SNIPPETS

OF

SUPREME COURT JUDGEMENTS

MARCH 2026

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Decided on: 10 March 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Kumar

2. Hon'ble Mr. Justice K. Vinod Chandran

(Companies Act, 2013 — Section 66 — Reduction of share capital — Minority shareholders — Valuation of shares — Discount for Lack of Marketability (DLOM) — Judicial review — Scope of interference under Section 423 — "Tricky notice" — Procedural fairness — Bias in valuation — Role of Tribunal — Majority rule vs minority protection.)

Facts

The dispute arose from a scheme of reduction of share capital undertaken by Bharti Telecom Ltd. (BTL), a closely held company whose primary business was holding shares in Bharti Airtel Ltd.

BTL resolved to reduce its share capital under Section 66 of the Companies Act, 2013 by cancelling shares held by certain minority shareholders and providing them an exit at a determined price. A special resolution approving the reduction was passed with an overwhelming majority exceeding 99.90%.

A valuation exercise was conducted, and the share price was initially fixed at ₹163.25 per share. The NCLT, while approving the reduction, directed exclusion of Dividend Distribution Tax, thereby enhancing the price to ₹196.80 per share.

Aggrieved minority shareholders challenged the process before the NCLAT and subsequently before the Supreme Court, alleging that the entire exercise was unfair, arbitrary, and designed to force their exit at an undervalued price.

Issues

1. Whether the reduction of share capital under Section 66, resulting in compulsory exit of minority shareholders, suffered from procedural illegality or lack of disclosure.

2. Whether the valuation of shares was arbitrary, particularly due to the application of Discount for Lack of Marketability (DLOM).

3. Whether the process was vitiated by bias on account of the valuer being connected to the company's internal auditor.

4. Whether the notice convening the general meeting constituted a "tricky notice" due to inadequate disclosure.

5. Whether the Supreme Court could interfere with concurrent findings of NCLT and NCLAT under Section 423 of the Companies Act, 2013.

Judgment

The Supreme Court dismissed the appeals and upheld the scheme of reduction of share capital.

It held that:

- The procedure prescribed under Section 66 was duly complied with, including passing of a special resolution and confirmation by the Tribunal.
- No material procedural irregularity or misleading disclosure was established.
- The valuation methodology, including application of DLOM, was valid and consistent with accepted accounting standards.
- No real bias or conflict of interest in the valuation process was demonstrated.
- The price offered could not be said to be unfair, unreasonable, or prejudicial so as to warrant judicial interference.

The Court reaffirmed that its jurisdiction under Section 423 is confined to substantial questions of law and does not extend to reappreciation of valuation unless perversity is shown.

Rationale

The Court undertook a detailed doctrinal analysis structured around the "three Ms" — *Manner, Method, and Matter*.

On **procedural fairness (Manner)**, the Court held that reduction of share capital is a statutorily recognised method of providing exit to shareholders and does not require prior request from minority shareholders. The notice issued was not a "tricky notice," as it disclosed the essential terms of the transaction and made relevant documents available for inspection. Absence of annexed valuation reports did not vitiate the process, since Section 66 does not mandate such disclosure.

On **valuation methodology (Method)**, the Court upheld the application of DLOM, emphasizing that lack of marketability is a legitimate depreciating factor in valuation of unlisted shares. It relied on Indian Accounting Standards (Ind AS 113) and ICAI Valuation Standards, which recognise market-based valuation and permit adjustments for illiquidity. The Court clarified that DLOM is not universally impermissible and depends on the factual context.

On **fairness of price (Matter)**, the Court held that "fair value" in the context of Section 66 is closely aligned with market value and cannot be equated with an investor's subjective expectation. Historical offers and transactions did not conclusively establish a higher intrinsic value, especially considering factors such as delisting, absence of dividends, and dilution following rights issues.

On **allegation of bias**, the Court held that mere association between the valuer and internal auditor does not establish real likelihood of bias. Bias must be demonstrable and not based on conjecture. The presence of independent fairness reports and corroborative evaluations further negated such allegations.

On **scope of judicial review**, the Court reiterated that reduction of share capital is largely a domestic corporate decision governed by majority rule, subject to limited scrutiny by the Tribunal to ensure fairness, absence of prejudice, and compliance with statutory safeguards. Interference is warranted only where the scheme is unfair, unjust, or discriminatory.

The Court concluded that no such infirmity was made out and that the minority shareholders had failed to demonstrate real prejudice or arbitrariness.

2. Muddam Raju Yadav v. B. Raja Shanker (D) through LRs. & Ors., 2026 SCC OnLine SC 348

Decided on: 10 March 2026

Bench: 1. Hon'ble Mr. Justice Prashant Kumar Mishra

2. Hon'ble Mr. Justice Prasanna B. Varale

(Specific Relief Act, 1963 — Specific performance — Sham and nominal agreement — Agreement executed as security for loan — Conduct of parties — Suppression of material document — Equitable and discretionary relief — Readiness and willingness — Clean hands doctrine.)

Facts

The appellant-plaintiff instituted a suit for specific performance on the basis of a registered agreement of sale dated 04.06.2002 relating to a residential property situated at Medchal Village, Ranga Reddy District.

The total sale consideration under the agreement was fixed at ₹13,00,000, out of which ₹6,00,000 was allegedly paid as advance. The balance amount was to be paid within eleven months at the time of execution of the sale deed.

According to the plaintiff, he was always ready and willing to perform his part of the contract, but the defendants avoided execution of the sale deed despite issuance of legal notice.

The defendants, however, contended that the plaintiff was an unlicensed money lender and that the transaction was in reality a loan transaction secured by the agreement of sale. It was their case that ₹6,00,000 had been advanced as a hand loan and the agreement was executed merely as security for repayment. Simultaneously, the parties had executed a Memorandum of Understanding (MoU) dated 04.06.2002 recording that the property would be transferred only if the loan was not repaid within the stipulated period.

The defendants further asserted that part repayments had been made and that the plaintiff deliberately suppressed the MoU while filing the suit for specific performance.

The Trial Court decreed the suit holding that the plaintiff had established readiness and willingness. However, the High Court reversed the decree and dismissed the suit, holding that the agreement appeared to be sham and nominal. Aggrieved thereby, the plaintiff approached the Supreme Court.

Issues

1. Whether the agreement of sale dated 04.06.2002 was a genuine agreement for sale or merely a sham and nominal document executed as security for a loan transaction.
2. Whether suppression of the Memorandum of Understanding by the plaintiff disentitled him from obtaining the equitable relief of specific performance.
3. Whether the High Court was justified in reversing the decree of specific performance granted by the Trial Court.

Judgment

The Supreme Court dismissed the appeal and affirmed the judgment of the High Court.

The Court held that the Memorandum of Understanding executed on the same day as the agreement of sale clearly probabilised the defence that the transaction was essentially a loan arrangement secured by the agreement.

It was further held that the plaintiff had suppressed the existence of the MoU from the plaint and had not approached the Court with clean hands. Consequently, he was not entitled to the equitable and discretionary relief of specific performance.

Rationale

The Court observed that the contemporaneous execution of the MoU and the agreement of sale strongly supported the defendants' version that the sale agreement was merely intended as security for repayment of loan.

The Court attached significance to the fact that:

- both the MoU and the no-objection letter were executed on the same date;
- the stamp papers for both documents were purchased consecutively from the same vendor; and
- the attesting witnesses to both documents were identical.

These circumstances, according to the Court, rendered the defence version highly probable.

Although the photocopy receipt evidencing part repayment of loan was held inadmissible, the Court held that the MoU itself sufficiently established that the sale agreement was not intended to be acted upon as an actual sale transaction.

The Court reiterated that specific performance is an equitable and discretionary relief and that the conduct of the parties assumes considerable importance. Even slight doubt regarding the plaintiff's bona fides or suppression of material facts is sufficient to deny such relief.

The Court emphasized that the plaintiff had deliberately withheld the MoU from the plaint despite its direct bearing on the nature of the transaction. Such suppression amounted to approaching the Court with unclean hands, disentitling the plaintiff from equitable relief.

Accordingly, the Supreme Court upheld the High Court's finding that the agreement was sham and nominal in nature and dismissed the appeal.

3. Rachana Gangu v. Union of India, 2026 SCC OnLine SC 345

Decided on: 10 March 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Constitution of India — Articles 14, 21, 32, 41 & 47 — Right to health — COVID-19 vaccination — Adverse Events Following Immunisation (AEFI) — Vaccine-related deaths — Public health governance — No-fault compensation — State obligation — Judicial review in scientific matters — Separation of powers — Welfare State obligations.)

Facts

The proceedings arose from multiple writ petitions filed before the Supreme Court and the Kerala High Court concerning deaths and serious medical complications allegedly occurring after administration of COVID-19 vaccines, particularly Covishield.

The lead petition under Article 32 was instituted by parents whose two daughters allegedly suffered fatal adverse reactions after vaccination. Similar petitions before the Kerala High Court involved cases of thrombosis, intracranial haemorrhage, autoimmune encephalitis, paralysis, thrombocytopenia, and other severe medical conditions allegedly linked to vaccination.

The petitioners contended that despite mounting global concerns regarding vaccine-induced thrombotic complications, the Union Government failed to ensure transparency, informed consent, proper disclosure of risks, and effective mechanisms for compensation. It was further alleged that although vaccination was officially voluntary, restrictions imposed upon unvaccinated persons created an atmosphere of indirect compulsion.

The petitioners sought constitution of an independent expert medical board, publication of causality assessment data, creation of proper monitoring protocols, and formulation of a compensation mechanism for victims of vaccine-related adverse events.

The Union of India opposed the petitions, contending that the vaccines had undergone rigorous statutory scrutiny and expert review under the Drugs and Cosmetics Act, 1940. It was argued that an elaborate AEFI surveillance system already existed and that issues relating to causality involved complex scientific determination not suitable for adjudication in writ jurisdiction. The Union further submitted that aggrieved persons could avail ordinary civil or consumer law remedies for negligence-based claims.

Issues

1. Whether absence of a uniform compensation policy for deaths or injuries allegedly arising from COVID-19 vaccination violates the right to life under Article 21 of the Constitution.
2. Whether the Supreme Court can direct the Union Government to frame a no-fault compensation mechanism for vaccine-related adverse events.
3. Whether an independent expert body was required to investigate adverse events following immunisation (AEFI).
4. To what extent constitutional courts may intervene in matters involving scientific and public health policy considerations.

Judgment

The Supreme Court disposed of the writ petitions and connected matters with directions to the Union Government to formulate a no-fault compensation policy for serious adverse events following COVID-19 vaccination.

The Court held that while scientific questions relating to vaccine efficacy and causality lie primarily within the domain of expert bodies and the executive, the absence of any accessible institutional mechanism for redressal in cases of grave vaccine-related harm raises constitutional concerns under Article 21.

The Court directed the Ministry of Health and Family Welfare to expeditiously frame and place in the public domain a no-fault compensation framework for serious adverse events following immunisation arising from COVID-19 vaccination.

However, the Court declined to constitute any separate court-appointed expert body, holding that the existing National and State AEFI Committees were adequate mechanisms for scientific assessment.

Rationale

The Court reiterated that Article 21 extends beyond mere protection against unlawful deprivation of life and encompasses the right to health, bodily integrity, and access to medical care. Referring to decisions such as *Parmanand Katara v. Union of India*, *State of Punjab v. Mohinder Singh Chawla*, and *State of Punjab v. Ram Lubhaya Bagga*, the Court emphasized that the State bears a positive constitutional obligation to protect public health.

The Court clarified that it was not adjudicating upon vaccine efficacy or validity of regulatory approvals, as those issues had already been considered in *Jacob Puliyel v. Union of India*. Nevertheless, the constitutional enquiry before the Court concerned the absence of any structured institutional framework for redressal of serious adverse consequences allegedly suffered during a State-led mass immunisation programme.

The Court held that although causality between vaccination and death may involve complex scientific assessment, the inability of constitutional courts to scientifically determine causation does not exhaust the State's constitutional obligations under Article 21. The State cannot remain a "distant spectator" where grave harm is alleged to have occurred in the course of a nationwide public health intervention.

The Court emphasized that reliance solely on ordinary civil and consumer remedies was inadequate in the context of mass vaccination programmes because such proceedings require proof of negligence and impose onerous burdens on affected families. Vaccine injury cases often involve scientific uncertainty, making fault-based litigation ill-suited as the exclusive remedy.

Drawing comparative support from no-fault vaccine compensation schemes existing in Australia, the United Kingdom, Japan, and the WHO-backed COVAX programme, the Court observed that welfare-oriented constitutional governance requires institutional support mechanisms even in absence of proven fault.

The Court further noted that Indian law already recognises no-fault liability principles in certain contexts, including Section 164 of the Motor Vehicles Act, 1988. Similar principles could legitimately guide vaccine injury compensation mechanisms where public health interventions are undertaken at massive scale under State authority.

At the same time, the Court reaffirmed judicial restraint in matters involving scientific expertise and public policy. It declined to establish any parallel expert body, holding that existing AEFI mechanisms were functioning and adequate. The Court also reiterated the importance of transparency in AEFI monitoring and directed continuation of public disclosure obligations recognised earlier in *Jacob Puliyel*.

Accordingly, balancing constitutional welfare obligations with institutional restraint, the Court directed the Union Government to formulate a no-fault compensation framework while leaving scientific determinations to expert authorities.

4. Harish Rana v. Union of India, 2026 SCC OnLine SC 358

Decided on: 11 March 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice K.V. Viswanathan

(Constitution of India — Article 21 — Right to life and personal liberty — Right to die with dignity — Passive euthanasia — Persistent Vegetative State (PVS) — Withdrawal and withholding of medical treatment — Clinically Assisted Nutrition and Hydration (CANH) — Percutaneous Endoscopic Gastrostomy (PEG) tube — Best interest principle — Bodily integrity — Medical futility — Palliative and End-of-Life (EOL) care — Advance Medical Directives (AMD) — Streamlining of Common Cause guidelines — Distinction between active and passive euthanasia — Legislative vacuum.)

Facts

The case concerned a deeply tragic situation involving Harish Rana, who at the age of 20 years was pursuing B.Tech studies at Punjab University when he met with a catastrophic accident on 20.08.2013 after falling from the fourth floor of his accommodation. As a result of the accident, he suffered severe traumatic brain injury and diffuse axonal injury leading to irreversible neurological damage.

Immediately after the incident, he was admitted to a local hospital and thereafter shifted to the Postgraduate Institute of Medical Education and Research (PGI), Chandigarh, where he underwent conservative neurological management, ventilatory support, tracheostomy, antibiotic therapy, and artificial feeding through a nasogastric tube. Despite intensive medical care, his condition never improved.

Thereafter, over the course of thirteen years, the applicant remained completely bedridden and dependent upon life-sustaining medical intervention. He suffered repeated infections, seizures, pneumonia, painful bedsores, and multiple hospitalisations. His mode of artificial feeding was eventually converted to Clinically Assisted Nutrition and Hydration (CANH) administered through a Percutaneous Endoscopic Gastrostomy (PEG) tube which required periodic surgical replacement. He remained dependent upon tracheostomy support, urinary catheterisation, anti-seizure medication, physiotherapy, and continuous nursing care.

Medical evidence placed before the Court consistently demonstrated that the applicant had no awareness of his surroundings and no capacity to communicate or interact. He exhibited no purposeful responses to auditory, tactile, verbal, or painful stimuli. Although his eyes opened spontaneously and he retained basic brainstem functions, he was unable to recognise family members, express discomfort, eat independently, or perform any bodily function without assistance.

Disability certificates issued by competent medical authorities certified him to be suffering from Persistent Vegetative State (PVS), quadriplegia, complete sensorimotor dysfunction, and 100% permanent disability. His condition was described as irreversible and static with no likelihood of neurological recovery.

Earlier, the applicant's parents had approached the Delhi High Court seeking withdrawal of life-sustaining treatment. However, the High Court dismissed the petition on the ground that the applicant was not being maintained through mechanical ventilation and was capable of spontaneous breathing, thereby holding that judicial intervention was not warranted.

Aggrieved thereby, the family approached the Supreme Court. Initially, the Supreme Court directed provision of adequate home-based care at State expense while reserving liberty to seek further directions if necessary. Subsequently, owing to continued deterioration, repeated hospitalisations, and absence of any possibility of recovery, the applicant's parents filed the present Miscellaneous Application seeking:

1. Constitution of medical boards under the framework evolved in Common Cause v. Union of India;
2. Declaration that CANH administered through PEG tube constitutes "medical treatment"; and
3. Permission for withdrawal of such treatment in accordance with constitutional principles governing passive euthanasia.

Pursuant to directions of the Court, a Primary Medical Board consisting of neurologists, neurosurgeons, anaesthesiologists, and critical care experts examined the applicant at his residence. The Board concluded that the applicant remained in vegetative state with negligible chances of recovery and required artificial support for sustenance.

Thereafter, AIIMS New Delhi constituted a Secondary Medical Board comprising senior experts in anaesthesia, psychiatry, neurology, neurosurgery, and hospital administration. The Board unanimously concluded that the applicant had irreversible and non-progressive brain damage, fulfilled all criteria of permanent vegetative state, and had no possibility of improvement. The report specifically observed that while CANH was necessary for sustaining biological survival, it could not improve or repair the underlying neurological damage.

The Court also directed interaction with the family members. The applicant's parents, brother, and sister emotionally conveyed that after thirteen years of exhaustive treatment and caregiving, continuation of artificial treatment no longer served any meaningful purpose and only prolonged suffering and indignity. They emphasized that the applicant had effectively lost all human agency, awareness, and autonomy.

The learned Additional Solicitor General appearing for the Union of India also consulted the medical experts and ultimately accepted before the Court that continuation of treatment was medically futile and that withdrawal of CANH would fall within the constitutionally permissible framework of passive euthanasia recognised in Common Cause.

Issues

1. Whether Clinically Assisted Nutrition and Hydration (CANH) administered through PEG tube constitutes "medical treatment" or merely ordinary/basic care.
2. Whether withdrawal of CANH in the case of a patient in irreversible Persistent Vegetative State amounts to passive euthanasia permissible under Article 21 of the Constitution.
3. What is the true constitutional distinction between active euthanasia and passive euthanasia.
4. What is the scope and meaning of the "best interest of the patient" principle in determining withdrawal or withholding of medical treatment.
5. Whether continuation of life-sustaining treatment in the present case served any therapeutic or constitutional purpose.

6. Whether the procedural framework evolved in *Common Cause* required clarification and streamlining for effective implementation.
7. Whether there exists a need for comprehensive legislation governing passive euthanasia, end-of-life decisions, and advance medical directives in India.

Judgment

The Supreme Court allowed the application and permitted withdrawal of Clinically Assisted Nutrition and Hydration (CANH) being administered to the applicant through PEG tube.

The Court held that CANH administered through artificial medical devices is unquestionably a form of medical treatment and life-sustaining intervention. Consequently, withdrawal of CANH in appropriate cases falls within the legally permissible scope of passive euthanasia recognised under Article 21.

The Court held that continuation of CANH in the present case was not in the best interest of the applicant because:

- the applicant had remained in irreversible PVS for thirteen years;
- there existed no possibility of neurological recovery;
- continuation of treatment merely prolonged biological existence; and
- further medical intervention was medically futile and inconsistent with human dignity.

Accordingly, the Court directed that CANH be withdrawn with dignity and accompanied by appropriate palliative and End-of-Life care measures ensuring comfort and humane treatment.

The Court further streamlined and clarified the procedural framework evolved in Common Cause concerning withdrawal and withholding of treatment. It also strongly reiterated the urgent need for Parliamentary legislation governing euthanasia, advance medical directives, palliative care, and end-of-life medical decision-making.

The Court stated: "*Our decision today does not neatly fit within logic and reason alone. It sits in a space between love, loss, medicine and mercy. This decision is not about choosing death, but is rather one of not artificially prolonging life*".

Rationale

The judgment constitutes one of the most elaborate constitutional analyses on euthanasia and end-of-life jurisprudence in India. The Court extensively revisited and interpreted the Constitution Bench decision in *Common Cause v. Union of India* (2018) and its later modification in *Common Cause* (2023).

1. Right to Die with Dignity under Article 21

The Court reiterated that Article 21 protects not merely animal existence or biological survival but dignified human existence. Human dignity was described as the unifying constitutional value underlying all fundamental rights.

The Court emphasized that the "right to live with dignity" necessarily includes the "right to die with dignity". Constitutional protection does not terminate when a person approaches death; rather, dignity accompanies the individual until the very end of life.

The Court observed that modern constitutional jurisprudence recognises that indefinite artificial prolongation of biological existence in hopeless medical conditions may itself undermine dignity. Accordingly, constitutional protection under Article 21 extends to ensuring a dignified process of dying.

2. Distinction between Active and Passive Euthanasia

A substantial portion of the judgment was devoted to clarifying the conceptual distinction between active and passive euthanasia. The Court held that active euthanasia involves a positive act introducing an external agency causing death, such as administration of lethal drugs or injections. Such intervention directly causes or accelerates death and therefore remains impermissible under Indian constitutional and criminal law.

Passive euthanasia, on the other hand, consists of withdrawal or withholding of life-sustaining treatment where such treatment merely prolongs an irreversible condition without therapeutic benefit.

The Court clarified that the distinction cannot be simplistically understood as "acts versus omissions". Instead, the true distinction lies between:

- **"causing death"** (active euthanasia), and
- **"allowing death to occur naturally"** (passive euthanasia).

Where life-sustaining treatment is withdrawn, death results not from a new external act but from the patient's underlying irreversible medical condition taking its natural course. Thus, passive euthanasia merely ceases artificial prolongation of life rather than causing death itself.

The Court extensively relied upon *Airedale NHS Trust v. Bland* and discussed comparative jurisprudence from the United Kingdom and other jurisdictions to explain this distinction.

3. CANH as Medical Treatment

The Court specifically addressed whether artificial nutrition and hydration administered through PEG tube constitutes "medical treatment".

Rejecting the argument that feeding amounts merely to ordinary care, the Court held that CANH delivered through artificial medical devices is a sophisticated medical intervention requiring continuous professional management.

The Court relied upon the opinions rendered in *Common Cause* by Justice A.K. Sikri and Justice D.Y. Chandrachud, where feeding tubes had already been recognised as forms of life-sustaining treatment.

Accordingly, the Court held that CANH constitutes medical treatment capable of lawful withdrawal where continuation serves no therapeutic purpose and is inconsistent with the patient's best interests.

4. Best Interest Principle

The Court undertook an exhaustive comparative analysis of the "best interest of the patient" doctrine across jurisdictions including the United States, United Kingdom, Ireland, Italy, Australia, New Zealand, and the European Union.

The Court held that the best interest principle requires consideration not merely of medical prognosis but also broader human considerations including:

- pain and suffering;
- quality of life;
- irreversible loss of consciousness;
- indignity associated with prolonged artificial survival;
- wishes and perspectives of caregivers;

- burden and futility of continued treatment; and
- likely wishes of the patient if competent.

The Court clarified that the issue is not whether it is in the patient's best interest to "die", but whether it is in the patient's best interest to continue indefinite artificial medical intervention that serves no curative or rehabilitative purpose.

Applying these principles, the Court held that continuation of CANH in the applicant's case merely prolonged a permanent vegetative condition devoid of awareness, interaction, or possibility of recovery. Such continuation was held inconsistent with dignity and best interests of the patient.

5. Palliative Care and End-of-Life Care

The Court emphasised that withdrawal of treatment does not imply abandonment of the patient.

The right to die with dignity was held inseparable from the right to receive quality palliative and End-of-Life care. Even after withdrawal of CANH, the patient remained entitled to compassionate care ensuring comfort, pain management, and humane treatment.

Accordingly, the Court directed appropriate arrangements for palliative and comfort care either at home or in a medical institution as chosen by the family.

6. Streamlining of Common Cause Guidelines

The Court recognised that despite the *Common Cause* judgments, considerable confusion continued to prevail among hospitals and medical professionals regarding implementation of passive euthanasia procedures.

The judgment therefore clarified and streamlined several procedural aspects including:

- constitution of Primary and Secondary Medical Boards;
- role of Chief Medical Officers;
- applicability of the framework to home-based patients;
- role of next of kin and caregivers;
- reconsideration periods;
- procedural safeguards for doctors; and

- circumstances requiring court intervention.

The Court observed that fear of legal consequences had led many hospitals to adopt improper practices such as “discharge against medical advice” rather than transparent end-of-life decision-making processes. The Court sought to remove such uncertainty through clearer procedural guidance.

7. Need for Legislative Framework

The Court strongly criticised the continuing legislative vacuum despite repeated recommendations of the Law Commission and earlier constitutional decisions.

It noted that the *Common Cause* guidelines were intended only as interim judicial measures pending Parliamentary legislation. Yet, despite the passage of several years, no comprehensive statutory framework had been enacted governing:

- passive euthanasia;
- advance medical directives;
- withdrawal of treatment;
- end-of-life care; and
- legal protections for doctors and caregivers.

The Court therefore reiterated the urgent need for a comprehensive statutory regime balancing autonomy, dignity, medical ethics, procedural safeguards, and protection against abuse.

5. Union of India v. Rohith Nathan & Ors.; Union of India v. Ketan & Ors.; Union of India v. Dr. Ibson Shah I.; 2026 SCC OnLine SC 352

Decided on: 11 March 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha

2. Hon'ble Mr. Justice R. Mahadevan

(Reservation for Other Backward Classes (OBCs)—Creamy layer determination—Office Memorandum dated 08.09.1993—Clarificatory Letter dated 14.10.2004—Salary income of PSU/private employees—Equivalence of posts—Hostile discrimination—Articles 14 and 16—Executive clarification cannot override substantive policy—Salary income excluded from Income/Wealth Test—Clarificatory letter set aside.)

Facts

The present batch of appeals arose from judgments of the Madras High Court, Delhi High Court, and Kerala High Court concerning determination of creamy layer status of candidates claiming reservation under the OBC (Non-Creamy Layer) category in the Civil Services Examination conducted by the UPSC. The central controversy related to interpretation of the Office Memorandum dated 08.09.1993 issued pursuant to *Indra Sawhney v. Union of India* and the subsequent clarificatory letter dated 14.10.2004 issued by the Department of Personnel and Training (DoPT).

Under the 1993 Office Memorandum, creamy layer exclusion among OBCs was governed through different categories including constitutional posts, higher Government services, professional classes, and the Income/Wealth Test under Category VI. Explanation (a) to Category VI expressly excluded salary income and agricultural income from computation of gross annual income.

In the first set of matters, Rohith Nathan, who secured All India Rank 174 in the Civil Services Examination, 2012 under the OBC category, was denied OBC-NCL status because his father, employed in HCL Technologies Ltd., earned salary above the prescribed limit. Although he was allocated the Indian Police Service as a General Merit candidate, he sought allocation to the Indian Foreign Service against an OBC vacancy. Similarly, G. Babu, who appeared in the

Civil Services Examination, 2013, was denied OBC reservation because his father, employed in Neyveli Lignite Corporation as Senior Executive Engineer, was drawing salary exceeding the prescribed limit.

The Central Administrative Tribunal, Chennai held that the 1993 Office Memorandum excluded salary income and agricultural income from the Income/Wealth Test and that paragraph 9 of the clarificatory letter dated 14.10.2004 introduced hostile discrimination between wards of Government employees and those of PSU/private employees. The Tribunal accordingly directed withdrawal of the impugned clarification and reallocation of services to the candidates treating them as OBC-NCL candidates. The Madras High Court affirmed these findings.

In the second batch of matters before the Delhi High Court, several candidates who appeared in the Civil Services Examination, 2015 were denied OBC reservation because their parents were employed in PSUs, banks, and similar institutions and their salary income exceeded the prescribed threshold. Since equivalence between PSU posts and Government posts had not been determined, the DoPT applied paragraph 9 of the clarificatory letter dated 14.10.2004 and included salary income for creamy layer determination.

The Delhi High Court held that the 1993 OM contemplated consideration only of income from "other sources" under the Income/Wealth Test and that the 2004 clarification impermissibly introduced salary income as a criterion. The clarification was accordingly set aside and the authorities were directed to reconsider the candidates' claims strictly in accordance with the 1993 OM.

In the Kerala matter involving Dr. Ibson Shah I., the candidate's father had been a Group C employee in the Government of Kerala while his mother was employed as Junior Assistant in Kerala State Financial Enterprises (KSFE), a State PSU. Although he possessed valid OBC-NCL certificates and his mother occupied a post equivalent to Group C Government service, DoPT treated him as creamy layer solely because her salary exceeded the prescribed limit. The CAT, Ernakulam and the Kerala High Court ruled in favour of the candidate, holding that mere employment in a PSU could not justify creamy layer exclusion and that failure of the Government to determine equivalence could not prejudice candidates.

Aggrieved by the concurrent findings of the CAT and the High Courts, the Union of India approached the Supreme Court.

Issues

1. Whether the clarificatory letter dated 14.10.2004 could override or alter the substantive framework of the Office Memorandum dated 08.09.1993 governing creamy layer determination among OBCs.
2. Whether salary income of parents employed in PSUs, banks, and private organizations could be included for determining creamy layer status under the Income/Wealth Test.
3. Whether treating wards of PSU/private employees differently from similarly situated Government employees amounted to hostile discrimination violative of Articles 14 and 16 of the Constitution.
4. Whether failure of the Government to determine equivalence between PSU posts and Government posts justified application of a separate creamy layer criterion.

Judgment

The Supreme Court dismissed the appeals filed by the Union of India and affirmed the judgments of the Madras High Court, Delhi High Court, and Kerala High Court. The Court held that creamy layer status among OBC candidates cannot be determined solely on the basis of parental salary income. It further held that the Office Memorandum dated 08.09.1993 expressly excludes salary income and agricultural income from the Income/Wealth Test and that the clarificatory letter dated 14.10.2004 could not override or modify the substantive framework of the 1993 OM. The Court also held that treating similarly situated PSU/private employees differently from Government employees merely because equivalence of posts had not been established amounted to hostile discrimination violative of Articles 14 and 16. Consequently, paragraph 9 of the clarificatory letter dated 14.10.2004 was held unsustainable.

Rationale

The Court undertook an extensive analysis of the constitutional framework governing reservation for backward classes and the creamy layer doctrine evolved in *Indra Sawhney v. Union of India*. It reiterated that exclusion of the creamy layer is intended to ensure that reservation benefits reach genuinely disadvantaged sections of backward classes and that socially advanced sections are excluded from affirmative action benefits. However, implementation of the creamy layer doctrine itself must conform to constitutional guarantees of equality and non-arbitrariness.

The Court observed that the Office Memorandum dated 08.09.1993 was issued after detailed deliberation pursuant to the recommendations of the Ram Nandan Prasad Committee and after parliamentary scrutiny and inter-ministerial consultation. The 1993 OM expressly excluded salary income and agricultural income from the Income/Wealth Test. The exclusion was deliberate and reflected the Government's policy determination that salary alone is not an accurate indicator of social advancement or backwardness.

The Court held that the clarificatory letter dated 14.10.2004 could not override or amend the substantive framework of the 1993 OM. It reiterated the settled principle that an executive clarification or circular cannot supersede a binding executive instruction having substantive effect. The Court also noted the internal inconsistency in the 2004 clarification itself: while paragraph 10 reiterated exclusion of salary income, paragraph 9 directed inclusion of salary income in the case of PSU/private employees where equivalence had not been determined.

The Court further held that the Government's interpretation resulted in hostile discrimination between similarly situated persons. Salary income of Government employees in Group C and Group D posts was excluded from creamy layer determination, whereas salary income of PSU/private employees was included merely because equivalence of posts had not been determined. Such differentiation lacked any rational nexus with the object of creamy layer exclusion and violated Articles 14 and 16 of the Constitution.

The Court emphasized that failure of the Government to undertake the exercise of determining equivalence between PSU posts and Government posts could not prejudice candidates. Administrative inaction or delay cannot become the basis for discriminatory treatment. The Court observed that acceptance of the Union's interpretation could produce anomalous consequences whereby even wards of lower-level PSU employees such as clerks, typists, drivers, or peons may be excluded solely because of salary progression, while similarly placed Government employees would remain eligible for OBC-NCL status.

The Court also relied upon the consistent implementation of the 1993 OM across States and authorities, the Model Application Form appended to the OM, and the Union's own stand in

Neil Aurelio Nunes v. Union of India, where it had specifically distinguished EWS criteria from OBC creamy layer criteria by stating that salary income is excluded in OBC creamy layer determination.

Accordingly, the Court concluded that the 2004 clarification impermissibly altered the substantive framework of the 1993 OM and introduced unconstitutional discrimination. The creamy layer status of OBC candidates was directed to be determined strictly in accordance with the 1993 OM without inclusion of salary income pursuant to the impugned clarification.

6. Ravi Khokhar v. Union of India; 2026 SCC OnLine

Decided on: 12 March 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Vipul M. Pancholi

(Constitution of India—Article 12—Whether Air Force Group Insurance Society (AFGIS) is "State"—Deep and pervasive governmental control—Compulsory membership for Air Force personnel—Public function and welfare obligations towards armed forces—Administrative domination by serving Air Force officers—Writ petition maintainable.)

Facts

The appellants were employees of the Air Force Group Insurance Society (AFGIS), a society registered under the Societies Registration Act, 1860 and established in 1976 with sanction of the President of India for providing insurance and welfare benefits to Indian Air Force personnel and their dependants.

The dispute arose when the Board of Trustees of AFGIS initially resolved in December 2016 to revise employees' pay scales in accordance with the Sixth Pay Commission. Subsequently, in February 2017, the Board resolved to discontinue linkage and parity with Central Government pay scales and issued notices requiring employees to accept revised service conditions. Aggrieved thereby, the appellants approached the Delhi High Court seeking enforcement of pay parity and Pay Commission benefits.

The Delhi High Court dismissed the writ petitions holding that AFGIS was not "State" within the meaning of Article 12 of the Constitution. The High Court observed that AFGIS was a self-financed society governed by its own rules, funded through member contributions rather than Government grants, and therefore writ petitions under Article 226 were not maintainable. Liberty was granted to pursue alternative remedies before civil courts or labour forums.

Before the Supreme Court, the appellants contended that AFGIS was subject to deep and pervasive governmental control. It was argued that membership of AFGIS was compulsory for all Air Force personnel; premiums were mandatorily deducted from salaries; the Board of Trustees comprised serving senior Air Force officers; deputation rules and service conditions were approved by the President of India; and the Society itself had represented before tax authorities that it functioned under the control of the Ministry of Defence and constituted "Government" for purposes of tax exemption.

Issues

1. Whether Air Force Group Insurance Society (AFGIS) constitutes "State" or "other authority" within the meaning of Article 12 of the Constitution.
2. Whether the degree of governmental, administrative, and functional control over AFGIS satisfies the tests laid down in *Ajay Hasia* and *Pradeep Kumar Biswas*.
3. Whether the writ petitions filed by the employees of AFGIS under Article 226 were maintainable.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of the Delhi High Court, and held that AFGIS is "State" within the meaning of Article 12 of the Constitution.

The Court held that the cumulative effect of governmental, administrative, and functional control over AFGIS established deep and pervasive State control. Consequently, the writ petitions filed by the appellants were held maintainable and restored to the High Court for adjudication on merits.

Rationale

The Court undertook an extensive analysis of the jurisprudence governing Article 12 and the tests evolved in *Ramana Dayaram Shetty v. International Airport Authority of India*, *Ajay Hasia v. Khalid Mujib Sehravardi*, *Pradeep Kumar Biswas v. Indian Institute of Chemical Biology*, and *Zee Telefilms Ltd. v. Union of India*. It reiterated that determination of whether a body constitutes "State" depends upon the cumulative effect of financial, functional, and administrative control and not merely upon the manner of incorporation.

Applying these principles, the Court noted several factors establishing deep and pervasive governmental control over AFGIS. Membership of AFGIS was compulsory for all officers and airmen of the Indian Air Force and premiums were mandatorily deducted from salaries pursuant to official Air Force Instructions issued by the Government. The Board of Trustees and Managing Committee consisted entirely of serving senior Air Force officers functioning on deputation. The establishment of AFGIS, deputation rules, creation of posts, and fixation of pay bands had all received sanction of the President of India and the Ministry of Defence. Periodic financial reporting and monitoring by senior Air Force authorities further demonstrated continuous governmental supervision.

The Court also attached significance to the Society's own representations before tax authorities where AFGIS had claimed exemption from service tax by asserting that it functioned under the authority and control of the Ministry of Defence and constituted "Government" for purposes of the Finance Act, 1994. The Court observed that AFGIS could not claim to be "Government" for one purpose and deny such character for another.

On the aspect of public function, the Court held that welfare and protection of armed forces personnel constitutes a core governmental obligation intrinsically connected with sovereignty and national security. Insurance coverage and welfare support for service personnel and their dependants therefore constitute public functions discharged by the State. AFGIS effectively acted as a conduit for fulfilling these obligations towards members of the armed forces.

Although the Court noted that direct financial control by the Government may not be fully established since AFGIS was funded through compulsory contributions of members, it held that financial control is not the sole determinative factor. The cumulative effect of pervasive administrative control, compulsory governmental integration, and discharge of public duties was sufficient to bring AFGIS within the scope of Article 12.

Accordingly, the Court held that AFGIS is "State" within the meaning of Article 12 and restored the writ petitions before the Delhi High Court for decision on merits.

7. Bhola Mahto v. State of Jharkhand; 2026 SCC OnLine SC 430

Decided on: 16 March 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Satish Chandra Sharma

(Criminal Procedure—Appeal against conviction—Appointment of amicus curiae—Absence of counsel for accused—Failure to inform appellant regarding appointment of amicus—Fair hearing—Meaningful legal aid—Expeditious disposal versus fairness in criminal adjudication—Convict on bail during pendency of appeal—Remand for de novo hearing—Guidelines regarding notice to convict before hearing appeal through amicus.)

Facts

The appellant was convicted by the Sessions Court on 25.11.2002 for the offence of murder under Section 302 IPC in relation to an incident dated 28.10.2000 and was sentenced to life imprisonment. He preferred an appeal before the Jharkhand High Court in 2003. During pendency of the appeal, his sentence was suspended and he was released on bail on 10.03.2003.

For nearly twenty years thereafter, the appeal remained pending without being listed for final hearing. Ultimately, when the matter was listed before the High Court on 14.11.2024, none appeared on behalf of the appellant despite repeated calls. The High Court accordingly appointed an advocate having more than fifteen years' standing as amicus curiae and directed that the appeal be listed after two weeks.

On 02.12.2024, the appeal was argued by the amicus curiae, who contended that the case fell within Exception 4 to Section 300 IPC since the incident occurred in the heat of passion during a sudden quarrel relating to watering of fields. Accepting the submission, the High Court altered the conviction from Section 302 IPC to Section 304 Part II IPC and reduced the sentence to five years' rigorous imprisonment. The appellant, whose bail stood cancelled consequent to dismissal of the appeal, was thereafter taken back into custody.

Before the Supreme Court, the appellant contended that he had never been informed that his counsel was absent or that an amicus curiae had been appointed to represent him. It was further argued that several grounds raised in the memorandum of appeal seeking complete acquittal were never urged by the amicus before the High Court, thereby causing serious prejudice and resulting in failure of justice.

Issues

1. Whether failure to inform the appellant regarding appointment of an amicus curiae in absence of his counsel resulted in denial of fair hearing.
2. Whether disposal of the criminal appeal solely on the basis of submissions advanced by the amicus curiae caused prejudice to the appellant.
3. Whether the High Court ought to have issued notice to the appellant before finally hearing the appeal through an amicus curiae after two decades of pendency.
4. What procedural safeguards are required to ensure meaningful legal aid and fairness where appellate courts appoint amicus curiae for non-appearing convicts.

Judgment

The Supreme Court partly allowed the appeal, set aside the judgment of the High Court dated 02.12.2024, and remanded the criminal appeal for fresh hearing de novo before the High Court.

The Court held that although the High Court was justified in appointing an amicus curiae to avoid further delay in disposal of a long-pending appeal, it would have been desirable to inform the appellant that his counsel was absent and that an amicus had been appointed on his behalf.

The Court restored the appellant's bail and directed that the appeal be reheard preferably by the same Division Bench or by a Bench comprising at least one of the earlier judges. It further issued prospective guidelines regarding issuance of notice to convicts where appellate courts appoint amicus curiae in absence of their chosen counsel.

Rationale

The Court observed that the appellant had remained on bail for nearly two decades and had himself failed to diligently pursue the appeal. Therefore, the High Court could not be faulted for attempting to expedite disposal of the criminal appeal by appointing an amicus curiae when no counsel appeared for the appellant. The Court also held that the amicus could not be blamed merely because he chose to argue only one point which ultimately succeeded in reducing the conviction from murder to culpable homicide not amounting to murder.

However, the Court emphasized that legal aid and assistance through an amicus curiae must be real and meaningful and not merely a token formality. Although the High Court was under no strict legal obligation to inform the appellant regarding absence of his counsel, fairness demanded that some intimation ought to have been given, particularly because the appeal had been listed for hearing after more than twenty years and the appellant had been on bail throughout.

Relying upon *Anokhi Lal v. State of Madhya Pradesh*, (2019) 20 SCC 196 the Court reiterated that while expeditious disposal of criminal cases is an important component of fair trial, the desire for speedy disposal cannot override the basic requirements of fairness and effective representation. Fast-tracking of proceedings cannot be permitted to "bury the cause of justice."

The Court further observed that in many criminal appeals convicts released on bail fail to cooperate with courts and deliberately avoid proceedings in order to prolong enjoyment of liberty. At the same time, appellate courts must ensure that disposal of such appeals through amicus curiae does not later become vulnerable to allegations of unfairness.

Accordingly, the Court issued additional procedural guidance that whenever an appellate court considers appointment of an amicus curiae due to absence of counsel for a convict, the Registry may issue notice to the convict at the address mentioned in the memorandum of appeal through the jurisdictional police station informing him about appointment of the amicus and enabling him to contact the amicus or engage his own counsel. If the convict still remains absent or untraceable despite service or affixation of notice, the appellate court may proceed to decide the appeal without waiting indefinitely.

The Court ultimately held that interests of justice would be best served by restoring the appeal before the High Court for fresh consideration on merits while preserving the appellant's liberty by restoring the earlier order of bail.

8. Mohammad Kaleem v. State of Uttar Pradesh and Others; 2026 SCC OnLine SC 397

Decided on: 17 March 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice Augustine George Masih

(Criminal Procedure — Section 319 CrPC — Summoning of additional accused — Scope of inquiry — Strong and cogent evidence — Mini-trial impermissible — Appreciation of contradictions)

Facts

The appellant was the complainant in an FIR dated 22.08.2017 registered at Police Station Kotwali Nagar, Muzaffarnagar under Sections 302, 307 and 120-B IPC relating to the murder of one Ammar.

According to the FIR, Ammar was shot dead by assailants allegedly acting pursuant to a conspiracy involving certain accused persons lodged in jail. During trial, the complainant sought summoning of two additional persons, namely Rajendra and Mausam, under Section 319 CrPC on the basis of statements of PW-1, PW-6 and PW-7 alleging their involvement in the conspiracy.

The Trial Court rejected the application holding that the testimonies of the witnesses suffered from contradictions regarding the alleged jail meeting, the conspiracy, and surrounding circumstances of the incident. The High Court affirmed the order.

Aggrieved thereby, the complainant approached the Supreme Court.

Issues

1. What is the scope and standard of evidence required for exercising power under Section 319 CrPC.

2. Whether the Trial Court erred in rejecting the application for summoning additional accused on the basis of contradictions and discrepancies in witness testimonies.
3. Whether the Trial Court conducted an impermissible mini-trial while considering the application under Section 319 CrPC.

Judgment

The Supreme Court allowed the appeals and set aside the judgments of the Trial Court and the High Court. The Court held that at the stage of Section 319 CrPC, the Court is only required to examine whether strong and cogent evidence exists indicating involvement of the proposed accused and not whether the evidence establishes guilt beyond reasonable doubt.

It was held that the Trial Court exceeded the permissible scope of scrutiny by conducting a detailed appreciation of contradictions and plausibility of witness accounts, thereby virtually undertaking a mini-trial. Accordingly, Rajendra and Mausam were directed to be summoned as additional accused and proceeded against in accordance with law.

Rationale

The Court explained that criminal courts assess evidence at different thresholds depending upon the stage of proceedings. At the stage of framing of charge, a prima facie standard applies; under Section 319 CrPC, the standard is "strong and cogent evidence"; while conviction requires proof beyond reasonable doubt.

To explain the distinction, the Court illustrated the principles through a hypothetical robbery case and clarified that while considering an application under Section 319 CrPC, the Court need not conclusively determine guilt or conduct a detailed assessment of credibility.

Reliance was placed upon Hardeep Singh v. State of Punjab, (2014) 3 SCC 92 : (2014) 2 SCC (Cri) 86 and Neeraj Kumar v. State of U.P., 2025 SCC OnLine SC 2639, wherein it was held that the power under Section 319 CrPC is extraordinary and should be exercised where strong and cogent evidence indicating involvement of additional accused emerges during trial.

The Court observed that the Trial Court had excessively scrutinized contradictions in witness statements relating to the alleged jail meeting, absence of jail records, discrepancies regarding hospital records, and the complainant not sustaining injuries during the attack. Such detailed evaluation, according to the Court, was beyond the limited inquiry permissible under Section 319 CrPC.

The Court further held that the Trial Court adopted a fragmented approach by examining each discrepancy in isolation instead of considering the cumulative effect of the evidence. It reiterated that minor inconsistencies or absence of documentary corroboration cannot justify rejection of a Section 319 application when oral testimony otherwise discloses involvement of the proposed accused.

Examining the evidence as a whole, the Court found that the complainant (PW-1) as well as PW-6 and PW-7 had specifically implicated the proposed accused persons in the alleged conspiracy. Their sworn testimonies constituted sufficient material to satisfy the "strong and cogent evidence" threshold required under Section 319 CrPC.

Accordingly, the Court held that the Trial Court and High Court erred in refusing to summon the additional accused and directed that Rajendra and Mausam be proceeded against in accordance with law.

9. Hamsaanandini Nanduri v. Union of India; 2026 SCC OnLine SC 402

Decided on: 17 March 2026

Bench: 1. Hon'ble Mr. Justice J.B. Pardiwala

2. Hon'ble Mr. Justice R. Mahadevan

(Constitution of India—Articles 14 and 21—Maternity Benefit—Adoptive Mothers—Section 60(4), Code on Social Security, 2020—Restriction of maternity benefit to adoption of children below three months—Arbitrary and under-inclusive classification—Right to motherhood and reproductive autonomy—Best interests of child—Adoptive motherhood and biological motherhood—Institutional recognition of caregiving—Provision declared unconstitutional to extent of age restriction.)

Facts

The petitioner, an adoptive mother of two children, filed a writ petition under Article 32 challenging the constitutional validity of Section 5(4) of the Maternity Benefit Act, 1961 as amended by the Maternity Benefit (Amendment) Act, 2017. During pendency of the proceedings, the Code on Social Security, 2020 came into force, and the challenge was extended to Section 60(4) of the 2020 Code, which substantially reproduced the earlier provision.

The impugned provision granted maternity benefit for twelve weeks only to a woman who legally adopts a child below the age of three months. The petitioner contended that the provision arbitrarily excluded adoptive mothers of children above three months and thereby violated Articles 14, 19(1)(g), and 21 of the Constitution.

It was argued that the statutory adoption procedure under the Juvenile Justice (Care and Protection of Children) Act, 2015 and the Adoption Regulations, 2022 itself consumed substantial time, rendering the three-month limit practically unworkable. The petitioner further contended that the provision disregarded the emotional, psychological, and developmental needs of adoptive children and undermined the rights of working women who choose adoption as a mode of motherhood.

The Union of India defended the provision contending that the classification based on the age of the child was reasonable, that infants below three months required more intensive caregiving, and that adoptive mothers of older children could avail alternative institutional support such as crèche facilities under Section 67 of the Code.

Issues

1. Whether the age restriction of three months under Section 60(4) of the Code on Social Security, 2020 violates Article 14 by creating an arbitrary and discriminatory classification among adoptive mothers.
2. Whether denial of maternity benefit to adoptive mothers of children above three months violates the rights to dignity, reproductive autonomy, motherhood, and child welfare under Article 21.
3. Whether the impugned provision defeats the purpose of maternity protection and social welfare legislation.

Judgment

The Supreme Court allowed the writ petition and declared Section 60(4) of the Code on Social Security, 2020 unconstitutional to the extent that it restricted maternity benefit only to women adopting children below the age of three months.

The Court held that the impugned provision created an impermissible and under-inclusive classification among adoptive mothers lacking rational nexus with the object of maternity benefit legislation. The Court further held that adoptive motherhood is entitled to equal constitutional recognition and protection.

Rationale

The Court undertook an extensive constitutional and doctrinal analysis of maternity protection as a facet of human dignity, substantive equality, and social justice. It observed that motherhood is not confined to biological childbirth but encompasses emotional nurturing, caregiving, and formation of familial bonds. The Court emphasized that parenthood is defined by care and responsibility rather than solely by biological processes.

The Court traced the recognition of maternity protection under international instruments including Article 25(2) of the Universal Declaration of Human Rights (UDHR), Article 10(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the ILO Maternity Protection Conventions, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC). It observed that maternity protection is internationally recognised as an essential human right intended to preserve maternal and child welfare and ensure equality at the workplace.

While examining the constitutional framework, the Court relied upon *State of W.B. v. Anwar Ali Sarkar*, (1952) 1 SCC 1, *State of Gujarat v. Shri Ambica Mills Ltd.*, (1974) 4 SCC 656, and *Citizenship Act, 1955, Section 6-A, In re*, (2024) 16 SCC 105 to reiterate that a permissible classification under Article 14 must not be arbitrary, over-inclusive, or under-inclusive, and must include all persons similarly situated with respect to the purpose of the legislation.

Applying these principles, the Court held that the impugned provision created an artificial distinction between adoptive mothers of children below three months and those adopting older children, although both categories were similarly situated with respect to the object of maternity benefit legislation. The Court observed that the need for emotional bonding, caregiving, and integration of the child into the adoptive family does not cease merely because the child is older than three months.

The Court further noted that the statutory adoption process itself ordinarily consumes considerable time under the Juvenile Justice Act and CARA Regulations, making the age ceiling practically unworkable and rendering the provision substantially otiose.

Relying upon *B. Shah v. Presiding Officer, Labour Court*, (1977) 4 SCC 384, the Court reiterated that beneficial legislation must receive a purposive interpretation advancing social justice. Referring to *Municipal Corpn. of Delhi v. Female Workers (Muster Roll)*, (2000) 3 SCC 224, the Court emphasized that maternity benefit legislation seeks to ensure dignity for women at the workplace and protect them from economic disadvantage arising from motherhood.

The Court also relied upon *Deepika Singh v. PGIMER, Chandigarh*, (2023) 13 SCC 681, wherein this Court recognised that atypical familial structures are equally deserving of legal protection and that maternity leave provisions must be interpreted in light of social realities and diverse forms of motherhood.

The Court referred approvingly to several High Court decisions including *Rama Pandey v. Union of India*, 2015 SCC OnLine Del 10484; *Pratiba Himral v. State of H.P.*, 2021 SCC OnLine HP 9295; *State v. Ravina Yadav*, 2024 SCC OnLine Del 4987; and *Lata Goyal v. Union of India*, 2025 SCC OnLine Chh 5572, which recognised that adoptive motherhood and biological motherhood cannot be discriminatorily treated for purposes of maternity benefits.

The Court explained that maternity leave consists broadly of three components:

(i) physical recovery following childbirth;
(ii) development of emotional bonding between mother and child; and
(iii) caregiving and integration of the child into the family environment.

While the first component may not apply to adoptive mothers, the second and third components remain equally significant in adoption. The Court observed that adoptive relationships require conscious nurturing through sustained caregiving and emotional presence, and that such needs are not dependent solely upon the child's age.

The Court further recognised reproductive autonomy and adoption as facets of decisional privacy and dignity under Article 21. It held that denying maternity benefits to adoptive mothers based solely upon the age of the adopted child undermines both the dignity of motherhood and the welfare interests of adopted children.

Accordingly, the Court held that the three-month age restriction under Section 60(4) was arbitrary, discriminatory, and violative of Articles 14 and 21 of the Constitution, and declared the provision unconstitutional to that extent.

10. Vishvjeet and Others v. State of Uttar Pradesh and Another, 2026 SCC OnLine SC 431

Decided on: 17 March 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Advocates — Professional ethics — Violent protests by lawyers — Denial of legal representation — Right to fair trial — Transfer of criminal proceedings — Article 21 — Bail)

Facts

The petitioners were employees of a toll operating company posted at Gotona Bara Toll Plaza in Barabanki, Uttar Pradesh. On 14.01.2026, a dispute arose between the toll plaza staff and an advocate who allegedly refused to pay toll charges, resulting in a scuffle. Consequently, FIR No. 15/2026 was registered against the petitioners for offences under the Bharatiya Nyaya Sanhita, 2023. Following registration of the FIR, members of the District Bar Association, Barabanki allegedly resorted to violent protests and passed a resolution that no advocate would represent the accused persons. When one advocate filed a bail application on behalf of the petitioners, members of the Bar allegedly vandalized and set fire to his office furniture. The petitioners contended that due to the atmosphere of fear created by the lawyers, they were unable to secure legal representation in Uttar Pradesh. Having remained in custody for more than two months, they approached the Supreme Court under Article 32 seeking bail and transfer of the criminal proceedings to Delhi.

Issues

1. Whether denial of legal representation due to threats and intimidation by members of the Bar violated the petitioners' fundamental rights under Article 21.
2. Whether continued incarceration of the petitioners was unjustified.
3. Whether transfer of the criminal proceedings outside Uttar Pradesh was necessary to ensure fair trial and legal representation.

Judgment

The Supreme Court allowed the writ petition and directed release of the petitioners on bail upon furnishing personal bonds. The Court further transferred all proceedings arising out of FIR No. 15/2026 from Barabanki, Uttar Pradesh to the Tis Hazari Courts, New Delhi, to ensure fair legal representation and impartial proceedings. The Court strongly condemned the acts of violence and hooliganism committed by members of the Bar Association and directed the Bar Council of India to take appropriate action.

Rationale

The Court observed that the legal profession, regarded as a noble profession and custodian of justice, had been tarnished by acts of violence committed by members of the Bar Association. The Court deprecated the intimidation and vandalism directed against the advocate who attempted to represent the accused persons.

The Court held that the atmosphere of fear created by the members of the Bar effectively deprived the petitioners of legal representation and access to remedies, thereby infringing their fundamental rights under Article 21 of the Constitution.

Examining the allegations in the FIR, the Court observed that the petitioners were toll employees performing official duties and that the incident appeared to have arisen from a sudden altercation at the toll plaza. In such circumstances, prolonged incarceration for more than two months was held to be wholly unjustified and violative of personal liberty guaranteed under Article 21.

The Court emphasized that fair trial necessarily includes access to independent legal representation without fear or intimidation. Since no advocate in Barabanki or nearby areas was willing to represent the petitioners due to pressure from the Bar Association, transfer of the proceedings to Delhi was considered necessary to ensure fairness of the criminal process.

Accordingly, the Court directed transfer of the proceedings to Tis Hazari Courts, New Delhi, ordered release of the petitioners on bail, and further directed the Director General of Police, Uttar Pradesh to ensure the safety and security of the petitioners upon release.

11. Virinder Pal Singh v. Punjab and Sind Bank and Others, 2026 SCC OnLine SC 443

Decided on: 19 March 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha

2. Hon'ble Mr. Justice Manoj Misra

(Departmental proceedings — Superannuation — Continuance of disciplinary proceedings after retirement — Reduction in pay scale — Pensionary consequences — Regulation 20(3)(iii) of Punjab and Sind Bank Officers' Service Regulations, 1982 — Scope of disciplinary jurisdiction post-retirement — Distinction between Service Regulations and Pension Regulations — Punishment after retirement — Judicial review of disciplinary findings)

Facts

The appellant, an officer of Punjab and Sind Bank, was served with a charge-sheet on 30.09.2011 alleging irregularities in loan disbursement. On the same day, he superannuated from service.

The disciplinary proceedings nevertheless continued under Regulation 20(3)(iii) of the Punjab and Sind Bank Officers' Service Regulations, 1982. One charge, namely failure to ensure the end-use of the loan amount, was held partly proved. Consequently, punishment of reduction by three stages in the time scale of pay on a permanent basis was imposed on 15.06.2013.

The appellant challenged the punishment before the High Court contending that after retirement only proceedings under the Pension Regulations could continue and no punishment under the Service Regulations could be imposed. The learned Single Judge accepted the contention, but the Division Bench reversed the decision relying upon *Chairman-Cum-Managing Director, Mahanadi Coalfields Limited v. Rabindranath Choubey*, (2020) 18 SCC 71.

Aggrieved thereby, the appellant approached the Supreme Court.

Issues

1. Whether after retirement of the employee, punishment of reduction by three stages in the pay scale could legally be imposed under the Service Regulations.
2. Whether after superannuation, action could only be taken under the Pension Regulations.
3. Whether the findings of the Inquiry Officer and the disciplinary authorities suffered from perversity or legal infirmity.
4. Whether the High Court erred in not examining the merits of the disciplinary findings.

Judgment

The Supreme Court dismissed the appeal and upheld the judgment of the Division Bench of the High Court.

The Court held that:

- disciplinary proceedings initiated before superannuation can validly continue after retirement if the governing service regulations so permit;
- Regulation 20(3)(iii) created a legal fiction deeming the employee to continue in service for purposes of disciplinary proceedings;
- punishment of reduction in pay scale was legally implementable even after retirement because pension is computed on the basis of last drawn/payable salary;
- the findings of the Inquiry Officer did not suffer from perversity;
- the punishment imposed was not shockingly disproportionate.

Rationale

The Court extensively examined Regulation 20(3)(iii) of the Punjab and Sind Bank Officers' Service Regulations, 1982, which provides that where disciplinary proceedings are initiated prior to superannuation, the officer shall cease to be in service on retirement, but the proceedings shall continue "as if he was in service" until conclusion and passing of final orders.

The appellant argued that the Service Regulations applied only to serving officers and once the relationship of master and servant ceased upon retirement, only proceedings under the Pension Regulations could continue. Reliance was placed upon *Ramesh Chandra Sharma v. Punjab National Bank*, (2007) 9 SCC 15 and *UCO Bank v. Prabhakar Sadashiv Karvade*, (2018) 14 SCC 98.

The Court distinguished *Prabhakar Sadashiv Karvade* on facts and analysed the ratio in *Ramesh Chandra Sharma*. It observed that *Ramesh Chandra Sharma* recognized the validity of continuation of disciplinary proceedings post-retirement through a legal fiction under Regulation 20(3)(iii).

The Court further relied heavily upon *Chairman-Cum-Managing Director, Mahanadi Coalfields Limited v. Rabindranath Choubey*, (2020) 18 SCC 71, wherein a three-Judge Bench held that where service rules permit continuation of proceedings after retirement, disciplinary proceedings can be brought to their logical conclusion and even major penalties may be imposed.

The Court emphasized that the legal fiction deeming the officer to continue in service must be given full effect. If disciplinary proceedings could continue after retirement but no consequential punishment could be imposed, the very object of continuation provisions would become meaningless.

On the nature of punishment, the Court observed that reduction in pay scale would directly affect pension computation because pension is ordinarily based on the last drawn or payable salary. Therefore, implementation of the punishment post-retirement did not present any legal difficulty.

While examining the merits of the disciplinary findings, the Court noted that the appellant had failed to ensure end-use of the loan amount and substantial cash withdrawals had been permitted without supporting bills or receipts. The loan account had subsequently become a Non-Performing Asset (NPA).

The Court held that ensuring end-use of loan disbursals is fundamental to banking discipline because it prevents diversion of funds, safeguards recoverability, and protects public money. A bank officer occupies a position of trust and negligence in discharge of duties involving public funds constitutes misconduct even if no actual financial loss is ultimately caused to the Bank.

In this regard, the Court referred to *Disciplinary Authority-Cum-Regional Manager v. Nikunja Bihari Patnaik*, (1996) 9 SCC 69; *Mihir Kumar Hazara Choudhury v. Life Insurance Corporation*, (2017) 9 SCC 404; and *Chairman and Managing Director, United Commercial Bank v. P.C. Kakkar*, (2003) 4 SCC 364.

The Court further held that since no challenge to the factual findings had been substantially pressed before the High Court, the appellant could not be permitted to reopen those factual issues before the Supreme Court. The findings of the Inquiry Officer were neither perverse nor unsupported by evidence.

Accordingly, the appeal was dismissed.

12. Naveen Solanki v. Rail Land Development Authority; 2026 SCC OnLine SC 452

Decided on: 20 March 2026

Bench: 1. Hon'ble Mr. Justice Dipankar Datta

2. Hon'ble Mr. Justice Augustine George Masih

(Environment Law—Forest (Conservation) Act, 1980—Section 2—Deemed forest—Master Plan—Urban development—Subsequent vegetation growth—Historical land use and revenue records—Invasive species—Whether land can subsequently become deemed forest due to tree growth—Relevant date for determination of deemed forest—Sanctity of statutory planning framework.)

Facts

The appeal arose from the judgment of the National Green Tribunal dismissing an application challenging the Request for Proposal (RFP) dated 19.12.2022 issued by the Rail Land Development Authority (RLDA) for mixed-use development over land measuring approximately 12.40 hectares situated near Bijwasan Railway Station, Delhi. The challenge was based on the allegation that the subject land constituted "forest land" or "deemed forest" under Section 2 of the Forest (Conservation) Act, 1980 and that implementation of the project would involve cutting of trees without prior approval of the Central Government.

The land originally formed part of agricultural land acquired in 1986 from Village Bharthal, South-West Delhi. The acquisition records described the land as agricultural land containing standing crops. In 2008, the Delhi Development Authority allotted the larger project area to the Railway Authorities for development of the Bijwasan Integrated Metropolitan Passenger Terminal, and possession was handed over in 2009. Contemporaneous records and satellite imagery showed the land to be barren/agricultural land and not forest land.

The redevelopment project was subsequently incorporated in the Master Plan, 2015 and Master Plan Delhi, 2021 as part of planned urban and transport infrastructure development. Respondent No. 4 emerged as the successful bidder pursuant to the RFP.

The appellants contended before the Supreme Court that the subject land presently contained dense vegetation and tree cover and therefore qualified as "deemed forest" under the principles laid down in *T.N. Godavarman Thirumulkpad v. Union of India*, (1997) 2 SCC 267. It was argued that surveys showed more than 100 trees per acre and that environmental protection under Article 21 required preservation of the land.

The respondents opposed the appeal contending that the land was never recorded as forest land in revenue records, that the Master Plan had statutory force, and that subsequent vegetation growth could not alter the legal status of land earmarked for planned development.

Issues

1. Whether land which was not recorded as forest land or deemed forest at the time of preparation and enforcement of the statutory Master Plan can subsequently be treated as "deemed forest" due to later vegetation growth.
2. What is the relevant date for determining whether land qualifies as "deemed forest"—the date of the Master Plan or the date of project execution.
3. Whether the redevelopment project required prior approval under Section 2 of the Forest (Conservation) Act, 1980.

Judgment

The Supreme Court dismissed the appeal and upheld the judgment of the National Green Tribunal. The Court held that land which was neither forest land, nor declared forest, nor deemed forest at the time the statutory Master Plan came into force, cannot subsequently be declared "forest" or "deemed forest" merely because of later vegetation growth. The Court further held that the relevant date for determination of whether land constitutes deemed forest is the date on which the Master Plan came into force.

Rationale

The Court undertook an extensive analysis of the jurisprudence concerning "forest" and "deemed forest" under Section 2 of the Forest (Conservation) Act, 1980. Relying upon *T.N. Godavarman Thirumulkpad v. Union of India*, (1997) 2 SCC 267, the Court reiterated that the term "forest" must be understood according to its dictionary meaning and includes areas recorded as forest in government records irrespective of ownership. The Court also noted that the concept of "deemed forest" evolved through the continuing proceedings in *T.N. Godavarman*. The Court observed that the test of 100 trees per acre over areas exceeding 2.5 acres originated from the affidavit dated 15.09.1997 filed before the Supreme Court in the *T.N. Godavarman* proceedings. However, the Court clarified that the principles in *T.N. Godavarman* cannot be mechanically applied without regard to the historical and planning context of the land.

Reliance was placed upon *In Re: Construction of Park at NOIDA near Okhla Bird Sanctuary*, (2011) 1 SCC 744, wherein the Supreme Court held that land historically agricultural in character cannot automatically become forest land merely because trees later grew over the area. The Court extracted the observations in *Okhla Bird Sanctuary* that mechanical application of tree-density criteria without considering the overall factual context could produce anomalous results.

The Court also relied upon *Chandra Prakash Budakoti v. Union of India*, (2019) 10 SCC 154, which emphasized the importance of historical revenue records and held that subsequent vegetation growth alone cannot alter the legal character of land recorded as agricultural or barren.

The Court emphasized the statutory character and legal significance of a Master Plan. It observed that a Master Plan is not a tentative policy document but a binding statutory planning instrument prepared for long-term planned urban development. Once approved and brought into force, it provides certainty and stability for infrastructure and developmental projects. Relying upon *The Auroville Foundation v. Navroz Kersasp Mody*, (2025) 4 SCC 150, the Court reiterated that judicial review cannot be used to unsettle statutory Master Plans which have attained finality and have substantially been acted upon. The Court held that permitting subsequent vegetation growth to alter the legal character of land already incorporated within a statutory Master Plan would introduce perpetual instability into planning laws and urban infrastructure development. The law does not contemplate that statutory planning instruments may be indefinitely disrupted because of later natural or human-induced vegetation growth.

A substantial part of the judgment dealt with the distinction between native vegetation and invasive alien species. Referring to the publication *Delhi's Forest at a Glance* issued by the Department of Forest and Wildlife, GNCTD, the Court observed that invasive species such as *Prosopis juliflora* (Vilayati Kikar) and Subabul were introduced during colonial afforestation efforts and later spread aggressively, damaging native biodiversity and ecological balance.

The Court held that mere proliferation of vegetation, particularly invasive alien species, cannot by itself establish existence of a natural forest ecosystem. Approximately 70% of the vegetation on the subject land consisted of such invasive species, thereby weakening the contention that the area constituted deemed forest. The Court further noted that the redevelopment project formed part of Delhi's broader transport and urban planning strategy aimed at decongesting the city and promoting integrated transit-oriented development. It also took note of the undertakings furnished by the authorities regarding transplantation of trees, compensatory afforestation, maintenance of green areas, and compliance with all applicable environmental permissions.

Accordingly, the Court concluded that the sanctity and statutory binding force of the Master Plan must prevail and that the subject land could not subsequently be treated as deemed forest merely because of later tree growth.

13. Sujoy Ghosh v. State of Jharkhand and Another; 2026 SCC OnLine SC 454

Decided on: 20 March 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha

2. Hon'ble Mr. Justice Alok Aradhe

(Intellectual Property — Copyright — Copyright Act, 1957 — Ss. 63, 65, 65-A r/w S. 387 CrPC — Alleged copyright violation of complainant's script titled "Sabak" by appellant i.e. director of "Kahaani 2" — Quashment of proceedings — Held, appellant's work in "Kahaani 2" preceded complainant's work as script of "Sabak" was not even in existence when screenplay of "Kahaani 2" was registered — Summons and proceedings against appellant quashed — Criminal Law — Criminal Procedure Code, 1973 — Section 482 — Inherent Powers of High Court — Quashment of proceedings — Quashment re IPR/Copyright/Trademark/Patent offences — Ss. 482 and 387)

Facts

The appellant, a film director and screenwriter, directed the film *Kahaani*, released in 2012, and later developed the sequel *Kahaani-2: Durga Rani Singh*. The screenplay and synopsis of the sequel had been registered with the Screen Writers Association (SWA) between 2012 and 2013.

The complainant alleged that he had shared his script titled *Sabak* with the appellant in June 2015 and later discovered that the film *Kahaani-2*, released in December 2016, was based on his script. Consequently, he filed a complaint alleging offences under Sections 63, 65 and 65-A of the Copyright Act, 1957 and Section 387 IPC.

Meanwhile, the SWA Dispute Settlement Committee, by order dated 24.02.2018, found no similarity between the film and the complainant's script and rejected the complaint. Despite this, the Chief Judicial Magistrate, Hazaribagh issued summons against the appellant under Section 63 of the Copyright Act.

The High Court dismissed the appellant's petition under Section 482 CrPC seeking quashing of the proceedings, leading to the present appeal.

Issues

1. Whether the summoning order suffered from non-application of mind.
2. Whether the criminal proceedings alleging copyright infringement were frivolous and vexatious.
3. Whether the proceedings deserved to be quashed under Section 482 CrPC.

Judgment

The Supreme Court allowed the appeal and quashed the summoning order as well as the criminal proceedings pending before the Chief Judicial Magistrate, Hazaribagh.

The Court held that there was no material on record even prima facie establishing similarity between the complainant's script and the appellant's film. It further held that the appellant's screenplay had been registered much prior to the existence of the complainant's script and therefore the allegation of copyright infringement was inherently untenable.

Rationale

The Court reiterated that summoning an accused in a criminal case is a serious matter and the Magistrate must carefully scrutinize the material before issuing process. Reliance was placed upon *Pepsi Foods Ltd. v. Special Judicial Magistrate*, (1998) 5 SCC 749 : 1998 SCC (Cri) 1400 and *Vikas Chandra v. State of Uttar Pradesh*, 2024 SCC OnLine SC 1534.

On the scope of quashing jurisdiction, the Court referred to *Birla Corporation Limited v. Adventz Investments and Holdings Limited*, (2019) 16 SCC 610 : (2020) 2 SCC (Civ) 713; *Mohd. Wajid v. State of Uttar Pradesh*, (2023) 20 SCC 219; *Rekha Sharad Ushir v. Saptashrungi Mahila Nagari Sahkari Patsansta Ltd.*, 2025 SCC OnLine SC 641; and *Pradeep Kumar Kesarwani v. State of U.P.*, 2025 SCC OnLine SC 1947.

The Court observed that the complaint merely contained bald allegations that the film was based on the complainant's script without identifying any specific similarity or copied portion.

The statements of the complainant and witnesses were also vague and failed to disclose any identifiable act of infringement.

The Court further noted that the complainant had suppressed the material fact that the SWA expert committee had already found no similarity between the two works. This report existed prior to issuance of the summoning order but was never disclosed to the Magistrate.

Importantly, the Court found that the appellant's screenplay and synopsis had been registered between 2012 and 2013, whereas the complainant's script came into existence only in 2015. Therefore, the allegation that the appellant copied the complainant's work was inherently improbable.

The Court held that the Magistrate had mechanically issued summons without recording satisfaction regarding similarity between the works and that the High Court failed to exercise its jurisdiction properly under Section 482 CrPC. The proceedings were therefore held to be manifestly frivolous and vexatious.

Accordingly, the summoning order dated 07.06.2018, the High Court judgment dated 22.04.2025, and the entire criminal proceedings were quashed.

14. Chaya and Others v. State of Maharashtra and Another; 2026 SCC OnLine SC 457

Decided on: 23 March 2026

Bench: 1. Hon'ble Mr. Justice P.S. Narasimha

2. Hon'ble Mr. Justice Alok Aradhe

(Service Law — Reservation — Migration of reserved category candidates to open category — Relaxation in qualifying examination — TET and TAIT — Merit-based selection — Eligibility relaxation)

Facts

The appellants belonged to reserved categories and participated in the Teachers Aptitude and Intelligence Test, 2022 (TAIT) conducted by the Maharashtra State Council for Education for recruitment of teachers in various schools across Maharashtra.

The appellants had qualified the Teachers Eligibility Test (TET) by availing relaxation in qualifying marks granted to reserved category candidates under Government Resolutions issued by the State of Maharashtra. Despite securing marks higher than the last selected general category candidate in TAIT, their names were excluded from the open category merit list dated 25.02.2024.

The High Court dismissed the writ petitions filed by the appellants holding that candidates who availed relaxation in TET could not migrate to the open category. Reliance was placed upon *Government of (NCT of Delhi) v. Pradeep Kumar*, (2019) 10 SCC 120. Aggrieved thereby, the appellants approached the Supreme Court.

Issues

1. Whether reserved category candidates who availed relaxation in qualifying marks in TET could migrate to the open category on the basis of higher merit in TAIT.

2. Whether relaxation in a qualifying examination affects inter se merit in the recruitment process.

3. Whether the High Court correctly applied the decision in *Government of (NCT of Delhi) v. Pradeep Kumar*, (2019) 10 SCC 120.

Judgment

The Supreme Court allowed the appeals and set aside the judgment of the High Court.

The Court held that relaxation in a qualifying examination merely enables a candidate to enter the zone of consideration and does not affect merit in the main recruitment examination unless the recruitment rules expressly prohibit migration to the open category.

It was held that the appellants, having secured marks higher than the last selected general category candidate in TAIT, were entitled to migration to the open category.

Rationale

The Court examined the statutory framework under the Right of Children to Free and Compulsory Education Act, 2009 and the guidelines issued by the National Council for Teacher Education (NCTE) governing TET. The NCTE guidelines themselves permitted relaxation in qualifying marks for reserved category candidates.

The Court observed that TET was only a qualifying examination, whereas selection and determination of inter se merit were based entirely upon performance in TAIT. Since no relaxation or concession was granted in TAIT, all candidates competed on equal footing in the final merit determination.

Reliance was placed upon *Jitendra Kumar Singh v. State of U.P.*, (2010) 3 SCC 119 and *Vikas Sankhala v. Vikas Kumar Agarwal*, (2017) 1 SCC 350, wherein this Court held that concessions in eligibility conditions such as age, fees, or qualifying marks merely bring reserved category candidates within the zone of consideration and do not affect inter se merit once the actual competitive process begins.

The Court also referred to *Saurav Yadav v. State of Uttar Pradesh*, (2021) 4 SCC 542; *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217; *Rajasthan High Court v. Rajat Yadav*, 2025 SCC OnLine SC 2931; *Tej Prakash Pathak v. Rajasthan High Court*, (2025) 2 SCC 1;

and *V. Lavanya v. State of Tamil Nadu*, (2017) 1 SCC 322 on principles governing reservation and migration to open category.

Distinguishing *Government of (NCT of Delhi) v. Pradeep Kumar*, (2019) 10 SCC 120, the Court held that in that case the candidates had failed to satisfy the essential eligibility condition itself. In the present case, however, the governing rules expressly permitted relaxation in TET qualifying marks and therefore the appellants fulfilled the eligibility requirements.

The Court further referred to *Union of India v. Sajib Roy*, 2025 SCC OnLine SC 1943 and *Union of India v. G. Kiran*, 2026 INSC 15, holding that migration depends upon the recruitment rules or notification. Since there was no express prohibition against migration in the applicable recruitment rules, reserved category candidates could not be denied consideration in the open category merely because they had availed relaxation in TET.

Accordingly, the respondents were directed to include in the merit list those appellants who had secured marks higher than the last selected candidate in the general category.

15. District Magistrate and District Election Officer and Collector, Gwalior, M.P. v. National Insurance Company Limited and Others; 2026 SCC OnLine SC 455

Decided on: 23 March 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice N. Kotiswar Singh

((Motor Vehicles — Requisitioned vehicle — Liability for motor accident — Election duty — State control over vehicle — Liability of requisitioning authority — Insurance liability)

Facts

The case arose out of a motor accident dated 23.01.2010 involving a bus requisitioned by the District Election Authorities for Gram Panchayat elections and a motorcycle, resulting in the death of the motorcyclist. The bus, though owned by Kidzee Corner School, Gwalior, had been requisitioned by the appellant-authorities for election duty at the relevant time.

The Motor Accident Claims Tribunal awarded compensation of Rs. 5,13,500/- with interest to the legal representatives of the deceased and fastened liability upon the Insurance Company.

In appeal, the High Court enhanced the compensation to Rs. 27,01,556/- and shifted liability from the Insurance Company to the District Election Authorities holding that the vehicle was under requisition and control of the State at the time of the accident.

Aggrieved thereby, the District Magistrate and District Election Officer approached the Supreme Court.

Issues

1. Whether liability for compensation arising from an accident involving a requisitioned vehicle lies upon the insurer or the requisitioning authority.
2. Whether requisition of a vehicle by the State transfers possession and control from the owner to the State.

3. Whether fastening liability upon public authorities in such cases is legally justified.

Judgment

The Supreme Court dismissed the appeal and upheld the judgment of the High Court. The Court held that when a vehicle is requisitioned by the State under statutory authority, effective possession and control of the vehicle pass to the requisitioning authority. Consequently, liability for accidents occurring during the period of requisition lies upon the State authority and not upon the insurer or registered owner.

Rationale

The Court observed that requisition of a vehicle is not a voluntary arrangement but a statutory compulsion whereby the owner loses effective control over the vehicle for the duration of requisition. The vehicle is thereafter operated under the directions and supervision of the State authorities for public purposes.

Reliance was placed upon *National Insurance Co. Ltd. v. Deepa Devi*, (2008) 1 SCC 414 : (2008) 1 SCC (Civ) 270 : (2008) 1 SCC (Cri) 209, wherein this Court held that during the period of requisition, the registered owner ceases to exercise effective control over the vehicle and liability must be viewed from the standpoint of actual possession and control.

The Court also relied upon *Purnya Kala Devi v. State of Assam*, (2014) 14 SCC 142 : (2015) 1 SCC (Civ) 251 : (2015) 1 SCC (Cri) 304, wherein it was held that for the purposes of liability under the Motor Vehicles Act, the requisitioning authority effectively becomes the "owner" because it exercises actual possession and operational control over the vehicle.

Rejecting the appellant's argument that liability should continue to remain with the insurer because the vehicle was insured, the Court held that the insurance contract contemplates ordinary and voluntary use of the vehicle by the insured owner and not compelled deployment by the State under statutory authority.

The Court distinguished *U.P. SRTC v. National Insurance Co. Ltd.*, 2021 SCC OnLine SC 3278 and *U.P. SRTC v. Kulsum*, (2011) 8 SCC 142 : (2011) 4 SCC (Civ) 66 : (2011) 3 SCC (Cri)

376, observing that those cases involved contractual arrangements for operation of vehicles and not compulsory requisition under statutory powers.

The Court further observed that Section 160 of the Representation of the People Act, 1950 authorizes requisition of vehicles for election purposes. Once the authorities consciously choose to requisition the vehicle along with its driver and deploy it for election duty, the State assumes operational control as well as the corresponding legal responsibility arising from such deployment.

Accordingly, the Court held that liability for compensation arising from the accident was rightly fastened upon the requisitioning authority and the appeal was dismissed.

16. State of Karnataka and Others v. Santhosh Kumar C; 2026 SCC OnLine SC 458

Decided on: 23 March 2026

Bench: 1. Hon'ble Mr. Justice Vikram Nath

2. Hon'ble Mr. Justice Sandeep Mehta

(Service Law — Select list — Waiting list — Non-joining of selected candidate — Right to appointment — Gazetted Probationers — Fresh vacancy — Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examinations) Rules, 1997)

Facts

The Karnataka Public Service Commission (KPSC) issued a notification dated 03.11.2011 for recruitment to 362 posts of Karnataka Gazetted Probationers in Group A and Group B Services under the Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examinations) Rules, 1997.

The respondent, an ex-serviceman, participated in the selection process. In the final select list dated 21.03.2014, one Sri Aiyappa M.A. was selected to the post of Assistant Commissioner, Karnataka Administrative Service, Group A, Junior Scale under the GM/Ex-MP category, while the respondent was selected and later appointed as Assistant Commissioner of Commercial Taxes, Group A.

Since the selected candidate did not undergo medical examination, police verification, or report for duty, the respondent claimed appointment to the unfilled post on the ground that he was immediately next below in merit and had indicated preference for that post. His representation was rejected by the Department of Personnel and Administrative Reforms (DPAR) on the ground that the 1997 Rules did not contemplate any waiting or additional list and that such vacancy had to be treated as a fresh vacancy.

The Tribunal dismissed the respondent's application. However, the High Court allowed the writ petition and directed consideration of the respondent for appointment. Aggrieved thereby, the State approached the Supreme Court.

Issues

1. Whether a candidate immediately below a selected candidate acquires a right to appointment when the selected candidate does not join service.
2. Whether the 1997 Rules permit operation of the same select list to fill vacancies caused by non-joining of selected candidates.
3. Whether the vacancy arising from non-completion of pre-appointment formalities could be treated as a fresh vacancy to be filled in subsequent recruitment.

Judgment

The Supreme Court allowed the appeal and set aside the judgment of the High Court. The Court held that under the 1997 Rules, the select list was limited to the notified vacancies and there was no provision for preparation or operation of a waiting list or additional list. Consequently, a vacancy arising due to non-joining of a selected candidate could not be filled by reverting to the same select list. The Court further held that such vacancy must be treated as a fresh vacancy to be filled through a subsequent recruitment process.

Rationale

The Court examined Rules 4(3) and 11 of the Karnataka Recruitment of Gazetted Probationers (Appointment by Competitive Examinations) Rules, 1997 and observed that the scheme of recruitment was service-specific and vacancy-specific. Separate select lists were required to be prepared corresponding to notified vacancies, and the Rules did not contemplate any reserve, waiting, or additional list.

The Court held that the select list was not an open-ended reservoir of candidates and could not be operated beyond the vacancies notified in the recruitment. Once the selection process attained finality, the same list could not be revisited merely because a selected candidate failed to complete pre-appointment formalities or did not join service.

Reliance was placed upon *Shankarsan Dash v. Union of India*, (1991) 3 SCC 47, wherein this Court held that inclusion in a select list does not confer an indefeasible right to appointment unless the governing rules so provide.

The Court also referred to *Rakhi Ray v. High Court of Delhi*, (2010) 2 SCC 637 and *State of Orissa v. Rajkishore Nanda*, (2010) 6 SCC 777, reiterating that appointments must strictly conform to notified vacancies and governing statutory rules and that select lists cannot be operated contrary to the recruitment framework.

The Court observed that the respondent had already been selected and appointed to another Group A post under the same recruitment and his claim was essentially for migration to another post because the selected candidate failed to join. However, no provision under the 1997 Rules authorized such substitution.

The Court further noted that the recruitment process involved multiple services and preference-based allocation. Permitting post facto adjustments after finalization of the select list would unsettle the entire service-wise allocation process.

The Court also referred to the Karnataka Civil Services (Validation of Selection and Appointment of 2011 Batch Gazetted Probationers) Act, 2022, observing that the legislation intended to attach finality to the 2011 selection and appointments made in accordance with the KPSC selection list.

Accordingly, the Court held that the High Court erred in directing consideration of the respondent for appointment against the unfilled post and restored the order of the Tribunal.

17. Lt. Col. Pooja Pal v. Union of India; 2026 SCC OnLine SC 468

Decided on: 24 March 2026

Bench: 1. Hon'ble Mr. Justice Surya Kant, C.J.

2. Hon'ble Ms. Justice Ujjal Bhuyan

3. Hon'ble Ms. Justice N. Kotiswar Singh

(Service Law—Armed Forces—Women officers—Permanent Commission—Gender equality in Army—Short Service Commission Women Officers (SSCWOs)—Systemic discrimination—Casual grading of ACRs—Indirect discrimination—Comparative merit—Criteria appointments—Career advancement opportunities—Article 14 and 15—Constitutional obligation of equal opportunity—Grant of Permanent Commission.)

Facts

The appeals were filed by approximately 73 Short Service Commission Officers (SSCOs) of the Indian Army, predominantly women officers, seeking grant of Permanent Commission (PC). The appellants belonged mainly to SSC Women Officers Courses 4 to 7, commissioned between September 2010 and March 2012. Some male SSCOs from corresponding batches also joined the challenge on certain common issues.

The controversy arose after the Armed Forces Tribunal (AFT), Principal Bench, New Delhi, dismissed the Original Applications filed by the women officers. The AFT held that denial of Permanent Commission resulted from lower comparative merit and not from discrimination or bias.

Historically, women officers inducted through the Women Special Entry Scheme (WSES) were denied eligibility for Permanent Commission and could serve only for limited tenure. Though the Delhi High Court in *Babita Puniya v. Secretary, Ministry of Defence* (2010) directed parity in consideration for PC, and the Supreme Court later affirmed the principle in *Ministry of Defence v. Babita Puniya* and *Lt. Col. Nitisha v. Union of India*, the present appellants contended that the Army's evaluation mechanism still operated in a discriminatory manner.

The appellants argued that throughout their service tenure they were treated as officers without long-term career prospects. Consequently, their Annual Confidential Reports (ACRs) were graded casually, they were denied important criteria appointments and career-enhancing courses, and they were assessed under a system designed historically for male officers alone.

The Army defended the selection process by asserting that the evaluation was anonymised, merit-based, and governed by the policy dated 15.01.1991, which imposed an annual cap of 250 vacancies for grant of Permanent Commission.

Issues

1. Whether the ACRs of SSC Women Officers were casually graded because they were historically considered ineligible for Permanent Commission.
2. Whether denial of criteria appointments and career-enhancing courses adversely affected the comparative merit of women officers.
3. Whether the vacancy cap and evaluation structure resulted in indirect discrimination against women officers.
4. Whether inclusion of SSCWOs in the zone of consideration for Permanent Commission was merely discretionary or a constitutional obligation.
5. Whether the AFT erred in holding that denial of Permanent Commission was solely attributable to lower comparative merit.

Judgment

The Supreme Court allowed the appeals and held that the evaluation process adopted for consideration of SSC Women Officers for Permanent Commission suffered from structural and systemic discrimination. The Court concluded that the women officers had been assessed under unequal conditions throughout their service and could not fairly be compared with their male counterparts through identical evaluation parameters.

The Court held that inclusion of SSCWOs in the zone of consideration for Permanent Commission is not a matter of executive discretion but a constitutional obligation flowing from Articles 14 and 15 of the Constitution.

Though reinstatement and reconsideration for PC were declined, the Court directed that all SSCOs considered in the 2019–2021 Boards would be deemed to have completed 20 years of qualifying service and would be entitled to pensionary and consequential benefits.

Rationale

The Court undertook an extensive analysis of the historical evolution of women officers' service conditions in the Army. It noted that until the decision in *Babita Puniya*, women officers outside JAG and AEC branches were institutionally denied prospects of Permanent Commission. This systemic exclusion fundamentally shaped the manner in which their careers were evaluated.

The Court observed that ACRs constituted 75% of the total marks for consideration for Permanent Commission and therefore played a determinative role in comparative merit assessment. Since all ACRs relied upon for consideration had been written before women officers became eligible for PC in 2020, the evaluating officers were conscious that SSCWOs had no meaningful long-term career progression in the Army.

The Court held that this institutional mindset resulted in routine assignment of "middling" or average grades to women officers, whereas higher grades were effectively preserved for male officers whose long-term advancement depended upon such grading. Under the bell-curve evaluation system, only a limited number of top grades could be awarded, and these grades naturally favoured officers perceived to have future prospects in service.

Rejecting the Army's defence based on anonymisation of records before the Selection Board, the Court held that the discrimination occurred much earlier—at the foundational stage of preparation of ACRs. Even if the final Board evaluated anonymised records, the damage had already been embedded over years of service evaluation. The Court famously observed that attempting to cure this disadvantage at the final stage was "akin to adjusting the lens of a camera to alter the quality of an image captured much earlier."

The Court further held that women officers were systematically denied criteria appointments and career-enhancing opportunities. Important appointments and courses such as the Junior Command Course were either unavailable or not meaningfully accessible to women officers because they were historically not viewed as future Permanent Commission officers.

Though such appointments did not formally carry separate marks, the Court observed that they substantially influenced the value judgment component of assessment and shaped the overall service profile of an officer. Consequently, denial of these opportunities materially prejudiced women officers during comparative evaluation.

The Court also examined the vacancy cap policy of 15.01.1991. It noted that the cap had historically been breached on several occasions and was never treated as inflexible. The Court found substance in the contention that the policy was framed at a time when women officers were entirely excluded from the Army and therefore operated within an all-male institutional framework.

The Court recognised that formally identical treatment may nevertheless produce substantive inequality where structural disadvantages exist. Applying the doctrine of indirect discrimination, the Court held that requiring women officers to compete identically with male officers, despite years of unequal service conditions, perpetuated systemic inequality rather than neutral merit assessment.

The Court emphasised that constitutional guarantees of equality require dismantling not merely overt discrimination but also institutional practices that invisibly disadvantage historically excluded groups. The Armed Forces, though governed by unique operational considerations, remain bound by constitutional values.

The Court further observed that women officers had devoted the prime years of their lives to military service and could not be discarded merely because institutional structures failed to accommodate their equal participation. Equality in opportunities within the Armed Forces was held to be integral to constitutional morality and national progress.

18. Wg. Cdr. Sucheta EDN v. Union of India and Others, 2026 SCC OnLine SC 469

Decided on: 24 March 2026

Bench: 1. Hon'ble Mr. Justice Surya Kant, C.J.

2. Hon'ble Ms. Justice Ujjal Bhuyan

3. Hon'ble Ms. Justice N. Kotiswar Singh

(Service Law — Indian Air Force — Short Service Commission Women Officers (SSCWOs) — Permanent Commission — Arbitrary assessment criteria — Casual grading of ACRs — Minimum Performance Criteria — Categorisation and Mandatory In-Service Courses — Gender equality — Pensionary benefits)

Facts

The appeals were filed by six Short Service Commission Women Officers (SSCWOs) in the Indian Air Force who were denied Permanent Commission (PC) under HRP 01/2019 despite serving for several years.

Women were inducted into the Air Force through the SSC scheme from 1993 onwards. However, by HRP 21/2006 dated 25.05.2006, grant of PC to all SSCOs commissioned after that date was suspended. Consequently, the appellants, commissioned in 2007, served most of their tenure without any prospect of permanent absorption.

In 2018–2019, the Air Force introduced HRP 06/2018 and HRP 01/2019 permitting all serving SSCOs to be considered for PC during the last three years of service, subject to conditions relating to vacancies, merit, Annual Confidential Reports (ACRs), medical fitness, Categorisation, and Mandatory In-Service Courses (MISCs).

The appellants were either declared ineligible for failure to meet the Minimum Performance Criteria or denied PC on account of low comparative merit. Their challenges before the Armed Forces Tribunal and the Delhi High Court were dismissed, leading to the present appeals.

Issues

1. Whether the ACRs of the appellants were unfairly used for assessment of suitability for Permanent Commission.
2. Whether the sudden introduction of Minimum Performance Criteria under HRP 01/2019 was arbitrary.
3. Whether the process adopted by the Air Force violated principles of fairness and equality.

Judgment

The Supreme Court allowed the appeals and set aside the judgments of the Armed Forces Tribunal and the Delhi High Court.

The Court held that the ACRs of the appellants had been authored at a time when they had no avenue for career progression or permanent absorption and therefore could not fairly be used later to assess suitability for PC. The Court further held that the hurried implementation of HRP 01/2019 and sudden introduction of new eligibility criteria without adequate opportunity to comply were arbitrary.

Though reinstatement and reconsideration for PC were declined, the Court directed that all SSCOs considered in the 2019–2021 Boards would be deemed to have completed 20 years of qualifying service and would be entitled to pensionary and consequential benefits.

Rationale

The Court observed that throughout most of the appellants' service tenure, the governing policy made them ineligible for Permanent Commission. Consequently, their ACRs were written only for limited extension of service and not for evaluation of long-term leadership or career progression.

The Court held that retrospective use of such ACRs for determining suitability for PC was fundamentally unfair and structurally distorted the evaluation process. Reliance was placed upon *Lt. Col. Pooja Pal v. Union of India,* 2026 SCC OnLine SC 468 and *Yogendra Kumar*

Singh v. Union of India, (Civil Appeal No. 14681/2024) wherein similar concerns regarding assessment of officers without career prospects were recognised.

The Court further held that HRP 01/2019 introduced new eligibility requirements such as minimum CGPA in MISCs and Categorisation standards without giving officers a meaningful opportunity to satisfy them. Since the first Board under the new policy was convened in March 2019, shortly after the policy came into force in January 2019, many officers could not realistically acquire the necessary qualifications in time.

The Court also recognised the disadvantage faced by certain SSCWOs who were on maternity leave or had temporary medical downgrading during the assessment period. It held that pregnancy and motherhood could not be treated as lack of professional commitment or willingness for career advancement.

Accordingly, while balancing fairness to the officers and operational requirements of the Air Force, the Court granted pensionary benefits by deeming completion of 20 years' service to all affected SSCOs considered in the 2019–2021 Boards.

19. Chinthada Anand v. State of Andhra Pradesh; 2026 SCC OnLine SC 466

Decided on: 24 March 2026

Bench: 1. Hon'ble Mr. Justice Prashant Kumar Mishra

2. Hon'ble Mr. Justice Manmohan

(SC/ST Act—Religious conversion—Scheduled Caste status—Conversion to Christianity—Pastor professing Christian faith—Effect of conversion on Scheduled Caste status—Constitution (Scheduled Castes) Order, 1950—Clause 3—Meaning of "professes"—Loss of statutory protection under SC/ST Act—Reconversion—Conditions for restoration of SC status—Quashing of proceedings under Section 482 CrPC upheld.)

Facts

The appellant, originally belonging to the Madiga community recognised as a Scheduled Caste in Andhra Pradesh, had been functioning as a Christian Pastor for nearly ten years and regularly conducted Sunday prayer meetings in the village. He alleged that the respondents assaulted, restrained, intimidated, and abused him by caste name on account of his religious activities. Consequently, FIR No. 08 of 2021 was registered for offences under Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 along with Sections 341, 506 and 323 read with Section 34 IPC.

After investigation, charge-sheet was filed before the Special Court under the SC/ST Act. The accused persons approached the Andhra Pradesh High Court under Section 482 CrPC seeking quashing of proceedings on the ground that the appellant had admittedly converted to Christianity and therefore ceased to be a Scheduled Caste within the meaning of Clause 3 of the Constitution (Scheduled Castes) Order, 1950.

The High Court quashed the proceedings holding that the appellant, being a practising Christian Pastor for more than a decade, could not invoke the protections of the SC/ST Act. The High Court further found that the allegations regarding assault and intimidation were inadequately supported by witness statements. Aggrieved thereby, the appellant approached the Supreme Court.

Issues

1. Whether a person born into a Scheduled Caste who subsequently converts to Christianity and openly professes Christian faith continues to retain Scheduled Caste status for purposes of the SC/ST Act.
2. Whether Clause 3 of the Constitution (Scheduled Castes) Order, 1950 excludes from Scheduled Caste status persons professing religions other than Hinduism, Sikhism, or Buddhism.
3. Whether the appellant could invoke protection under the SC/ST Act despite functioning as a Christian Pastor for over a decade.
4. Whether the High Court rightly exercised powers under Section 482 CrPC to quash the proceedings.

Judgment

The Supreme Court dismissed the appeal and affirmed the judgment of the Andhra Pradesh High Court quashing the criminal proceedings against the respondents.

The Court held that conversion to Christianity extinguishes Scheduled Caste status under Clause 3 of the Constitution (Scheduled Castes) Order, 1950, unless the person subsequently reconverts and satisfies the conditions necessary for restoration of Scheduled Caste identity. Since the appellant admittedly professed Christianity and functioned as a Pastor for more than ten years, he could not invoke the protections of the SC/ST Act.

Rationale

The Court undertook an extensive examination of Articles 341 and 342 of the Constitution and the Constitution (Scheduled Castes) Order, 1950. It reiterated that Clause 3 of the Presidential Order expressly provides that no person professing a religion other than Hinduism, Sikhism, or Buddhism shall be deemed to be a member of a Scheduled Caste. Christianity has never been included within the scope of Clause 3 despite amendments extending the benefit to Sikhs and Buddhists.

Relying upon *Punjabrao v. D.P. Meshram*, 1964 SCC OnLine SC 76, the Court held that the expression "professes" means an open declaration or public practice of a religion. A person who publicly professes another religion cannot simultaneously claim Scheduled Caste status under the Presidential Order.

The Court referred to *C.M. Arumugam v. S. Rajgopal*, (1976) 1 SCC 863, wherein it was held that conversion generally results in expulsion from caste because caste is predominantly a feature of Hindu social structure. The Court also relied upon *Guntur Medical College v. Y. Mohan Rao*, (1976) 3 SCC 411, which held that a person belonging to a Scheduled Caste would lose such status if he professes a religion outside those recognised under Clause 3.

Further reliance was placed upon *M. Chandra v. M. Thangamuthu*, (2010) 9 SCC 712, and *C. Selvarani v. The Special Secretary-cum-District Collector*, 2024 INSC 900, wherein this Court reiterated that a person actively professing Christianity cannot claim Scheduled Caste status merely to secure statutory benefits and reservations.

The Court held that the appellant's conduct unequivocally demonstrated public profession of Christianity. He had been serving as a Pastor for over ten years, conducted prayer meetings, performed pastoral duties, and acted as Treasurer of the Pastors' Fellowship in the locality. Such activities constituted clear outward manifestation and open declaration of Christian faith within the meaning of Clause 3 of the Presidential Order.

The Court rejected reliance placed upon G.O. Ms. No. 341 dated 30.08.1977 issued by the Government of Andhra Pradesh extending certain concessions to Scheduled Caste converts to Christianity and Buddhism. It held that the Government Order itself distinguished between statutory and non-statutory benefits and expressly clarified that statutory benefits flowing from the Constitution (Scheduled Castes) Order, 1950 would not apply to converts. An executive order could not override the Constitutional scheme or enlarge the scope of the Presidential Order issued under Article 341.

The Court also laid down comprehensive principles governing reconversion and restoration of Scheduled Caste status. Relying upon *K.P. Manu v. Scrutiny Committee for Verification of Community Certificate*, (2015) 4 SCC 1, the Court held that restoration of Scheduled Caste status after reconversion requires proof of:

(iv) original membership of a notified Scheduled Caste;

(v) bona fide reconversion accompanied by renunciation of the converted religion and adoption of original customs and practices; and

(vi) acceptance and assimilation by the original caste community.

The Court clarified that these conditions are cumulative and mandatory, and the burden lies entirely upon the claimant. Since the appellant never pleaded or proved reconversion to Hinduism or acceptance back into the Madiga community, he remained disentitled from claiming Scheduled Caste status.

On the issue of quashing under Section 482 CrPC, the Court relied upon *State of Haryana v. Bhajan Lal*, 1992 Supp (1) SCC 335, and *Neeharika Infrastructure Pvt. Ltd. v. State of Maharashtra*, (2021) 19 SCC 401, reiterating that criminal proceedings may be quashed where uncontroverted allegations and evidence do not disclose commission of any offence.

The Court found that witness statements did not consistently support the allegations of assault, intimidation, or unlawful restraint under the IPC. Most witnesses merely referred to an altercation and did not attribute any specific overt acts to the accused persons. Consequently, the High Court rightly concluded that continuation of proceedings would amount to abuse of process of law.

20. National Highways Authority of India v. Tarsem Singh and Others; 2026 SCC OnLine SC 481

Decided on: 25 March 2026

Bench: 1. Hon'ble Mr. Justice Surya Kant, C.J.

2. Hon'ble Mr. Justice Ujjal Bhuyan

(Land Acquisition — National Highways Act, 1956 — Section 3-J — Solatium and interest — Review jurisdiction — Fiscal burden — Article 300-A — Finality of proceedings — Delayed claims)

Facts

The Review Petition was filed by the National Highways Authority of India seeking recall of the order passed in *Union of India v. Tarsem Singh*, 2025 SCC OnLine SC 235 (*Tarsem Singh-II*), wherein the Supreme Court had refused to clarify that the judgment in *Union of India v. Tarsem Singh*, (2019) 9 SCC 304 (*Tarsem Singh-I*) would operate prospectively.

The controversy related to entitlement of landowners to solatium, interest, and interest on solatium in acquisitions under the National Highways Act, 1956. Section 3-J of the Act excluded application of the Land Acquisition Act, 1894, thereby depriving landowners of these benefits.

In *Tarsem Singh-I*, the Supreme Court had declared Section 3-J unconstitutional to the extent it denied solatium and interest and extended such benefits to acquisitions undertaken between 1997 and 2015.

The NHAI sought review contending that the projected financial liability was incorrectly recorded as Rs 100 crores whereas the actual burden was approximately Rs 29,000 crores.

Issues

1. Whether escalation in projected financial liability constituted a valid ground for review of *Tarsem Singh-I* and *Tarsem Singh-II*.

2. Whether landowners whose claims had attained finality prior to 28.03.2008 could reopen proceedings for claiming solatium and interest.
3. Whether delayed claims for solatium and interest required equitable balancing.

Judgment

The Supreme Court dismissed the Review Petition and reaffirmed the principles laid down in *Tarsem Singh-I*, (2019) 9 SCC 304 and *Tarsem Singh-II*, 2025 SCC OnLine SC 235.

The Court held that mere escalation in financial liability cannot override the constitutional guarantee of just compensation under Article 300-A of the Constitution.

However, the Court clarified that claims which had attained finality before 28.03.2008 could not be reopened. In delayed claims, interest on solatium and related benefits would be payable only from the date such claims were actually raised.

Rationale

The Court traced the history of Section 3-J of the National Highways Act and the judicial developments beginning from *Lalita v. Union of India*, 2002 SCC OnLine Kar 569; *Golden Iron and Steel Forging v. Union of India*, 2008 SCC OnLine P&H 498; and *T. Chakrapani v. Union of India*, 2011 SCC OnLine Mad 2881, wherein various High Courts had held denial of solatium and interest under the National Highways Act to be unconstitutional.

The Court also referred to *Sunita Mehra v. Union of India*, (2019) 17 SCC 672, where this Court had directed grant of solatium and interest to landowners whose proceedings remained pending as on 28.03.2008.

Reaffirming *Tarsem Singh-I*, (2019) 9 SCC 304, the Court held that landowners deprived of solatium and interest between 1997 and 2015 could not be discriminated against merely because of the statutory route adopted for acquisition.

The Court rejected the argument that increased financial burden justified review, observing that constitutional entitlement to just compensation under Article 300-A cannot be made contingent upon fiscal considerations.

At the same time, the Court emphasized the principle of finality of litigation. Relying upon *State (NCT of Delhi) v. K.L. Rathi Steels Ltd.*, (2024) 7 SCC 315, the Court held that a subsequent change in legal interpretation does not permit reopening of concluded proceedings.

Balancing entitlement and finality, the Court held:

- landowners whose claims were pending on or after 28.03.2008 could seek solatium and interest;
- delayed claimants would not receive interest for the period of delay; and
- cases conclusively decided prior to 28.03.2008 could not be reopened.

Accordingly, the Review Petition was dismissed and the matters were remanded to the respective High Courts for recalculation of compensation in terms of the directions issued.

21. State of Himachal Pradesh v. Hukum Chand alias Monu; 2026 SCC OnLine SC 462

Decided on: 24 March 2026

Bench: 1. Hon'ble Mr. Justice Sanjay Karol

2. Hon'ble Mr. Justice N. Kotiswar Singh

Sections 376 (rape) and 201 (causing disappearance of evidence) of the Indian Penal Code—Section 3(xii) SC/ST (Prevention of Atrocities) Act, 1989—Convicted by Trial Court—High Court acquittal—Inconsistency in child victim's testimony—Set aside by Supreme Court—Minor lapse does not affect factum of the case—Accused directed to serve Trial Court sentence—All High Courts directed to strictly avoid disclosure of victim's identity

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Facts

The case arose from the sexual assault of a nine-year-old girl from a Scheduled Caste family on 27.08.2007. The prosecutrix had gone to fetch buttermilk when the respondent-accused allegedly took her to a cowshed and sexually assaulted her. After she returned home from the shop with bloodstains on her clothes, she narrated the incident to her mother and later to her father. Consequently, an FIR was lodged.

Following investigation, chargesheet was filed under Sections 376 and 201 IPC and Section 3(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Trial Court convicted the accused under Section 376 IPC and the SC/ST Act.

The High Court reversed the conviction on the ground of inconsistencies in witness testimonies, delay in lodging the FIR, improbability regarding the distance travelled by the prosecutrix, and alleged contradictions in the prosecution case.

Aggrieved thereby, the State preferred an appeal before the Supreme Court.

Issues

1. Whether minor inconsistencies and omissions in witness testimonies were sufficient to discard the prosecution case.

2. Whether the High Court was justified in rejecting medical and ocular evidence on the basis of alleged improbabilities.

3. Whether the acquittal recorded by the High Court warranted interference.

Judgment

The Supreme Court allowed the appeal, set aside the judgment of acquittal passed by the High Court, and restored the conviction of the accused.

The Court held that trivial inconsistencies or omissions in testimony cannot be given undue importance, particularly in cases involving child victims of sexual assault. The testimony of the prosecutrix, corroborated by medical evidence and surrounding circumstances, sufficiently established the offence.

The Court also directed all High Courts to ensure strict compliance with Section 228-A IPC regarding non-disclosure of identities of rape victims.

Rationale

The Court reiterated that interference with acquittal is permissible where the appreciation of evidence by the High Court is perverse or contrary to settled principles of law. Reliance was placed upon *State of U.P. v. Ajmal Beg*, 2025 SCC OnLine SC 2801 and *State of H.P. v. Chaman Lal*, 2026 SCC OnLine SC 85.

On appreciation of testimony of child witnesses, the Court referred to *State of Rajasthan v. Chatra*, (2025) 8 SCC 613; *State of M.P. v. Balveer Singh*, (2025) 8 SCC 545; *State of M.P. v. Ramesh*, (2011) 4 SCC 786; *Panchhi v. State of U.P.*, (1998) 7 SCC 177; and *State of U.P. v. Ashok Dixit*, (2000) 3 SCC 70. The Court reiterated that conviction can be based on the sole testimony of a child witness if it inspires confidence.

Reliance was also placed upon *State of Himachal Pradesh v. Manga Singh*, (2019) 16 SCC 759: (2020) 2 SCC (Cri) 470, wherein it was held that minor contradictions or discrepancies are insufficient to discard the testimony of the prosecutrix in rape cases.

On inconsistencies in evidence, the Court referred to *State of U.P. v. M.K. Anthony*, (1985) 1 SCC 505 : 1985 SCC (Cri) 105; *Appabhai v. State of Gujarat*, 1988 Supp SCC 241 : 1988 SCC (Cri) 559; *State of Rajasthan v. Kalki*, (1981) 2 SCC 752 : 1981 SCC (Cri) 593; and *Rakesh v. State of Uttar Pradesh*, (2021) 7 SCC 188 : (2021) 3 SCC (Cri) 149. The Court observed that truthful witnesses may differ on immaterial details because of ordinary lapses of memory and only material contradictions affecting the core prosecution case are relevant.

Examining the evidence, the Court found that the prosecutrix had consistently identified the accused and clearly narrated the assault. Her testimony stood corroborated by her parents, the witness from whom she had fetched buttermilk, and medical evidence showing injuries consistent with sexual assault.

The Court held that the High Court erred in rejecting the prosecution case merely on the basis of alleged improbability regarding travel distance and minor discrepancies relating to reporting of the incident. Such inconsistencies did not affect the core prosecution narrative.

The Court also deprecated disclosure of the victim's identity in judicial records and referred to *State of Maharashtra v. Tukaram*, (1979) 2 SCC 143 : 1979 SCC (Cri) 381; *Nipun Saxena v. Union of India*, (2019) 2 SCC 703 : (2019) 1 SCC (Cri) 772; *State of Punjab v. Gurmit Singh*, (1996) 2 SCC 384 : 1996 SCC (Cri) 316; and *Bhupinder Sharma v. State of HP*, (2003) 8 SCC 551 : 2004 SCC (Cri) 31, emphasizing strict adherence to the mandate of confidentiality under Section 228-A IPC.

Accordingly, the acquittal was set aside and the accused was directed to surrender and undergo the remaining sentence.

22. Sandeep Yadav v. Satish and Others; 2026 SCC OnLine SC 474

Decided on: 25 March 2026

Bench: 1. Hon'ble Mr. Justice Ahsanuddin Amanullah

2. Hon'ble Mr. Justice R. Mahadevan

(Criminal Trial — Framing of charge — Unsigned charge — Defect in charge — Curable irregularity — De novo trial — Failure of justice — Sections 215 and 464 CrPC)

Facts

An FIR dated 04.01.2007 was registered at Police Station Quarsi, Aligarh for offences under Sections 147, 148, 149, 307, 302 and 120-B IPC and Section 7 of the Criminal Law Amendment Act, 1932 arising out of a firing incident in a land dispute, resulting in the death of Nahar Singh. The appellant was the son of the deceased.

After investigation, charges were framed on 27.03.2009. However, the formal charge remained unsigned due to absence of one accused. On 01.06.2009, all accused appeared before the court along with counsel and the matter proceeded for recording prosecution evidence.

The trial continued for nearly fourteen years. Several witnesses were examined and extensively cross-examined. At the stage of recording statements under Section 313 CrPC, the trial court noticed that the formal charge had remained unsigned. Consequently, fresh formal charges were framed on 11.09.2024.

The trial court allowed the prosecution's request to proceed from the existing stage and rely upon evidence already recorded. However, the High Court, in proceedings under Section 482 CrPC, directed a de novo trial.

Aggrieved thereby, the appellant approached the Supreme Court.

Issues

1. Whether there was substantial compliance with the requirement of framing charges.

2. Whether absence of signature on the charge amounted to an illegality vitiating the trial or merely a curable irregularity under Sections 215 and 464 CrPC.
3. Whether the High Court was justified in directing a de novo trial after substantial completion of evidence.

Judgment

The Supreme Court allowed the appeal and set aside the judgment of the High Court. The order of the trial court directing continuation of the trial from the existing stage was restored. The Court held that the absence of signature on the charge was merely a curable procedural irregularity and did not vitiate the trial in the absence of demonstrated prejudice or failure of justice. The Court further held that directing a de novo trial after fourteen years of proceedings and after the death of key witnesses would seriously prejudice the prosecution and defeat the ends of justice.

Rationale

The Court observed that the object of framing a charge is to ensure that the accused has clear notice of the allegations and an effective opportunity to defend himself. The emphasis of criminal procedure is on fairness and substance rather than technicalities.Reliance was placed upon the Constitution Bench judgment in *Willie (William) Slaney v. State of Madhya Pradesh*, AIR 1956 SC 116, wherein it was held that procedural defects in framing of charge do not vitiate a trial unless prejudice or failure of justice is demonstrated.

The Court also relied upon *Main Pal v. State of Haryana*, (2010) 10 SCC 130; *Rafiq Ahmad v. State of Uttar Pradesh*, (2011) 8 SCC 300; and *Soundarajan v. State represented by the Inspector of Police, Vigilance Anti-Corruption, Dindigul*, (2023) 16 SCC 141, reiterating that defects in charge are curable where the accused had full knowledge of the case and suffered no prejudice.

Examining the facts, the Court found that the accused had actively participated in the proceedings for over fourteen years, extensively cross-examined witnesses, and fully understood the prosecution case. No objection regarding the unsigned charge was raised during the entire course of the trial.

Interpreting Sections 215 and 464 CrPC, the Court held that even absence of a formally framed charge does not ipso facto invalidate proceedings unless failure of justice is established. The omission of signature on the charge was therefore only a procedural lapse and not a jurisdictional illegality.

On the question of de novo trial, the Court referred to *State of M.P. v. Bhooraji*, (2001) 7 SCC 679; *Shamnsaheb M. Multtani v. State of Karnataka*, (2001) 2 SCC 577; *Ajay Kumar Ghoshal v. State of Bihar*, (2017) 12 SCC 699; and *Nasib Singh v. State of Punjab*, (2022) 2 SCC 89, holding that retrial is an exceptional remedy permissible only where there is serious illegality causing miscarriage of justice.

The Court noted that two key eyewitnesses had died during pendency of the proceedings and ordering retrial would irretrievably prejudice the prosecution. Since the alleged defect had caused no prejudice to the accused, the High Court was not justified in directing a fresh trial.

Accordingly, the appeal was allowed and the trial court was directed to proceed from the stage at which the matter stood prior to the impugned order.