining which official holds the statutory jurisdiction to dismiss a high-ranking employee when legislative texts diverge.

### Key Rulings & Interpretations

- **Supremacy of Parent Act over Subordinate Rules:** The Supreme Court reaffirmed the foundational rule of interpretation that a subsequent legislative amendment in a parent statute completely overrides and supersedes any pre-existing, contrary rules or subordinate regulations.
- **Application to Service Jurisprudence:** The Court held that following the legislative substitution of Section 59(d) of the DMC Act by Act 67 of 1993, the Commissioner was explicitly designated as the competent disciplinary authority. This text takes absolute precedence over the archaic 1959 Service Regulations that mapped power differently.
- **Rule of Harmonious Construction:** The Court rejected the appellant's contention that this interpretation created an unresolvable friction with Section 95(1) of the parent Act

(which mandates that an employee cannot be dismissed by an authority subordinate to the appointing one). The Bench harmonized the provisions, stating that the current statutory text, read as a whole, legally vests both the appointing and dismissing competence for this cadre in the Commissioner.

## The Fundamental Administrative Law Takeaway

**Fixing Competence via Current Text:** Subordinate rules and service regulations enjoy legal life only so long as they remain consistent with the parent Act. The moment the legislature modifies the primary statute, the older regulations automatically yield to the revised legislative mandate. The competence of an administrative authority is always governed by the active, current statutory text.

## Contemporary Legal Developments / Criminal Law

**Case Title: State by Lokayukta Police v. Sri K. Rangayya & Anr. (2026)**

### Core Legal Issue

- **Scope of Liability under Section 7 of the Prevention of Corruption (PC) Act, 1988:** Whether a direct, personal demand or acceptance of a bribe by a public servant is an absolute prerequisite to sustain a criminal charge under Section 7, or if indirect actions suffice.

### Key Rulings & Interpretations

- **Rejection of Direct Demand Theory:** The Supreme Court ruled that a public servant does not need to personally or physically demand or receive a bribe to attract liability. An attempt to extract an undue advantage through subordinates, agents, or third-party intermediaries is equally punishable.
- **Interpretation of Section 7 (Explanation 2):** The Apex Court relied on the statutory language of Explanation 2 to Section 7, noting that the law explicitly criminalizes attempts to obtain illegal gratification "for another person."
- **Curbing Plausible Deniability:** The Court emphasized that a narrow, literal interpretation would create a dangerous legal loophole, allowing high-ranking or senior officials to orchestrate corruption through juniors while evading criminal accountability behind a shield of plausible deniability.
- **Veiled Demands Form *Prima Facie* Offence:** Subtle or coded instructions—such as the accused officer's directive to "do something for those boys" regarding subordinate staff—constitute a *prima facie* (at first sight) veiled demand for a bribe.

## Reversal of the High Court's Stand

- The Supreme Court set aside the Karnataka High Court's order that had quashed the First Information Report (FIR) against a Police Sub-Inspector.
- The High Court had erroneously concluded that the absence of a direct, face-to-face transaction or demand exonerated the officer. The Supreme Court restored the FIR, directing that the veiled demand be tested through a full trial.

## International Law

### Context & Core Legal Nexus

- **The Intersection:** The structural alignment between the World Trade Organization (WTO) Trade and Environment Week and the UN Environment Programme (UNEP) World Environment Day (held in Baku, Azerbaijan) highlights the principle of "**mutual supportiveness**" between international trade rules and global climate actions.

### Primary Legal Challenge

- **The Conflict:** Determining if unilateral and multilateral trade-related environmental measures (TREMs)—such as carbon-border adjustments, green subsidies, plastic bans, and climate-linked import curbs—can survive strict WTO judicial scrutiny without being struck down as protectionist tools.

## Key General Agreement on Tariffs and Trade (GATT) Provisions

### 1. Prima Facie Violations (The Challenges)

Environmental trade limits generally run afoul of core trade liberalization clauses:

- **Article I (Most-Favoured-Nation Treatment):** Violating the rule of non-discrimination among identical ("like") products originating from different trading partners.
- **Article III (National Treatment Principle):** Treating foreign imported goods less favorably than domestic "like" products (e.g., placing high domestic taxes or stringent rules exclusively on high-emission imports).
- **Article XI (General Elimination of Quantitative Restrictions):** Prohibiting quotas, import bans, or licensing constraints on foreign goods.

### 2. Affirmative Defenses (The Exceptions)

To be upheld as legally valid, state environmental policies must successfully seek safe harbor under the **GATT Article XX General Exceptions**:

- **Article XX(b):** The measure must be strictly necessary to shield human, animal, or plant life or health.
- **Article XX(g):** The restriction must relate directly to the conservation of exhaustible natural resources, and must operate in tandem with domestic production or consumption limits.

## The Deciding Legal Factor: The Article XX Chapeau

**The Threshold Test:** Merely fitting into Article XX(b) or XX(g) is insufficient. The measure must pass the introduction paragraph (**Chapeau**) of Article XX.

The Chapeau requires that the domestic environmental measure must **not** be applied in a manner that constitutes:

1. An **arbitrary discrimination** between nations where the same conditions prevail.
2. A **unjustifiable discrimination** against foreign trading partners.
3. A **disguised restriction** on international commerce designed to shield local industries under the guise of green policy.

### Case Title: *Arbitral Award of 3 October 1899 (Guyana v. Venezuela) [Merits Hearings, 2026]*

#### Core Legal & Constitutional Issues

- **Finality of Inter-State Arbitration (*Res Judicata*):** The legal sanctity and finality of historic international boundary arbitrations.
- **Stability of Territorial Settlements:** The threshold required under international law to challenge or invalidate long-standing border arrangements.
- **Compulsory Jurisdiction via Delegation:** The scope of ICJ jurisdiction triggered by a third-party referral mechanism (the UN Secretary-General) under a prior treaty framework.

#### Key Arguments & Substantive Legal Dimensions

##### 1. Guyana's Position (Sanctity of the 1899 Award)

- **Legal Validity:** Guyana requests the ICJ to declare the 1899 Arbitral Award—which fixed the boundary between the then-British Guiana and Venezuela—as final, valid, and legally binding.
- **Historical Implementation:** Guyana contends that the title is reinforced by subsequent demarcation work (1905 agreement) and decades of consistent, uninterrupted administrative practice.
- **Bar on Reopening Settlements:** International law prioritizes the stability of frontiers and does not permit states to unilaterally dissolve historic boundary lines merely because they later find them politically or economically unfavorable.

##### 2. Venezuela's Position (Nullity & Alternative Mechanisms)

- **Allegations of Fraud:** Venezuela challenges the legal foundation of the 1899 award, claiming the process suffered from fatal procedural flaws, including political collusion between the arbitrators and Great Britain behind Venezuela's back.
- **The 1966 Geneva Agreement:** Venezuela argues that the 1966 Geneva Agreement effectively superseded the 1899 decision, establishing a framework to find a "practical and mutually satisfactory" political solution rather than a judicial one.

- **Jurisdictional Contest:** Venezuela continues to formally object to the ICJ's jurisdiction over the matter, despite the Court's earlier 2020 ruling affirming its competence.

## Important Procedural Precedents (From Earlier Phases)

**Jurisdiction & Admissibility Landmarks:** This case has already expanded ICJ jurisprudence via two key findings:

1. **Third-Party Referral:** In 2020, the ICJ held for the first time that it possessed jurisdiction based on a dispute settlement route selected by the UN Secretary-General, acting under authority delegated to him by the parties via Article IV(2) of the 1966 Geneva Agreement.
2. **Inapplicability of the *Monetary Gold* Principle:** In 2023, the Court rejected Venezuela's preliminary objection that the UK was an indispensable third party. The Court ruled that the *Monetary Gold* principle does not apply if the absent third state (the UK) has implicitly consented to the dispute resolution mechanism chosen by the parties.

### Case Context: *The Prosecutor v. Ronald "Bato" Dela Rosa (2026)*

## Core International Law Issues

- **Crimes Against Humanity:** Charging state actors under **Article 7** of the Rome Statute for widespread or systematic attacks directed against a civilian population.
- **State Cooperation and Treaty Withdrawal:** The jurisdiction of the ICC over crimes committed while a state was party to the Rome Statute, despite its subsequent withdrawal.
- **Modes of Liability:** Application of the doctrine of **indirect co-perpetratorship** (*Article 25(3)(a)*) for state-sponsored actions executed through a hierarchical apparatus.

## Key Rulings & Procedural Developments

- **Unsealing of the Warrant:** The ICC Pre-Trial Chamber I unsealed a confidential arrest warrant against sitting Philippine Senator Ronald "Bato" Dela Rosa. He is charged as an indirect co-perpetrator in the crime against humanity of murder (*Article 7(1)(a)*) linked to the state-led anti-drug campaign.
- **The "Common Plan" Doctrine:** The prosecution established a *prima facie* case that Dela Rosa, in his capacity as the former National Police Chief, shared a common agreement with former President Rodrigo Duterte to systematically "neutralize" alleged drug suspects via violent extrajudicial killings.
- **Survival of Jurisdiction Post-Withdrawal:** Even though the Philippines formally withdrew from the Rome Statute in 2019, the ICC retains full jurisdictional competence (*ratione temporis*) over international crimes perpetrated on its territory during the period it was a signatory party (2011–2019).

## Domestic Legal Intersection & Enforcement Realities

**The Sovereign Enforcement Challenge:** Because international tribunals lack their own police forces, the ICC is entirely dependent on municipal (state) enforcement machinery to execute its warrants.

- **Municipal Judicial Backing:** Senator Dela Rosa moved the Philippine Supreme Court to secure a Temporary Restraining Order (TRO) to block the execution of the international warrant. The Supreme Court denied the TRO, ruling that international tribunals established by treaty hold legitimate jurisdiction over severe human rights abuses, and local courts cannot be used to shield officials facing global accountability.
- **Executive Mandate:** Following the Supreme Court's ruling, the Philippine Department of Justice (DOJ) explicitly classified the Senator as a fugitive and directed the Philippine National Police (PNP) and the National Bureau of Investigation (NBI) to enforce the arrest mandate, overriding domestic legislative sanctuary rules.

**Case Title: *Advisory Opinion on the Right to Strike under ILO Convention No. 87 (2026)***

**Core Legal & Jurisprudential Issues**

- **Evolutionary Treaty Interpretation:** Whether an international court can read implicit fundamental rights (like the right to strike) into a treaty that contains no express mention of them.
- **Weight of Expert Supervisory Bodies:** The legal status and interpretative value that international courts must accord to non-binding determinations made by specialized treaty-monitoring organs.

**Key Rulings & Interpretative Methodologies**

- **Affirmation of an Implicit Right:** By a 10–4 majority, the ICJ ruled that the right to strike is protected under the **Freedom of Association and Protection of the Right to Organise Convention, 1948 (ILO Convention No. 87)**. The Court reasoned that a collective work stoppage is a primary tool for workers to "organize their activities" and "defend their interests," making it intrinsic to freedom of association.
- **Methodological Focus under the VCLT:** The Court applied the *Vienna Convention on the Law of Treaties (VCLT)* to clarify how silent treaties should be parsed:
  - **Article 31 VCLT (General Rule):** The omission of an explicit term does not automatically imply exclusion. A right can be implied if the text, context, object, and purpose support it.
  - **Rejection of Binding "Subsequent Practice" (Article 31(3)(b)):** The Court noted that persistent objections from employer groups and certain states blocked the decisions of ILO bodies from qualifying as consensus-based "subsequent practice."
  - **Classification as a "Supplementary Means" (Article 32 VCLT):** The ICJ made a lasting contribution to international jurisprudence by ruling that the long-standing pronouncements of expert supervisory bodies (such as the ILO

Committee of Experts) serve as a highly persuasive "**supplementary means**" of interpretation. While not legally binding, they are entitled to "**great weight.**"

## Scope and Systemic Friction

**Limits of the Judicial Mandate:** The ICJ strictly confined its finding to the existence of the right. The Court explicitly noted that its opinion **does not** determine the exact parameters, domestic conditions, or lawful limitations governing how strikes are exercised.

- **Systemic Integration:** Utilizing Article 31(3)(c) of the VCLT, the Court harmonized its interpretation with other external global covenants (like the ICESCR and ICCPR) that explicitly recognize the right to strike, ensuring cohesion across international human rights law.
- **The Dissenting Counter-Argument:** The four dissenting judges cautioned against judicial overreach. They argued that expanding a treaty's scope to include unwritten rights against the clear and persistent objections of several state parties departs from rigorous text-based treaty interpretation and mimics human rights advocacy rather than strict legal application.

## Law of Crimes: Offences Against Women (Section 498A IPC / Bharatiya Nyaya Sanhita equivalents)

**Case Title: Jayesh Kanna v. The Assistant Commissioner Law and Order (West) (2026)**

### Core Legal Issue

- **Scope of Mental Cruelty under Section 498A:** Whether a husband's mere silence or lack of communication with his wife, without independent corroborative proof of systemic harassment, satisfies the legal threshold of "cruelty" required to sustain a conviction.

### Key Rulings & Legal Principles

- **Marital Friction vs. Criminal Cruelty:** The Supreme Court observed that interpersonal differences and periods of non-communication are natural incidents of married life. A breakdown in dialogue, on its own, does not automatically equate to criminal cruelty.
- **Subjective Nature of Mental Cruelty:** The Court reiterated that there is no straightjacket formula to define mental cruelty. It remains highly fact-dependent, noting that what constitutes a minor domestic dispute for one couple might cause deep emotional agony to another.

- **The Proximity Factor:** To qualify as an offense under Section 498A, the prosecution must show a pattern of persistent, continuous harassment that bears a direct, proximate link to the time of the complaint or the unfortunate event.

## Evidentiary Principles Established

- **Limits of Digital Evidentiary Inferences:** The Court rejected the argument that a lack of WhatsApp chat logs proves a total absence of communication, highlighting that couples frequently communicate via standard cellular voice calls.
- **Requirement of Corroboration:** Reliance solely on the uncorroborated oral testimonies of the deceased's parents is insufficient to establish a criminal charge beyond a reasonable doubt. The prosecution must provide objective evidence demonstrating that the silence was weaponized to deliberately drive the victim to suicide.

## Law of Torts – Liability under the Motor Vehicles Act

**Case Title: Maniyar Iliyaz @ Shaik Riyaz v. P. Ayyappan (2026 INSC 647)**

### Core Legal Issues

- **Assessment of Notional Income for Minors:** Establishing a just legal framework to quantify the financial loss and value the prospective income of a deceased young child who had no actual historical earnings.
- **Interplay of Public Law Remedies:** Determining whether compensation for infrastructure failures can coexist independently of statutory remedies under the Motor Vehicles Act, 1988.

### Key Rulings & Principles of Quantification

- **Application of the Karuna Parmar Doctrine:** The Supreme Court reaffirmed that the appropriate metric for calculating the notional income of a deceased minor is the statutory minimum wage applicable to a **skilled worker** under the *Minimum Wages Act, 1948*. This prevents arbitrary downscaling of awards by courts based on the lack of current earnings.
- **Correction of High Court's Deviation:** The Apex Court ruled that the High Court erred by scaling down the Motor Accidents Claims Tribunal's (MACT) assessment. The Court enhanced the payout to reflect future prospects and appropriate multipliers, moving away from archaic, flat-rate minor compensation calculations.

### Expansion of Constitutional Jurisprudence

**Evolution of Pedestrian Rights:** Moving beyond standard vehicle-centric insurance claims, the Bench utilized this case to issue a landmark constitutional directive regarding public infrastructure.

- **The Right to Walk:** The Court explicitly recognized the right to walk safely on demarcated footpaths as an integral facet of the **Freedom of Movement (Article 19(1)(d))** and the **Right to Life with Dignity (Article 21)**.
- **Correlative Duty of the State:** Public streets are democratic spaces rather than exclusive transit corridors for motorized vehicles. The mere construction of a public road imposes an enforceable, corresponding duty on municipal, state, and panchayat bodies to construct and safeguard walkable footpaths.
- **Independent Restitutionary Remedy:** The Court clarified that citizens can pursue separate constitutional and legal remedies against negligent public bodies for infrastructural failures, completely independent of standard statutory compensation under the Motor Vehicles Act.

## Public International Law – International Environmental Law & State Responsibility

### Context & Development

- **The Paradigm Shift:** The adoption of UN General Assembly resolution A/80/L.65 (welcoming the landmark ICJ Advisory Opinion on Climate Change) transitions the global climate debate from voluntary treaty targets to binding legal liabilities under general international law.

### Core Legal & Structural Tensions

- **Treaty Regime vs. Customary Obligations:** The central conflict lies at the interface between soft, pledge-and-review treaty commitments (such as the UNFCCC and the Paris Agreement) and the rigorous, enforceable customary international law (CIL) principles governing state conduct.
- **Investor-State Dispute Settlement (ISDS) Friction:** A significant systemic tension exists between a state's sovereign obligation to enact stringent domestic climate laws and the traditional protections granted to foreign capital under international investment treaties.

### Key Customary Principles & Legal Formulations

#### 1. The Transboundary Harm Doctrine & Due Diligence

- The ICJ established that the foundational customary duty to prevent significant transboundary environmental degradation applies directly to greenhouse gas (GHG) emissions.
- States are legally mandated to exercise **due diligence** within their sovereign jurisdictions. This means governments must actively regulate, monitor, and curb domestic public and private industrial emissions that accelerate global warming.

## 2. Invocation of State Responsibility

- **Internationally Wrongful Acts:** The Opinion explicitly reframes a state's failure to meet its due diligence climate obligations as an internationally wrongful act.
- **The Remedy of Reparation:** By anchoring climate failure within the law of State Responsibility, the ICJ opens the door for affected states (particularly low-lying island nations) to demand legal remedies, cessation of harmful conduct, and structured reparations for loss and damage.

## The Multi-Layered Impact

**Dual-Track Litigation Foundation:** The ripple effects of this Advisory Opinion establish a dual-track mechanism for environmental accountability:

1. **International Level:** It provides the definitive legal framework to evaluate state liability, state responsibility, and international remediation obligations before global tribunals.
2. **Municipal Level:** It serves as a highly persuasive, authoritative baseline for domestic courts, equipping public interest litigants with a firmer constitutional and statutory footing to challenge weak national climate policies.