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RIGHT TO SAFE ROADS IS A FUNDAMENTAL RIGHT: SUPREME COURT AFFIRMS STATE'S DUTY UNDER ARTICLE 21 AND 19(1)(G)

UMRI POOPH PRATAPPUR (UPP) TOLLWAYS PVT. LTD. V. M.P. ROAD DEVELOPMENT CORPORATION & ANR.

In a landmark ruling, the Supreme Court held that the right to safe, well-maintained, and motorable roads is an essential component of the Right to Life under Article 21 of the Constitution. It further recognised that freedom of movement and access across the country falls within the scope of Article 19(1)(g), which guarantees the right to carry on any occupation, trade, or business.

The case arose from a concession agreement between the petitioner, UPP Tollways Pvt. Ltd., and the M.P. Road Development Corporation (MPRDC) for highway development. A dispute led to arbitration, which was resolved in favour of the company. However, the Madhya Pradesh High Court had quashed the arbitral award, prompting the appeal.

The Supreme Court set aside the High Court's judgment, reinstating the arbitration outcome. It emphasised that the State has a positive constitutional obligation to ensure that roads under its control are maintained to safeguard citizens' right to life and enable their free movement for livelihood and business.

The Court declared that any failure by the State to maintain roads constitutes a direct violation of Article 21, reinforcing that infrastructure like roads is not just a matter of convenience but a constitutional guarantee tied to dignity, mobility, and economic freedom.

This judgment strengthens citizen-centric interpretations of fundamental rights and reinforces the duty of the State and its agencies to deliver and uphold basic infrastructure critical to everyday life.

Read full guidelines:
https://www.verdictum.in/court-updates/supreme-court/umri-pooph-pratappur-upp-tollways-pvt-ltd-v-mp-road-development-corporation-2025-insc-907-right-to-safe-roads-1586802

SPEAKER, WHILE ACTING UNDER THE TENTH SCHEDULE, FUNCTIONS AS A TRIBUNAL AND IS AMENABLE TO JUDICIAL REVIEW

PADI KAUSHIK REDDY & ORS. V. STATE OF TELANGANA & ORS

Facts:
Following the 2023 Telangana Legislative Assembly elections, three MLAs from the Bharat Rashtra Samithi (BRS) — Danam Nagender, Venkata Rao Tellam, and Kadiyam Srihari — were alleged to have defected and joined the Indian National Congress (INC) in March-April 2024.

Petitions for their disqualification were filed under Paragraph 2(1) of the Tenth Schedule read with Article 191(2) of the Constitution. However, the Speaker of the Assembly did not act on these petitions for several months.

Aggrieved by this inaction, the petitioners (including MLAs from BRS and BJP) approached the Telangana High Court. A Single Judge directed the Assembly Secretary to place the petitions before the Speaker within 4 weeks and report to the High Court.

The Speaker challenged this order before a Division Bench of the High Court, which set aside the Single Judge's order, citing lack of jurisdiction to interfere prior to the Speaker's decision. The matter was brought before the Supreme Court via Special Leave Petitions.

Judgment:
The Supreme Court allowed the appeals, set aside the High Court Division Bench judgment, and restored the Single Judge's order.

Key rulings:

- The Speaker, while acting under the Tenth Schedule, functions as a tribunal and is amenable to judicial review under Articles 226, 227, and 136 of the Constitution.

- Inordinate delay by the Speaker in initiating disqualification proceedings violates the constitutional mandate and frustrates the objective of the anti-defection law.

- While courts generally do not interfere before the Speaker's decision (to avoid "quia timet" action), exceptional circumstances such as complete inaction justify judicial directions to facilitate the process.

- The Court emphasized the constitutional duty of the Speaker to act fairly and expeditiously in disqualification matters to preserve the sanctity of democracy.

The Supreme Court, accordingly, directed the Speaker to decide the pending disqualification petitions within a specified time frame, emphasizing that delayed adjudication undermines democratic accountability.

HIMACHA PRADESH HIGH COURT QUASHES PENSION DEDUCTION FOR RETIRED JUDGE APPOINTED TRIBUNAL CHAIRMAN

JUSTICE (RETIRED) V.K. SHARMA V/S STATE OF H.P. & ANOTHER

The Himachal Pradesh High Court has overturned an order allowing pension deductions from the salary of Justice (Retd.) V.K. Sharma, a former High Court judge appointed as Chairman of the Himachal Pradesh Administrative Tribunal (HPAT). The court directed the state to pay arrears with 9% interest, ruling that deducting pension from the salary of a retired judge appointed as tribunal chairman is unlawful.

Justice Sandeep Sharma emphasized that pension is a vested right earned through past service, not a discretionary benefit, and serves as a social welfare measure to ensure financial security in retirement. Justice Sharma, appointed HPAT Chairman in December 2014 by the President of India under the Administrative Tribunals Act, 1985, received a fixed salary of ₹80,000, later revised to ₹2,25,000 in 2018. However, the state's personnel department deducted ₹40,000 from his salary, citing a "pay minus pension" policy for reemployed pensioners.

The court rejected this argument, noting that under Section 8(3) of the Administrative Tribunals Act, the conditions of service for the tribunal chairman must align with those of High Court judges. The deduction was deemed a violation of Article 221(2) of the

Constitution, which protects judges' pensions from being altered to their disadvantage post-appointment.

The court clarified that the chairman's role was a fresh constitutional appointment, not reemployment, making the deduction impermissible.

The ruling underscores the legal protections for retired judges in constitutional roles, ensuring their pension rights remain intact. The state was ordered to refund the deducted amounts with interest, reinforcing the principle that pensions are a rightful entitlement for past service, not subject to arbitrary reductions.

Read full guidelines:
https://www.livelaw.in/pdf_upload/retd-612078.pdf

SUPREME COURT: ACCIDENT OCCURRING TO EMPLOYEE WHILE COMMUTING FROM HIS RESIDENCE TO PLACE OF EMPLOYMENT OR VICE VERSA COVERED UNDER EMPLOYEES' COMPENSATION ACT

DAIVSHALA & ORS. V. ORIENTAL INSURANCE COMPANY LTD. & ANR. CITATION: 2025 INSC 904)

The Supreme Court has ruled that accidents occurring during an employee's commute to or from their workplace are covered under the Employees' Compensation Act, 1923 (EC Act), provided there is a clear nexus between the accident's circumstances, time, place, and the employment. This landmark decision was delivered in a Civil Appeal by the family of a deceased employee, overturning a judgment by the Bombay High Court (Aurangabad Bench). The bench, comprising Justices Manoj Misra and K.V. Viswanathan, clarified that the phrase "accident arising out of and in the course of his employment" in Section 3 of the EC Act encompasses commuting accidents if they are sufficiently linked to employment duties.

The case involved a watchman employed at a sugar factory, with work hours from 3 a.m. to 11 a.m. On April 22, 2023, while riding his motorcycle to report for duty, he suffered a fatal accident 5 kilometers from the factory. His family, consisting of a widow, four children, and his mother, filed a claim under the EC Act. The employer and insurance company contended that the accident did not arise out of or in the course of employment, as it occurred outside the factory premises.

The Commissioner for Workmen's Compensation, Osmanabad, rejected this defense, ordering the insurance company to pay compensation due to a valid insurance policy and imposing a 50% penalty on the employer. Dissatisfied, the insurance company appealed to the Bombay High Court, which reversed the Commissioner's decision, holding that the accident's origin was unrelated to employment since it occurred during the commute.

The Supreme Court, however, disagreed, emphasizing that statutes with shared objectives can inform interpretation unless explicitly contradicted. The court reasoned that the accident was directly tied to the employee's commute to perform his duties, thus falling within the EC Act's scope. The Commissioner's judgment on June 26, 2009, was upheld as justified. Consequently, the Supreme Court allowed the appeal, set aside the High Court's ruling, and restored the Commissioner's order, ensuring the family received compensation. This ruling strengthens protections for employees' families by recognizing commuting accidents as compensable under the EC Act when connected to employment, marking a significant step in safeguarding workers' rights in such tragic circumstances.

Read full guidelines:
https://www.verdictum.in/pdf_upload/daivshala-v-oriental-insurance-company-ltdwatermark-1732855.pdf

NIA COURT SAYS PRAGYA THAKUR HAD TAKEN SANYAS, NO EVIDENCE OF CONSCIOUS POSSESSION OF EXPLOSIVE – LADEN BIKE: BUT REJECTS HER TORTURE CLAIM

NIA V.S PRAGYA THAKUR & OTHERS

While acquitting all seven accused in the 2008 Malegaon blast case, including BJP MP Pragya Singh Thakur, the Special NIA Court held that the prosecution failed to prove she had conscious possession of the LML Freedom motorcycle allegedly used in the blast.

Special Judge A.K. Lahoti rejected ATS and NIA's claim that a bomb was strapped or planted on the bike owned by Pragya, noting she had renounced the material world at least two years before the incident and that the vehicle was in the exclusive possession of absconding accused Ramji Kalsangra. No witness had seen Pragya with the motorcycle after she took sanyas, and NIA had already exonerated her.

The court ruled that damage to the motorcycle was not conclusive proof of it carrying explosives. No eyewitness or circumstantial evidence showed that Kalsangra or others received the bike from Pragya and fitted it with explosives. Forensic evidence was unreliable, as no scientific tests confirmed explosives inside the bike, and the expert admitted the cavity beneath the seat was intact. The court observed that the bomb could have been placed or hung outside the vehicle.

Prosecution failed to conclusively prove the bike's chassis and engine numbers matched records showing it was registered to Pragya, instead relying on probabilities without foundation.

The court also rejected Pragya's claims of torture by ATS for lack of evidence, though it noted inconsistencies in ATS records and testimony, including that they had knowledge of her alleged involvement on 12 October 2008 but arrested her only on 20 October. ATS claimed she founded Abhinav Bharat and conspired to target Muslims, seizing various pamphlets and personal items from her, but the court found these seizures unconvincing and lacking credibility.

In conclusion, the court held that the prosecution relied on assumptions, conjectures, and probabilities rather than strict proof, and failed to establish ownership, possession, or use of the motorcycle by Pragya Singh Thakur in connection with the blast.

Read full guidelines:
https://www.livelaw.in/top-stories/pragya-thakur-malegaon-blast-acquittal-reasons-299672

COURT ISSUED BINDING NATIONWIDE GUIDELINES TO ENSURE PROPER COLLECTION, PRESERVATION, AND PROCESSING OF DNA AND OTHER BIOLOGICAL MATERIALS IN CRIMINAL INVESTIGATIONS.

KATTAVELLAI @ DEVAKAR VERSUS STATE OF TAMILNADU

The Supreme Court acquitted a man who was sentenced to death for the murders of a couple and the rape of the woman victim, citing grave procedural lapses in the handling of DNA evidence. In doing so, the Court issued binding nationwide guidelines to ensure proper collection, preservation, and processing of DNA and other biological materials in criminal investigations.

The case related to the murder of a couple in Tamil Nadu in 2021. The bench comprising Justices Vikram Nath, Sanjay Karol, and Sandeep Mehta heard the case. The appellant Kattavellai @ Deevakar was sentenced to death by the trial court after being found guilty of the offences under Section 302, 376 and 397 of the Indian Penal Code. The conviction, which was affirmed by the High Court, rested almost entirely on circumstantial evidence, primarily the DNA match between biological samples collected from the crime scene and the accused.

Challenging the High Court's decision, the Appellant appealed to the Supreme Court, arguing systematic flaws in the police's

investigation, particularly the handling, storage and forwarding of the DNA evidence. Taking note of the material placed on record, the Court found multiple procedural deficiencies that rendered the DNA evidence unreliable. Notably, the Court pointed to the absence of a chain of custody register, unexplained delays in submitting samples to the forensic laboratory, and the lack of information on how the samples were stored, raising significant concerns about possible contamination or tampering.

Considering the sensitive nature of the DNA Evidence which is prone to dilution, the judgment authored by Justice Karol issued the following directives:

"1. The collection of DNA samples once made after due care and compliance of all necessary procedure including swift and appropriate packaging including a) FIR number and date; b) Section and the statute involved therein; c) details of I.O., Police station; and d) requisite serial number shall be duly documented. The document recording the collection shall have the signatures and designations of the medical professional present, the investigating officer and independent witnesses. Here only we may clarify that the absence of independent witnesses shall not be taken to be compromising to the collection of such evidence, but the efforts made to join such witnesses and the eventual inability to do so shall be duly put down in record.

2. The Investigating Officer shall be responsible for the transportation of the DNA evidence to the concerned police station or the hospital concerned, as the case may be. He shall also be responsible for ensuring that the samples so taken reach the concerned forensic science laboratory with dispatch and in any case not later than 48- hours from the time of collection. Should any extraneous circumstance present itself and the 48-hours timeline cannot be complied with, the reason for the delay shall be duly recorded in the case diary. Throughout, the requisite efforts be made to preserve the samples as per the requirement corresponding to the nature of the sample taken.

3. In the time that the DNA samples are stored pending trial appeal etc., no package shall be opened, altered or resealed without express authorisation of the Trial Court acting upon a statement of a duly qualified and experienced medical professional to the effect that the same shall not have a negative impact on the sanctity of the evidence and with the Court being assured that such a step is necessary for proper and just outcome of the Investigation/Trial.

4. Right from the point of collection to the logical end, i.e., conviction or acquittal of the accused, a Chain of Custody Register shall be maintained wherein each and every movement of the evidence shall be recorded with counter sign at each end thereof stating also the reason therefor. This Chain of Custody Register shall necessarily be appended as part of the Trial Court record. Failure to

maintain the same shall render the I.O. responsible for explaining such lapse. The Directors General of Police of all the States shall prepare sample forms of the Chain of Custody Register and all other documentation directed above and ensure its dispatch to all districts with necessary instruction as may be required."

The Court directed the Registry to send a copy of this judgment to all High Courts and also the Directors General of the Police of all States to ensure necessary compliance.

Further, the Court also urged the Police Academies of the States to examine the necessity of conducting training of the Investigating Officers to ensure full compliance with the requisite precautions and procedures in accordance with the directions issued herein above.
The Square Circle Clinic, NALSAR University of Law, provided legal assistance to the appellant.

S. 18 LIMITATION ACT| ACKNOWLEDGMENT OF PARTIAL DEBT DOESN'T EXTEND LIMITATION FOR ENTIRE CLAIM: SUPREME COURT

M/S. AIREN AND ASSOCIATES V. M/S. SANMAR ENGINEERING SERVICES LTD.

This case before the Supreme Court of India concerned the applicability of the extended limitation period under Section 18 of the Limitation Act, 1963, and whether a partial acknowledgment of liability could extend the limitation period for the entire suit amount. M/s. Airen and Associates (Appellant) undertook certain contractual work for M/s. Sanmar Engineering Services Ltd. (Respondent), which was allegedly completed on 07.02.1991. The appellant issued a legal notice dated 14.03.1992, raising a claim for ₹3,07,115.85. The respondent replied through its advocate on 21.05.1992, disputing the full claim, stating the contract value was only ₹1,55,223/- and that ₹1,00,000/- had already been paid. However, the respondent acknowledged that ₹27,874.10 was still payable and expressed willingness to pay it in full and final settlement.

Subsequently, the appellant filed Civil Suit No. 21-B/1995 before the District Judge, Durg, Chhattisgarh on 17.04.1995. Although the trial court acknowledged the appellant's entitlement to the amount, it dismissed the suit as barred by limitation.

High Court Appeal:

On appeal, the Chhattisgarh High Court partly allowed the claim. It held that Section 18 of the Limitation Act applied due to the

respondent's acknowledgment, thus extending the limitation period. However, the benefit was restricted only to the acknowledged sum of ₹27,874.10. The court awarded interest at 12% per annum from 01.04.1991 until the date of actual payment.

Supreme Court Decision:

The Supreme Court dismissed the appellant's appeal seeking recovery of the full ₹3,07,115.85. The Court emphasized the principle under Section 18 of the Limitation Act that:

- An acknowledgment must be explicit, relate to a present, subsisting liability, and be signed in writing before the limitation period expires.

- Acknowledgment of only part of the claim does not revive the limitation period for the entire claim unless the full amount is clearly acknowledged.

The Court observed that the respondent never admitted liability for the entire claim; it only acknowledged ₹27,874.10, which was consistent with the stand taken in the reply notice. The Court distinguished this case from Food Corporation of India v. Assam State Cooperative Marketing Federation Ltd. [(2004) 12 SCC 360], where a clear acknowledgment of a ₹2 crore liability formed the basis for the suit. It also referred to J.C. Budhraja v. Orissa Mining Corp. [(2008) 2 SCC 444] to reaffirm that the benefit of limitation under Section 18 applies only to the portion acknowledged and not to unacknowledged or time-barred claims.

The Supreme Court upheld the High Court's judgment, ruling that the appellant was only entitled to recover the acknowledged sum of ₹27,874.10 with interest, and not the full claimed amount. The appeal was dismissed as meritless, reinforcing the restrictive interpretation of acknowledgment under Section 18 of the Limitation Act.

Read full guidelines:
https://www.livelaw.in/pdf_upload/2025-livelaw-sc-745-airen-and-associates-v-sanmar-engineering-services-ltd-24-jul-2025-613335.pdf

TRADEMARK DISPUTES AREN'T OUTSIDE ARBITRATION; IN PERSONAM ISSUES RELATING TO LICENSE AGREEMENT ARBITRABLE: SUPREME COURT

K. MANGAYARKARASI & ANR. VERSUS N.J. SUNDARESAN & ANR.

The Supreme Court recently held that a mere allegation of fraud or misconduct does not divest an arbitral tribunal of its jurisdiction to adjudicate in personam disputes stemming from contractual relationships governed by an arbitration agreement.
"The law is well settled that allegations of fraud or criminal wrongdoing or of statutory violation would not detract from the jurisdiction of the arbitral tribunal to resolve a dispute arising out of a civil or contractual relationship on the basis of the jurisdiction conferred by the arbitration agreement.", the court observed.

The bench comprising **Justices JB Pardiwala and R Mahadevan** made these observations while dismissing a plea challenging the referral of a trademark dispute to arbitration, reaffirming that contractual disagreements involving intellectual property rights (IPRs) can be resolved through arbitration unless they involve sovereign or public (in rem) rights.

The dispute arose between two factions of a Coimbatore-based family over the ownership and usage rights of the popular "Sri Angannan Biriyani Hotel" trademark. The petitioners had filed a civil suit in the Commercial Court, Coimbatore, seeking a permanent injunction against the Respondent/defendant from using the trademark, and ₹20 lakhs in damages for alleged infringement.

However, the Respondent argued that the dispute stemmed from the Trademark Assignment Deed, which contained an arbitration clause. Thus, they filed an application under Section 8 of the Arbitration and Conciliation Act, 1996, seeking referral to arbitration. Aggrieved by the Commercial Court's and High Court's decision to refer the dispute to the arbitration, the Appellant/plaintiff moved to the Supreme Court.

Affirming the impugned findings, the judgment authored by **Justice Pardiwala** held that the High Court rightly upheld the commercial court's decision to refer the dispute to arbitration. The judgment noted that subordinate rights in personam arising from rights in rem are arbitrable, as established in ***Booz Allen and Hamilton Inc. v. SBI Home Finance Ltd. & Ors., (2011) 5 SCC 532***.

Drawing reference from the case of ***Vidya Drolia v. Durga Trading Corporation, (2021) 2 SCC 1*** the Court rejected the Appellant's blanket claim that all trademark disputes are non-arbitrable, holding instead that disputes such as assignment or passing off, when rooted in a contract and not affecting the public at large, are in the nature of rights in personam and therefore arbitrable.

"Prima facie, the nature of disputes sought to be raised by the petitioners cannot be considered as actions in rem. The assumption that all matters relating to trademarks are outside the scope of arbitration is plainly erroneous. There may be disputes that may arise from subordinate rights such as licences granted by the proprietor of a registered trademark. Undisputedly, these disputes, although, involving the right to use trademarks, are arbitrable as they relate to rights and obligations inter se the parties to a licence

agreement.", the court observed.

The Court further observed that under Section 11(6A) of the Arbitration Act, the referral court's role is confined to determining the existence of an arbitration agreement. Once such an agreement is found, it would be inappropriate for the referral court to encroach upon the arbitral tribunal's jurisdiction, which is empowered to decide on matters such as the validity of claims, full and final settlement, and issues of frivolity or dishonesty in litigation are areas that fall squarely within the tribunal's domain. (Refer ***SBI General Insurance Co. Ltd. v. Krish Spinning, 2024 LiveLaw (SC) 489***).

"Once there is an arbitration agreement between the parties, a judicial authority before whom an action is brought covering the subject-matter of the arbitration agreement is under a positive obligation to refer parties to arbitration by enforcing the terms of the contract. There is no element of discretion left in the court or judicial authority to obviate the legislative mandate of compelling parties to seek recourse to arbitration.", the court said.

Accordingly, the Court dismissed the petition, holding that the trademark disputes between the parties, having arisen under assignment deeds, were arbitrable.

Read full guidelines:

Click here to read/downloa the judgment

A Special Thanks to

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