

PLUTUS IAS

LAW OPTIONAL UPSC

CONSOLIDATED CURRENT AFFAIRS DIGEST

A Mix of Conceptual & Contemporary Topics for Paper I & Paper II



29th June - 26th July, 2026

Compiled & Annotated by
Adv. Amit Singh Rana
UPSC Educator

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How to Use This Digest

This digest consolidates four weeks of current-affairs judgments and international-law developments (29 June – 26 July 2026) into a single, **subject-wise** volume — mirroring the structure of the Law Optional syllabus rather than a chronological news feed. Each entry follows a consistent **Issue → Held → Exam Takeaway** format so it can be used directly for revision, value-addition in mains answers, and rapid-fire prelims-style recall.

Four **Weekly Focus** landmark judgments and four **15-mark PYQ model answers** originally carried across the four weeks have been grouped together at the end (Parts VII–VIII) for consolidated revision.

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Part VIII PYQ Solutions (Model Answers)

1. Chandrikabe N. Kishor Dafda v. State of Gujarat (2026) — False Election Affidavit

Citation / Bench: Justice Sanjay Karol & Justice N. Kotiswar Singh

Topic: Election Law — Representation of the People Act, 1951

ISSUE: Can criminal prosecution for a false nomination affidavit be quashed on the ground of a defective sanction under Section 125A RPA, 1951?

Held

- A false affidavit in the electoral process is **not a private wrong but an offence against society at large**, requiring investigation and trial.
- **Section 125A, RPA 1951** (false statements in a nomination affidavit) was read with **Sections 192, 193 and 196 IPC** (false evidence).
- A defect in sanction at this stage is a **curable defect** and does not vitiate cognizance already taken; matter remanded to the Magistrate to take cognizance afresh.
- The **Returning Officer's duty** to set the criminal law in motion on discovery of false/misleading information was emphasised as reinforcing electoral integrity.

EXAM TAKEAWAY: Link this with the *Association for Democratic Reforms* line of cases (right to know antecedents of candidates) — both spring from the voter's right to information under Article 19(1)(a).

2. Parveen Kumar @ Parveen Chauhan v. State of Haryana (2026) — Article 161 Remission

Citation / Bench: Justice Sanjay Karol & Justice N. Kotiswar Singh

Topic: Executive Clemency — Article 161

ISSUE: Where successive remission policies exist, does a later **statutory** remission policy override an earlier policy traceable to the Governor's constitutional power under Article 161?

Held

- The 1993 and 2002 remission policies, being referable to **Article 161**, are **constitutional in source** and identical in character.
- A **subsequent statutory policy cannot override a remission policy flowing from the Constitution** — the 2008 statutory policy could not displace the earlier Article 161 policy.
- The convict was entitled to the **more beneficial policy** applicable at the relevant time; appeal allowed.

EXAM TAKEAWAY: Constitutional clemency power (Art. 161/72) sits on a **higher plane** than ordinary statutory remission — a recurring theme; compare with the PYQ solution on Art. 72 vs 161 in Part VII.

3. Ajay Vijn v. Indian Banks Association (2026) — Writ Jurisdiction & Caution-Listing

Citation / Bench: Justice P.S. Narasimha & Justice Alok Aradhe

Topic: Constitutional Law — Writ Jurisdiction (Art. 226) & Art. 19(1)(g)

ISSUE: Is a writ under Article 226 maintainable against the IBA (not 'State' under Art. 12) for caution-listing an advocate, and can mere negligence be equated with 'fraud' for such listing?

Held

- **Article 226's words "any person or authority"** are wider than **Article 12** — the **functional test** governs maintainability (following *Andi Mukta* and *Zee Telefilms*).

- The Caution List has a **statutory basis in RBI directions under Section 35-A, Banking Regulation Act, 1949** and functions as an industry-wide adverse accreditation with **public-law consequences** affecting Article 19(1)(g).
- The mechanism is **confined to fraud, which imports mens rea** — mere negligence or an erroneous legal opinion cannot be elevated to fraud; listing solely for negligent title verification was **without jurisdiction**.
- Allegations of professional negligence/misconduct fall within the **exclusive disciplinary jurisdiction of Bar Councils** under the Advocates Act, 1961 (*Supreme Court Bar Association v. Union of India*; *M.V. Dabholkar*) — banks cannot create parallel blacklisting structures.

EXAM TAKEAWAY: A textbook illustration of the **functional/instrumentality test** widening writ jurisdiction beyond Article 12 'State' — pair with *Zee Telefilms* and *Andi Mukta Sadguru* for Paper I answer-writing.

4. Sabitri Dey @ Swasthi Dey v. Union of India (2026) — Citizenship & Fair Process

Citation / Bench: Justice Vikram Nath & Justice Sandeep Mehta

Topic: Constitutional Law — Citizenship & Procedural Due Process (Art. 21)

ISSUE: Must the determination that a person is a 'foreigner' under the Foreigners Act, 1946 satisfy the fair-process guarantee of Article 21, even where the burden of proving citizenship lies on the proceedee?

Held

- A determination of foreigner status "**must be carried out through a fair, lawful and reasonable process.**"
- The State's "**legitimate and compelling interest**" in preventing false citizenship claims was recognised — the burden-of-proof structure under the Foreigners Act/Tribunals was not diluted.
- Where the **process itself is unfair, the declaration cannot stand** — 27 cases from Assam were set aside and remanded for fresh hearing, with **no coercive action** in the interregnum.

EXAM TAKEAWAY: Applies the **audi alteram partem** core of natural justice to citizenship adjudication — gravity of consequence conditions quality of procedure. High-value for GS-II as well.

5. Dr. Abdul Hameed v. State of Rajasthan (2026) — Capital Trial Without Effective Counsel

Citation / Bench: Justice Vikram Nath, Justice Sanjay Karol & Justice Sandeep Mehta

Topic: Constitutional Law — Fair Trial & Legal Aid (Arts. 21, 22(1), 39A)

ISSUE: Can a conviction and death sentence stand where the accused conducted his own cross-examination without legal representation, in the absence of an informed waiver?

Held

- A conviction in a **capital case cannot stand where the accused is denied effective legal representation**, unless the right to counsel is **consciously and intelligently waived** — waiver cannot be presumed from silence or poverty.
- The trial (1996 Samleti bus blast case) stood **vitiating at its root**; a **de novo trial** was ordered before a Special Court, thirty years after the incident.
- **Legal aid is not charity but an element of due process** — representation must be **effective, not merely formal**; the graver the charge, the stricter the scrutiny of its denial.

EXAM TAKEAWAY: Cite together with *Hussainara Khatoon* and *M.H. Hoskot* for Article 39A/right-to-counsel answers; useful example of a **structural due-process violation vitiating trial ab initio**.

1. Pooja Ramesh Singh v. Jammu & Kashmir Bank Ltd. (2026) — AI 'Hallucinations' Vitiates Adjudication

Citation / Bench: Justice P.S. Narasimha & Justice Alok Aradhe

Topic: Administrative Law / IBC — Integrity of Adjudicatory Process

ISSUE: Does reliance by the NCLT/NCLAT on AI-generated ('hallucinated') material as if it were binding precedent vitiate the resulting order?

Held

- A judgment is **liable to be set aside where even a trace of fake or hallucinated material** enters the decision-making process — it **violates the sanctity of adjudication**.
- The Court expressed a **measured resolve to adopt AI cautiously**, calling for close **Bar–Bench coordination** to verify AI-assisted material.
- Arose from an IBC dispute concerning a corporate guarantee and initiation of insolvency proceedings after NPA classification.

EXAM TAKEAWAY: A landmark early Indian statement on **AI use in adjudication** — likely GS/Essay and Law Optional crossover topic; frame answers around **natural justice + integrity of the decision-making process**.

2. British Motor Car Co. (1939) Ltd. v. Hindustan Commercial Bank Ltd. (2026) — Legislative v. Administrative Act

Citation / Bench: Justice Sanjay Karol & Justice N. Kotiswar Singh

Topic: Administrative Law — Classification of Administrative Action; Delegated Legislation

ISSUE: Is a bank-amalgamation scheme framed under Section 45, Banking Regulation Act, 1949 'legislative' or 'administrative' in character, and can it override Section 14(1)(b) of the Delhi Rent Control Act, 1958?

Held

- Applying **Cynamide India** (adopted for Sec. 45 schemes in **K.I. Shephard**): **a legislative act lays down a general rule of conduct; an administrative act applies power to a particular case**.
- A Section 45 scheme merely **amalgamates two named banks** — an administrative act; **Section 9 schemes under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 are legislative** (*New Bank of India Employees' Union*) — the two provisions are **not pari materia**.
- Since the scheme was **not 'law'**, tenancy consequences fell to be tested under the Rent Act; the tenant bank **ceased to exist in law** on amalgamation and possession vested in the transferee bank **without landlord's consent** — eviction decree restored.

EXAM TAKEAWAY: Golden rule: **subordinate executive action, however wide the enabling power, occupies a plane below the statute** — rights conferred by the legislature can be displaced only by the legislature. Core Administrative Law theory question.

3. TRAI v. Polimer Cable Network (2026) — Regulation is Not Adjudication

Citation / Bench: Justice S.V.N. Bhatti & Justice N.V. Anjaria

Topic: Administrative Law — Classification of Functions; Regulatory Bodies

ISSUE: When TRAI directs a regulated entity to comply with its regulations under Section 11(1)(b), TRAI Act, 1997, does that amount to 'adjudication' — a function reserved to the TDSAT?

Held

- **"A direction to obey a regulation operates upon the regulated entity in the discharge of TRAI's regulatory function"** — securing compliance with subordinate legislation already in force is the **core of the regulatory function**, involving **no determination of a lis** between rival parties.

- **Adjudication** is the **quasi-judicial resolution of disputes between service providers** — a distinct function assigned to the **TDSAT**; the regulator regulates, the tribunal adjudicates.
- The **character of the power exercised — not the body exercising it** — determines the procedural obligations and forum of challenge.

EXAM TAKEAWAY: Neatly contrasts **regulatory / administrative / quasi-judicial functions** — an important classification-of-functions question tested repeatedly in Law Optional Paper I.

PART III | LAW OF CRIMES

1. AAA v. Linda Sema (2026) — 'Knowledge' Under POCSO Section 19(1)

Citation / Bench: Justice Manoj Misra & Justice K.V. Viswanathan

Topic: Law of Crimes — Mens Rea & Statutory Offences; Criminal Omission

ISSUE: What does 'has knowledge that such an offence has been committed' mean in Section 19(1), POCSO Act, breach of which is punishable as criminal omission under Section 21 POCSO and Section 176 IPC?

Held

- **'Knowledge' is not confined to direct, sensory perception** — it includes awareness founded on receipt of **credible information**; information received **directly from the victim child is deemed credible**.
- Drawing the classical distinction between **'knowledge' and the lower threshold of 'reason to believe'** in Section 26 IPC (A.S. Krishnan), the Court gave 'knowledge' a **purposive, contextual construction**.
- A recipient of a child's complaint **cannot substitute a private 'verification exercise' for reporting** — investigation must **follow** reporting, not precede it.
- Applying the discharge-stage standard of **grave suspicion, no mini-trial** (Amit Kapoor), the discharge of the school headmistress was **set aside**; she must face trial under **Section 21 read with Section 19(1) POCSO and Section 176 IPC**.
- **Limits of constructive liability preserved:** teachers with no complaint reaching them were rightly discharged; minor informees are **exempt under Section 21(3); Section 120-B and Section 201 IPC** counts failed for want of agreement/positive act of destruction.

EXAM TAKEAWAY: Excellent illustration of **statutory mens rea construction where the term is undefined** — combine with **Amit Kapoor** (discharge standard) and Section 26 IPC ('reason to believe') for a complete Paper II answer.

2. Debojit Pankika v. State of Assam (2026) — Corpus Delicti Without Recovery of Body

Citation / Bench: Justice Sanjay Karol & Justice Prasanna B. Varale (2026 INSC 687)

Topic: Law of Crimes — Murder; Proof of Homicide (Corpus Delicti)

ISSUE: Can a conviction under Section 302 IPC stand where the victim's body was never recovered?

Held

- **"'Corpus delicti' means that the offence has been committed and not that the dead body of the murdered person has been recovered"** — its two elements are **death as the result**, and **criminal agency of another as the means**.
- **Recovery of the body is a means of proof, not an ingredient of the offence**; homicide may be established through a **complete circumstantial chain**.
- On facts: credible eyewitness testimony of disposal of a sacked body, plus the accused's **failure to explain the victim's 22-day disappearance** while she was in his custody — conviction under **Sections 302 and 201 IPC** affirmed.

EXAM TAKEAWAY: Key doctrine line for mains: "an offender who succeeds in destroying or concealing the body would otherwise place himself beyond conviction" — memorise this phrasing verbatim for a 'principle' opening line.

3. Brajesh Kumar @ Birjesh Kumar Singh v. State of Bihar (2026) — Dowry Death & Equal Weight to Defence Evidence

Citation / Bench: Justice Sanjay Kumar & Justice K. Vinod Chandran

Topic: Law of Crimes — Dowry Death (S. 304-B IPC); Presumption of Innocence

ISSUE: Does the presumption under Section 113-B, Evidence Act operate automatically once death occurs within seven years of marriage, or must its foundational facts first be proved?

Held

- The **Section 113-B presumption arises only when its foundation is laid**: the prosecution must first prove a **demand for dowry** and **cruelty/harassment 'soon before' death** — **neither ingredient was established** here, so the presumption never operated.
- "Trial courts would do well to bestow equal attention to the defence evidence as that bestowed on the prosecution evidence. There is no cause to approach the defence evidence with distrust, suspicion or even scepticism."
- An **exculpatory dying declaration**, the husband's own burn injuries from a rescue attempt, and treatment records **displaced the prosecution's story**; husband acquitted; arraignment of **17 matrimonial-family members** merely for being related by marriage was called a "**clear travesty of justice**."

EXAM TAKEAWAY: Two quotable principles for Paper II: (i) the **reverse-onus clause cannot substitute proof of foundational facts**; (ii) **defence evidence deserves equal, not sceptical, scrutiny** — reasonable doubt from **either side's** evidence benefits the accused.

4. X v. State of Bihar (2026) — Murder as an Implied 'Heinous Offence' Under the JJ Act

Citation / Bench: Justice J.B. Pardiwala & Justice Ujjal Bhuyan (2026 INSC 728)

Topic: Law of Crimes — Juvenile Justice; Interpretation of Penal Statutes

ISSUE: Section 2(33), JJ Act, 2015 defines a 'heinous offence' as one with a minimum sentence of seven years or more; murder under Section 302 IPC prescribes death or life imprisonment with no stated minimum. Is murder a 'heinous offence' for adult trial of a 16–18-year-old?

Held

- **Life imprisonment is the implied minimum punishment for murder**: where the legislature provides only the two gravest punishments known to law, the **lesser operates as the floor**, satisfying Section 2(33).
- The contrary reading would produce an **absurdity** — the gravest Code offence falling outside 'heinous' while lesser offences with stated minima qualify — resolving the gap left open in ***Shilpa Mittal***.
- The **preliminary assessment under Section 15** (mental/physical capacity, ability to understand consequences, circumstances) may proceed, and the JJ Board may transfer the child under **Section 18(3)**; the Board must **independently evaluate all material** — **not a formality**.

EXAM TAKEAWAY: A clean example of **purposive construction filling a statutory gap** to preserve coherence at the gravest end of a penal-welfare statute — connect with *Shilpa Mittal v. State (NCT of Delhi)*.

PART IV | LAW OF CONTRACTS & MERCANTILE LAW

1. Venkatesha v. K.M. Venkatamuniyappa (2026) — Limits of Rectification of Instruments

Citation / Bench: Justice Dipankar Datta & Justice Vipul M. Pancholi (2026 INSC 705)

Topic: Law of Contracts — Mistake; Rectification of Instruments (S. 26, Specific Relief Act, 1963)

ISSUE: Can a 'rectification deed' change the very property conveyed by an earlier sale deed, substituting one survey number for another, without the original vendor's participation?

Held

- "A rectification deed cannot, in the guise of correcting an error, substitute the very subject matter of a prior conveyance without participation of the original transferor."
- Rectification is a limited equitable remedy addressed to the expression of a concluded bargain — available only where, through **mutual mistake**, the writing fails to record the parties' true common intention; it **cannot be used to make a new bargain**.
- **Nemo dat quod non habet**: a transferor conveys no better title than he possesses — the purported substitution by persons who never held title was a **legal nullity**; trial court's decree restored.
- The High Court's deciding the appeal on **grounds never urged** by the parties was deprecated — adjudication is confined to the case pleaded and argued.

EXAM TAKEAWAY: Structure Paper II answers on rectification as: (i) equity corrects **expression**, not the **bargain**; (ii) mutual mistake is the trigger; (iii) *nemo dat quod non habet* as an independent, reinforcing ground.

2. Commissioner of Service Tax v. Bharat Petroleum Corporation Ltd. (2026) — Sale or Agency?

Citation / Bench: Justice Aravind Kumar & Justice N.V. Anjaria (2026 INSC 723)

Topic: Law of Contracts / Mercantile Law — Agency; Sale of Goods

ISSUE: Were oil-marketing companies retailing CNG through their outlets 'buyers who resold the gas' (sale) or 'agents facilitating the principal's sale' (agency)?

Held

- "The substance and cumulative effect of a commercial agreement determines" the character of the relationship — **the parties' own label concludes nothing**.
- Indicia pointing to **agency**: the principal **fixed the retail price**, **owned the dispensing equipment**, and **retained authority over unsold stock**; the retailer earned a **quantity-based commission** and never took **title to or risk in** the goods.
- **Transfer of property and risk is the hallmark of sale**; its absence, coupled with commission-based remuneration and continuing principal control, is the **hallmark of agency** — service tax demand as 'business auxiliary service' restored.

EXAM TAKEAWAY: Classic **sale v. agency indicia checklist** for Paper II: (1) passing of title/risk, (2) control over price, (3) nature of remuneration (profit-margin v. commission), (4) control over unsold stock.

PART V | FAMILY LAW & JURISPRUDENCE

1. Bejla Oraon v. Kali Das Oraon (2026) — Custom, Pleading & Burden of Proof

Citation / Bench: Justice Sanjay Karol & Justice N. Kotiswar Singh

Topic: Family Law & Jurisprudence — Custom as a Source of Law

ISSUE: In a dispute over Oraon-tribe customary succession, could an uncle-in-law adopt his niece's husband as 'ghardamad' (house son-in-law) so as to pass on his property, absent proof of such a custom?

Held

- Restated essentials of a valid custom: **immemorial, reasonable, certain and continuous**; and the rule of proof — "he who alleges a custom must prove it," by long usage and general evidence of the community under **Section 48, Evidence Act**.
- A custom once judicially recognised need not be proved afresh; a custom once judicially disallowed cannot be revived.
- Only the custom that a **ghardamad acquires rights in his father-in-law's property** stood proved — **not** that an **uncle-in-law** could confer that status; absent a male issue/adopted son/duly adopted ghardamad, property devolves on the **nearest male agnate**.
- The High Court's approach — assuming a custom merely because **no bar** against it was shown — **inverted the burden of proof**: "the absence of a prohibition is not proof of a custom." Concurrent findings reversed under **Article 136** as perverse/no-evidence findings (*Ramachandran v. Vijayan*).

EXAM TAKEAWAY: Directly overlaps with the **PYQ Solution on essentials & proof of custom** in Part VII — read both together for a ready-made, case-law-rich model answer.

PART VI | PUBLIC INTERNATIONAL LAW

1. Poland's Intervention: Alleged Smuggling of Migrants (Lithuania v. Belarus) — ICJ

Citation / Bench: International Court of Justice

Topic: Public International Law — Third-State Intervention; State Responsibility

ISSUE: On what basis may a third State intervene in ICJ proceedings interpreting a multilateral convention, and what legal issues does 'weaponised migration' raise?

Held

- On **30 June 2026**, Poland filed a **declaration of intervention under Article 63, ICJ Statute** in the dispute where **Lithuania alleges Belarus orchestrated and facilitated migrant flows** toward its borders.
- The case raises **State responsibility for deliberate instrumentalisation of migration** and obligations under the **UN Convention against Transnational Organized Crime** and its **Protocol against the Smuggling of Migrants**.
- **Article 63** gives every State party to a convention in question the **right to intervene**; where it does, the **Court's interpretation becomes equally binding** upon it.

EXAM TAKEAWAY: Core legal tension: **attributing international responsibility for orchestrated migrant flows**, and the scope of **third-State intervention as of right** under Art. 63 — a rising theme in PIL current affairs.

2. The WTO's Dispute-Settlement Crisis: Appeals 'Into the Void'

Citation / Bench: World Trade Organization — Appellate Body

Topic: International Economic Law — WTO Dispute Settlement Understanding (DSU)

ISSUE: How does international trade law function when the WTO Appellate Body — non-functional since December 2019 for want of appointments — leaves panel reports unadopted?

Held

- With **no quorum**, appeals are filed '**into the void**,' leaving panel reports **unadopted** and disputes **unresolved** — striking at the DSU, long called the '**jewel in the crown**' of the multilateral trading order.
- As a stop-gap, a group of members runs the **Multi-Party Interim Appeal Arbitration Arrangement (MPIA)** under **Article 25, DSU**, reproducing appellate review by arbitration — but it **binds only its participants**.
- Reform negotiations to restore a functioning Appellate Body **continue without consensus**.

EXAM TAKEAWAY: Frame as the **contest between power and rules** in global trade governance — good for essay-style PIL answers on institutional design failure.

3. Ghana–Togo Maritime Boundary Moves to an ITLOS Special Chamber

Citation / Bench: ITLOS — *Special Chamber (Case No. 36)*

Topic: Law of the Sea — UNCLOS Delimitation Regime

ISSUE: How is a maritime boundary dispute converted from Annex VII arbitration to an ITLOS Special Chamber, and what delimitation principles apply?

Held

- After **twelve failed rounds of negotiation**, Ghana instituted **Annex VII arbitration** (Feb 2026); in June 2026 the parties **agreed to transfer proceedings to a Special Chamber under Article 15(2), ITLOS Statute** — the same route used in *Ghana/Côte d'Ivoire*.
- Applicable law: **Article 15 UNCLOS** (territorial sea) and **Articles 74 & 83** (EEZ/continental shelf delimitation by agreement 'to achieve an equitable solution'); **Article 287 and Annex VII** supply compulsory arbitration as the default forum.
- **Ghana** asserts a **customary, tacit-agreement equidistance line**; **Togo** claims it is '**shelf-locked**' by a concave coastline and seeks **equitable adjustment**, also invoking **non-aggravation obligations (Arts. 74(3)/83(3))** over naval activity.

EXAM TAKEAWAY: Core legal tension: **stability of a tacit equidistance line v. equitable correction** for a geographically disadvantaged State — compare with the *North Sea Continental Shelf* equidistance-v-equity debate.

4. ILC Takes Up Compensation for Internationally Wrongful Acts

Citation / Bench: International Law Commission — 77th Session, Geneva

Topic: Public International Law — State Responsibility (ARSIWA)

ISSUE: Can the customary standard of 'full reparation' under ARSIWA be codified into harmonised rules for quantifying compensation?

Held

- On **7 July 2026**, Special Rapporteur **Mārtiņš Paparinskis** introduced his **First Report on 'Compensation for damage caused by internationally wrongful acts'** (A/CN.4/793).
- Under **ARSIWA**, a responsible State owes **full reparation (Article 31)**; **compensation under Article 36** covers all '**financially assessable damage**' not made good by restitution — the standard descending from ***Chorzów Factory***.
- **Fault-line:** one view favours **harmonised principles of valuation, causation and interest** (citing *DRC v. Uganda* (2022) and *Certain Activities, Costa Rica v. Nicaragua* (2018)); the other cautions that quantification is **irreducibly fact-specific** and hard rules could **upset ARSIWA's balance**.

EXAM TAKEAWAY: Trace the *Chorzów Factory* → ARSIWA Art. 31/36 → ICJ compensation-judgment lineage for a strong State Responsibility answer.

5. UNSC Resolution 2826 (2026) — Extending Red Sea Attack Monitoring

Citation / Bench: UN Security Council (13–0, China & Russia abstaining)

Topic: International Law — UN Charter; Freedom of Navigation (UNCLOS)

ISSUE: What is the legal architecture behind continued Security Council monitoring of Houthi attacks on shipping in the Red Sea?

Held

- Adopted **14 July 2026**, extending the Secretary-General's monthly reporting mechanism (created by **Resolution 2722 (2024)**, para. 10) until **15 January 2027**.
- Layered legal framework: **freedom of navigation (Art. 87, UNCLOS)**; **transit passage through straits (Arts. 37–38)** governing Bab el-Mandeb; the **targeted arms embargo under Resolution 2216 (2015)**; and Resolution 2722's 'taking note' of States' right to **defend vessels 'in accordance with international law'** — read by some as implicit **Article 51 self-defence** endorsement against a non-State actor.
- **China and Russia** argued the extension **adds nothing** and stressed **Yemen's sovereignty**; **Somalia** warned against the '**securitization of the Red Sea**.'

EXAM TAKEAWAY: Use to discuss **Article 51 self-defence against non-State actors** and the layered UNCLOS navigation regime — a frequently tested PIL current-affairs theme.

6. Ten Years of the South China Sea Award: The Force of Annex VII Arbitration

Citation / Bench: PCA Annex VII Tribunal — *Philippines v. China* (2016), 10th Anniversary

Topic: International Law — UNCLOS Dispute Settlement; Binding Force of Awards

ISSUE: Does an Annex VII award bind a non-appearing, non-consenting State, and can it be permanently disregarded a decade later?

Held

- On the tenth anniversary, **14 States (incl. US, Japan, Australia, UK) and the EU** declared the award "**final, legally binding, and definitive**"; **China's Foreign Ministry** dismissed the tribunal as "**an ad hoc body patched up to serve a political agenda**" and reiterated the award is **null and void**.
- Legal basis: an **Annex VII tribunal seized under Article 287**, **competence-competence under Article 288(4)**, and a decision **final and binding under Article 296(1) and Annex VII, Article 11**; **China's non-appearance did not arrest proceedings (Annex VII, Art. 9)**.
- The tribunal held '**historic rights**' **within the nine-dash line extinguished** to the extent incompatible with UNCLOS zones, and that **none of the disputed features is an Art. 121(3) island** capable of an EEZ.
- **China's defence:** its **2006 Article 298 declaration** excluded sea-boundary and historic-title disputes, and the true subject-matter was **territorial sovereignty — beyond UNCLOS** altogether.

EXAM TAKEAWAY: A ready-made case study on the **binding force of compulsory arbitration under UNCLOS Part XV** versus a persistent-objector State — pair with the Ghana–Togo entry above for a comparative Law-of-the-Sea answer.

7. ICC Assembly of States Parties Removes Prosecutor Karim Khan

Citation / Bench: ICC Assembly of States Parties (82–13, 15 abstentions)

Topic: International Law — International Criminal Court; Rome Statute, Article 46

ISSUE: What procedure and threshold govern removal of the ICC Prosecutor for 'serious misconduct or a serious breach of duty' under Article 46, Rome Statute?

Held

- On **24 July 2026**, the Assembly removed **Prosecutor Karim Khan** — the **first removal of an elected official** in the Court's history; **Deputy Prosecutor Mame Mandiaye Niang** assumed charge.
- **Article 46(1)(a)** (defined in **Rule 24, RPE**) is the ground; the **Prosecutor is removed by an absolute majority of States Parties (Art. 46(2)(b))**, whereas a **judge** requires a **two-thirds majority** on a **two-thirds judicial recommendation (Art. 46(2)(a))** — a **markedly lower threshold** for the Prosecutor.
- Followed a **two-year UN OIOS investigation** and review by an advisory judicial panel on a **beyond-reasonable-doubt standard**; the Statute provides **no appeal**.

- **Divided opinion:** disciplinary accountability as a condition of institutional integrity, **versus** due-process/independence concerns under **Articles 46(4) and 42** about collapsing a two-stage procedure into one vote.

EXAM TAKEAWAY: Compare the **differential removal thresholds for Prosecutor v. Judges** under Article 46 — a precise, examiner-friendly distinction for ICC institutional-design questions.

8. Security Council Debates Reviving Chapter VI: Peaceful Settlement of Disputes

Citation / Bench: UN Security Council — High-Level Open Debate (President: DR Congo)

Topic: International Law — Peaceful Settlement of Disputes (UN Charter, Chapter VI)

ISSUE: Are Chapter VI mechanisms for peaceful settlement of disputes under-utilised, and should Security Council follow-up be institutionalised?

Held

- Held **23 July 2026**; the Secretary-General presented recommendations mandated by **Resolution 2788 (2025)**; **~60 delegations** spoke; **no outcome document** was adopted.
- Legal frame: **Article 33(1)** obliges parties to disputes endangering peace to seek settlement by **negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement**, etc.; **Article 34** empowers Council investigation; **Articles 36(3) and 96** point legal disputes toward the **ICJ** — referral powers repeatedly called **under-used**.
- Structural critique: a Council **deadlocked among its permanent members preaches Chapter VI settlement** while its **practice and identity rest on Chapter VII coercion**.

EXAM TAKEAWAY: Good one-liner for GS-II/PIL essay conclusions: the UN Charter's **preventive-diplomacy toolkit (Ch. VI) remains under-used** against the backdrop of **coercive Chapter VII practice**.

PART VII | WEEKLY FOCUS — LANDMARK JUDGMENTS

A. Aligarh Muslim University v. Naresh Agarwal, [2024] 11 S.C.R. 1647 : 2024 INSC 856

Citation / Bench: 7-Judge Bench, 4:3 majority, led by Chandrachud, CJI (Surya Kant, Dipankar Datta & Satish Chandra Sharma, JJ, dissenting)

Topic: Constitutional Law — Article 30(1); Minority Educational Institutions

ISSUE: What are the indicia for 'minority educational institution' status under Article 30(1)? Does incorporation by statute or pre-Constitution origin destroy minority character? Was *S. Azeez Basha v. Union of India* (1967) correctly decided?

Held

- **Overruled the reasoning in *S. Azeez Basha v. Union of India* (1967)** — which had held AMU neither established nor administered by the Muslim minority since it originated in a 1920 statute, and so outside Article 30 protection.
- **'Establishment' is distinct from 'incorporation':** a statute that merely incorporates an institution does **not by itself destroy its minority character**.
- The inquiry is into **who founded the institution and the idea behind it**; **Article 30(1) applies even to pre-Constitution universities**, and a declaration of **'national importance'** does **not alter minority character**.
- **Final determination of AMU's own status remitted** to a regular Bench to apply the newly laid-down tests.

EXAM TAKEAWAY: Landmark shift from **formalism of the incorporating statute** to the **genesis-and-purpose test** — a must-cite for any Article 30 minority-rights answer.

B. Mineral Area Development Authority v. M/s Steel Authority of India, [2024] 7 S.C.R. 1549 : 2024 INSC 554

Citation / Bench: 9-Judge Bench, 8:1 majority, speaking through Chandrachud, CJI (Nagarathna, J. dissenting)

Topic: Constitutional Law / Fiscal Federalism — Entries 49 & 50, List II; MMDR Act, 1957

ISSUE: Is royalty under Section 9, MMDR Act a 'tax'? What is the scope of Entry 50 List II, and do Entries 49/50 List II permit States to tax mineral-bearing land using mineral value/royalty as the measure?

Held

- **Royalty is not a tax:** it is a **contractual consideration** paid by the mining lessee to the lessor, and recovery as statutory arrears does not convert it into a compulsory exaction.
- **Power to tax mineral rights vests in State legislatures;** Parliament has no competence under **Entry 54 List I** (a general, non-taxing entry) and cannot invoke residuary power since the field is enumerated in **Entry 50 List II**.
- The **MMDR Act as it stands imposes no limitation** within Entry 50's meaning; the **India Cement (1990)** observation that royalty is a tax was held **incorrect**, resolving the conflict with ***Kesoram (2004)***.
- **Ratio:** Entries 49 and 50 List II are **distinct fields** — mineral-bearing land falls within 'lands' under **Entry 49**, and mineral produce/royalty may be adopted as the **measure** of that tax; Parliamentary limitations under Entry 50 **do not travel to Entry 49**.

EXAM TAKEAWAY: The definitive **fiscal-federalism** ruling: States are **sovereign within their assigned taxing fields**; a general Union regulatory entry **cannot subsume** an enumerated State taxing power. Essential for GS-II/Polity crossover too.

C. Association for Democratic Reforms v. Union of India, [2024] 2 S.C.R. 420 : 2024 INSC 113 — Electoral Bonds

Citation / Bench: 5-Judge Bench: Chandrachud, CJI, Khanna, Gavai, Pardiwala & Misra, JJ (Khanna, J. concurring separately)

Topic: Constitutional Law — Article 19(1)(a); Right to Information; Electoral Funding

ISSUE: Does anonymisation of political contributions under the Electoral Bond Scheme, 2018 violate the voter's right to information (Art. 19(1)(a))? Does unlimited corporate funding infringe Article 14?

Held

- **Unanimously struck down** the Electoral Bond Scheme and the related amendments to **RPA Sec. 29C**, **Companies Act Sec. 182(3)**, **IT Act Sec. 13A(b)** and **RBI Act Sec. 31(3)**.
- Information on political-party funding is **essential to the effective exercise of the vote**; anonymisation violates **Article 19(1)(a)** — **curbing black money is not a ground under Article 19(2)**, nor was the scheme the **least restrictive means** (electoral trusts being an alternative).
- **Deletion of the 7.5%-of-profits cap (proviso to Sec. 182(1))** was **manifestly arbitrary under Article 14** — treating corporate/individual and profit-making/loss-making donors alike, enabling unregulated corporate influence.
- Applied the **double proportionality framework**; the **presumption of constitutionality is rebutted once a prima facie rights violation is shown**, shifting the onus to the State.

EXAM TAKEAWAY: Structure any answer as: **Art. 19(1)(a) right to information → proportionality test → Art. 14 manifest arbitrariness on the corporate-funding cap** — a complete Constitutional Law model.

D. Cox and Kings Ltd. v. SAP India Pvt. Ltd., [2023] 15 S.C.R. 621 : 2023 INSC 1051 — Group of Companies Doctrine

Citation / Bench: 5-Judge Constitution Bench: Chandrachud, CJI, Hrishikesh Roy, Narasimha, Pardiwala & Manoj Misra, JJ

Topic: Law of Contracts / Arbitration — Non-Signatory Joinder; Arbitration and Conciliation Act, 1996

ISSUE: Is the 'group of companies doctrine' (imported in *Chloro Controls* (2013) via 'claiming through or under' in S. 45) valid in Indian arbitration law, and can a non-signatory be joined to arbitration?

Held

- **Retained the doctrine but re-founded it:** 'parties' under **Section 2(1)(h)** read with **Section 7** includes non-signatories — signature is 'the most profound expression' of consent, **but not its only expression**.
- **Consent remains the cornerstone:** a non-signatory cannot be **forced** into arbitration, but may be **bound where the mutual intention of all parties to bind it is established** from factual circumstances — its **relationship with signatories** and **active involvement** in performance of obligations **intricately linked** to the subject-matter.
- The anchoring of the doctrine in 'claiming through or under' in *Chloro Controls* was held **erroneous**; it is instead **consent-based, not an exception to consent**.
- The **cumulative factors of ONGC v. Discovery Enterprises govern the fact-specific enquiry**; a 'single economic unit' or **avoidance of multiplicity** can **never, by itself**, justify invoking the doctrine.

EXAM TAKEAWAY: Key sequence for Paper II: **Chloro Controls (2013) → doubted → Cox and Kings (2023) re-founds doctrine in Ss. 2(1)(h)/7 → disciplined by ONGC v. Discovery Enterprises factors.**

PART VIII | PYQ SOLUTIONS (MODEL ANSWERS, 15 MARKS EACH)

Q1. Compare and contrast the pardoning power of the President under Article 72 with that of the Governor under Article 161 of the Constitution. (15 Marks)

The Constitution vests the executive with the power of clemency — to **pardon, remit, commute or reprieve** — as a safeguard against judicial error and an instrument of mercy. It is conferred on the **President by Article 72** and on the **Governor by Article 161**.

- **Nature of the power:** Both are executive powers exercised on the **aid and advice of the Council of Ministers**, not personal discretion, and both are subject to **limited judicial review** — for arbitrariness, mala fides or non-application of mind (*Epuru Sudhakar v. State of A.P.*).
- **Article 72 — President:** extends to (a) offences against **Union law**, (b) **court-martial** punishments, and (c) — **exclusively** — every case of a **death sentence**. Only the President can pardon a death sentence.
- **Article 161 — Governor:** extends to offences against laws within the **State's executive power**. The Governor **cannot pardon** a death sentence, though may **commute, remit or suspend** it.
- **Overlap and precedence:** for a death sentence, commutation/remission powers overlap, but **only the President can grant a full pardon**. The Governor's Article 161 power is **constitutional** and **cannot be overridden by a mere statutory remission policy**.

Judicial position: the clemency power is wide but not unfettered — reviewable on the limited grounds in *Maru Ram v. Union of India* and *Epuru Sudhakar*, and cannot rest on wholly irrelevant, arbitrary or discriminatory considerations.

Conclusion: Articles 72 and 161 confer **parallel clemency powers** differing chiefly in scope (Union v. State law), court-martial cases, and the **death sentence** — which only the President can pardon — while sharing the character of **advised, judicially reviewable executive functions**.

Q2. "A custom, to be valid, must be immemorial, certain and reasonable." Examine the essentials of a valid custom as a source of law and the manner of its proof in Indian courts. (15 Marks)

Custom is the **oldest source of law** — "coeval with the very birth of the community itself" (Paton). While **Austin** conceded custom the force of law only upon judicial/legislative recognition, **Savigny** located law in the *Volkgeist* (of which custom is external evidence), and **Allen** described custom as "self-contained, self-sufficient and self-justified law" — the court's function being **declaratory, not constitutive**.

- **Antiquity:** English law requires legal memory (1189); **Indian law rejects this technicality** — *Mt. Subhani v. Nawab (1941)*: it suffices that usage has been "acted upon in practice for such a long period and with such invariability" as to show it has, by common consent, become the established governing rule of the locality/family/class.
- **Certainty:** the custom must be **proved with certainty**, not left vague — a court cannot enforce what it cannot define (a custom of remitting rent of unspecific extent was void for uncertainty).
- **Reasonableness:** must not offend "artificial and legal reason warranted by authority of law"; it suffices that **no good legal reason can be assigned against it** — a custom is not invalidated merely because its original rationale is later found wrong.
- **Morality and public policy:** a custom immoral or opposed to public policy is unenforceable (*Mathura Naikin v. Esu Naikin*, striking down adoption of girls by dancing girls). The **Hindu Marriage Act** and **Hindu Succession Act** codify these requisites.

Proof: "He who alleges a custom must prove it" (*Abdul Hussein Khan v. Bibi Sona Dero*) — no presumption of existence even where statute favours custom. Proof is by **general evidence of persons likely to know of it (Ss. 48–49, Evidence Act)** and by public records like the *riwaz-i-am* (S. 35); a custom **repeatedly recognised acquires judicial notice** and need not be proved afresh; it cannot be extended by analogy — "theory and custom are antithesis." **Conclusion:** a valid custom, once proved, "**ousts the general law**" (*Neelkisto Deb*), while general law governs all that lies outside it — antiquity, certainty, reasonableness and morality, coupled with strict proof, balance respect for lived community law against the courts' censorial power over usages repugnant to justice.

Q3. "All murder is culpable homicide, but all culpable homicide is not murder." Distinguish between culpable homicide and murder with reference to the statutory scheme and decided cases. (15 Marks)

In the scheme of the Penal Code, '**culpable homicide**' is the genus and '**murder**' is its species (*State of A.P. v. Rayavarapu Punnayya*). **Section 299** defines culpable homicide by three mental states — intention to cause death, intention to cause bodily injury likely to cause death, or knowledge of likelihood of death — while **Section 300** marks the aggravated forms in which culpable homicide becomes murder, subject to **five Exceptions**.

- **Genus, species and degrees:** three degrees recognised — **murder** (S. 300, punishable under S. 302); **culpable homicide of the second degree** (S. 304 Part I); and **of the third degree** (S. 304 Part II) (*Punnayya*).
- **Degree of probability:** the line between **S. 299(b)** and **S. 300(3)** is one of probability — 'likely to cause death' conveys the **probable**, while 'sufficient in the ordinary course of nature to cause death' means death is the **most probable** result — "fine but real, and, if overlooked, may result in miscarriage of justice" (*Punnayya*).
- **The Virsa Singh test (S. 300 'thirdly'):** prosecution must prove (i) a bodily injury is present; (ii) its nature; (iii) an **intention to inflict that particular injury** (not accidental); and (iv) the injury is **objectively sufficient in the ordinary course of nature to cause death** — once proved, it is **immaterial that there was no intention to cause death** (*Virsa Singh v. State of Punjab*).
- **Knowledge without intention:** where the offender acts with **knowledge of likelihood of death but without intention** to cause death/fatal injury, the case falls under **S. 299(c)/S. 304 Part II** (e.g., *Emperor v. Mt. Dhirajia* — a mother jumping into a well with her infant).

The Exceptions: even an act within S. 300 is reduced to culpable homicide by the **five Exceptions** — grave and sudden provocation, excess of private defence, act of a public servant, sudden fight without premeditation, and consent — each resting on **mitigation of culpability, not its absence**. **Safest approach — the three-stage enquiry of Punnayya:** (1) did the act cause death; (2) does it amount to culpable homicide under S. 299; (3) does it bear the aggravated mental element of S. 300, and does an Exception intervene. The distinction turns not on the **result** (death, in both) but on the **degree of the mental element**.

Q4. "The liability of the State for the tortious acts of its servants is co-extensive with that of an ordinary employer." Examine the vicarious liability of the State in India with reference to Article 300 of the Constitution and the sovereign–non-sovereign distinction. (15 Marks)

Article 300(1) makes the Union and States suable "in the like cases" as the Dominion and the Provinces — a chain of incorporation running through **S. 176, Government of India Act, 1935** and **S. 32 of the 1915 Act** back to **S. 65 of the 1858 Act** — so the State's liability today is measured by that of the **East India Company**, itself liable for torts committed **otherwise than in exercise of sovereign functions** (*P. & O. Steam Navigation Co.*, 1861).

- **State of Rajasthan v. Vidhyawati (1962)**: a Government jeep driver negligently killed a pedestrian; State held **liable like any other employer** — the act was "committed in circumstances wholly dissociated from the exercise of sovereign powers."
- **Kasturilal v. State of U.P. (1965)**: seized gold misappropriated by a Head Constable; claim **failed** — the arrest/search/seizure were referable to **statutory powers of a sovereign character** — the **high-water mark of sovereign immunity**.
- **Narrowing of 'sovereign' functions**: *N. Nagendra Rao v. State of A.P. (1994)* confined immunity to the **primary, inalienable functions of the State**; the ordinary run of governmental activity — including statutory seizure powers — now attracts liability like any employer's.
- **The constitutional-tort route**: *Nilabati Behera v. State of Orissa (1993)* established **compensation under Articles 32 and 226** for fundamental-rights violations as a **public-law remedy** where **sovereign immunity is simply unavailable**.

Assessment: *Kasturilal* has never been formally overruled but has been **distinguished into a narrow compass** — immunity survives, at most, for the **irreducible core of sovereign activity**, while the constitutional remedy operates **wholly outside it**. **Conclusion**: the trajectory from *P. & O. Steam Navigation* through *Vidhyawati*, *Kasturilal* and *N. Nagendra Rao* to *Nilabati Behera* is a movement from **immunity toward accountability** — Article 300 supplies the forum and measure, case law supplies the principle, and fundamental-rights jurisdiction supplies what the tort action historically withheld.

— End of Digest —

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