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ANM GLOBAL'S DISPUTES NEWSLETTER APRIL, 2026

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1.THE SUPREME COURT EXPANDED THE MANDATE OF THE HIGH-POWERED COMMITTEE TO OVERSEE INSTITUTIONAL SAFEGUARDS FOR PRISONERS WITH DISABILITIES1 [21ST APRIL 2026]

Introduction

The rights of disabled persons, especially those of those in prisons, have long been a fight between constitutional guarantees and institutional neglect. Although Articles 14 and 21 of the Constitution guarantee equality and dignity to all persons, this does not manifest in reality within prisons. Over the past decades, this concern has been neglected when accounting for prison infrastructure. In this case, the Supreme Court has taken active cognizance of the issues herein and has provided significant institutional directions along with a mechanism for continued monitoring and progress.

Facts

In December 2025, the Court had issued a comprehensive framework covering the identification of disabled prisoners at admission, accessible infrastructure (ramps, toilets), healthcare, assistive devices, staff sensitisation, accessibility audits, disability-data maintenance, inclusive prison manuals, and periodic compliance reporting.

However, when the matter came up in April 2026, the Court found that only 12 States and Union Territories had filed their compliance affidavits, revealing a significant implementation gap across the country.

Issues

Two core issues arose for the Court's consideration. First, whether the constitutional and legislative mandates under the RPwD Act and Articles 14 and 21 were being meaningfully realised in custodial settings across States and Union Territories. Second, what institutional mechanism would most effectively and uniformly ensure compliance, given States' fragmented and inadequate responses thus far.

Judgement and Reasoning

The Court declined to address these issues piecemeal through individual proceedings and instead expanded the mandate of the High-Powered Committee constituted in *Suhas Chakma v. Union of India (2026)*, which was originally formed for the reform of Open Correctional Institutions, so as to now also oversee institutional safeguards for prisoners with disabilities.

The Court reasoned that a single, expert-driven, continuously functioning Committee would yield a coordinated and uniform framework across all States, avoid fragmentation of proceedings, and enable cohesive implementation of prior directions. It noted that the Committee was still at a nascent stage and the additional mandate, while significant, would not unduly burden it.

The Court issued nine specific directions, including mandatory participation of senior officials from the Department of Empowerment of Persons with Disabilities and State Social Welfare Departments; submission of compliance affidavits by all States within 6 weeks; formulation of an action plan for assistive devices and mobility aids with uniform procurement and maintenance standards; liberty for petitioners to participate before the Committee; and submission of a consolidated status report within 4 months. The Committee was also empowered to engage civil society, disability experts, and NGOs, with costs borne by the Ministry of Social Justice and Empowerment.

The Court concluded by firmly grounding its directions in Articles 14 and 21, emphasising that incarceration must never dilute the fundamental dignity and equality owed to every person, including those with disabilities. Furthermore, they stated that ad hoc compliance is no longer acceptable due to numerous gaps therein. The matter was listed for further hearing on September 1, 2026.

2.BAR ASSOCIATIONS THAT ARE FOUND NOT TO HAVE COMPLIED WITH THE MANDATORY 30% REPRESENTATION OF WOMEN REQUIREMENT WILL BE SUSPENDED.2 [16TH APRIL 2026]

Introduction

The Supreme Court, through a series of progressive orders in *Deeksha Amrutesh v. State of Karnataka*, has been enforcing a 30% mandatory reservation for women in Bar Associations across India in order to bridge the gap in representation, and this April 2026 order marks a decisive escalation in that effort, with the Court now threatening suspension of non-compliant Bar Associations.

Facts

In March of 2025, the Court mandated 30% representation of women advocates as Office Bearers or Executive Members across all District, Taluka, and specialised Bar Associations (Tax, RERA, NGT, DRT, etc.), directing the respective High Court Registrar Generals to ensure compliance. However, by January 2026, the SC realised that the benefit was not percolating to sub-divisional and specialised Bar Associations in several States. The Court sought status reports from all 25 High Courts. By March 13, 2026, only 13 of 25 High Courts had submitted compliance reports. On April 17, 2026, further noncompliance was reported, prompting the issuance of the present order.

[1] Sathyan Naravoor v. Union of India, 2026 SCC OnLine SC 650.
[2] Deeksha N Amruthesh v. State of Karnataka, 2026 SCC OnLine SC 472.

Issues

The core issue was the widespread non-compliance by Bar Associations with the Court's binding directions on women's representation. A subsidiary issue arose regarding the appropriate authority to nominate women members where sufficient women candidates were unavailable or did not contest elections.

Judgement and Reasoning

The Court issued a stern warning that the defaulting Bar Associations would face judicial suspension and court-directed fresh elections, a significant escalatory measure that reflects the Court's frustration with institutional resistance. The Court reasoned that persistent noncompliance undermined both its authority and the constitutional principle of gender equality within the legal profession.

On the nomination mechanism, the Court modified its earlier direction, replacing District Judges as the nominating authority with the Administrative/Portfolio Judge of the jurisdictional High Court, acting in consultation with the District and Sessions Judge, elected office bearers, and the senior-most women members of the District Bar Association. The tenure of nominated members was clarified as co-terminus with that of elected members.

3.SUPREME COURT ISSUES INTERIM DIRECTIONS FOR THE PREVENTION OF HIGHWAY ACCIDENTS.3 [13TH APRIL 2026]

Introduction

Although India’s national highways constitute a mere 2% of the country's total road network, they account for nearly 30% of all road fatalities. Responding to two catastrophic road accidents in November 2025 that, in total, claimed 34 lives, the Supreme Court took Suo Motu cognisance and, in this follow-up order, stated that commuter safety should be given the status of a fundamental right under Article 21 of the Constitution. The Court framed the State's obligation not merely as a negative duty to refrain from harm, but as a positive constitutional mandate to proactively ensure safe road environments for all citizens.

Facts

Two separate accidents triggered the Court's intervention. On November 2, 2025, near Mathoda in Phalodi district, Rajasthan, a bus carrying pilgrims collided with a stationary trailer parked near an unauthorised roadside dhaba on the Bharatmala Expressway, killing 15 persons. Investigations revealed multiple illegal encroachments and unauthorised commercial structures that were stationed along that highway stretch, along with heavy vehicles parked in unsafe conditions. Authorities initiated a crackdown only after the tragedy. The very next day, on November 3, 2025, on National Highway-163 near Chevella in Rangareddy district, Telangana, a lorry transporting gravel swerved to avoid a pothole and collided head-on with a State Road Transport Corporation bus, killing 19 persons, including a 40 day old infant. The road stretch had no streetlights, no dividers, and inadequate signage.

The Court had initially taken Suo Motu cognisance in *Phalodi Accident, In re (2025)*, issued notices to State and National authorities, and sought comprehensive reports on administrative failures. The present order follows up on that cognisance with binding interim directions.

Issues

Three broad issues were taken into consideration by the Court. First, whether commuter safety on national highways constitutes a protected right under Article 21, thereby imposing positive obligations on the State. Second, what systemic and structural failures, including illegal encroachments, absent safety infrastructure, poor emergency response, and inadequate surveillance, were contributing to highway fatalities. And third, what enforceable interim directions could immediately address these root causes on a pan-India basis.

Judgement and Reasoning

The Court unequivocally held that Article 21 is not merely a shield against unlawful deprivation of life, but a positive obligation upon the State to create and maintain a safe environment. A high-speed expressway becoming a ‘corridor of peril’ due to administrative lethargy or infrastructural gaps shows a direct failure of this constitutional obligation. The Court heavily emphasized that authorities cannot use ‘insufficient funding’ as an excuse to ignore their duties towards commuter safety.

Basis the recommendations of the Amicus Curiae and the Solicitor General, and the NHAI's inputs, the Court issued 13 detailed interim directions covering essentially every aspect of highway safety. Heavy and commercial vehicles are immediately prohibited from parking on highway carriageways except at designated bays, with enforcement by the way of real-time ATMS alerts (Advanced traffic management systems), GPS-timestamped evidence, and e-challans. All highway authorities must file consolidated inspection and encroachment reports within 30 days. Construction of any new dhaba or commercial structure within the highway Right of Way is prohibited with immediate effect, with existing unauthorised structures to be demolished within 60 days by District Magistrates.

With regard to institutional infrastructure, the Court ordered that every district through which a national highway passes must constitute a District Highway

[3] Deeksha N Amruthesh v. State of Karnataka, 2026 SCC OnLine SC 472.

Safety Task Force within 15 days, comprising district administration, police, NHAI, PWD, and local bodies, and the same must hold fortnightly review meetings. Additionally, dedicated Highway Surveillance Teams must be constituted within 30 days for the purpose of regular patrolling. NHAI must deploy BLS ambulances and recovery cranes at intervals not exceeding 75 km within 60 days, and construct truck lay-by facilities at every 75 km, with priority being given to the Amritsar-Jamnagar Highway. Accident blackspots must be identified and published within 45 days, followed by mandatory installation of LED lighting, speed cameras, and warning signs within 4 months. Significantly, the Court ordered for the constitution of an Inter-State Highway Safety Coordination Committee within 60 days for the uniform enforcement of safety standards across the States.

4.SUPREME COURT HOLDS THAT AN ORDER REJECTING A JURISDICTIONAL PLEA CANNOT BE CHALLENGED BY WAY OF INTERIM RELIEF, AND CAN ONLY BE CHALLENGED AFTER THE FINAL AWARD IS GIVEN.4 [21ST APRIL 2026]

Introduction

In a bid to minimise futile litigation, the Supreme Court has stated that when a plea challenging the jurisdiction of an arbitral tribunal is rejected under Section 16 of the Arbitration and Conciliation Act, such rejection cannot be argued before the court under Section 34 at the intermediate stage. This relief from perverse litigation comes in the wake of Delhi High Court orders to the contrary.

Facts

This case arises out of a disputed MoU that was first contested before the Saket district court, and subsequently referred to for arbitration. A sole arbitrator was appointed in 2021, and this appointment was confirmed within a month’s time.

At the stage of framing issues, the respondent filed an application under Order 7 Rule 11 of the CPC seeking rejection of the appellant's claim on grounds of limitation. The arbitrator dismissed this in April 2022. The respondent then challenged that dismissal under Section 34, and this challenge was rejected as not maintainable; on appeal, the Delhi High Court too upheld this rejection in February 2023. However, the HC gave the respondent the liberty to argue limitation as a jurisdictional issue before the arbitrator under Section 16.

The respondent availed that right and filed a fresh application under Section 16, this time arguing on limitation as a jurisdictional challenge. The arbitrator dismissed this, too, in May of 2023.

Subsequently, the respondent filed a Section 34 petition arguing against the dismissal of their plea. This time, the appellant conceded maintainability before the District Judge, who entertained the petition but dismissed it on the merits of the matter. On appeal under Section 37, the Delhi High Court's Division Bench allowed the respondent's appeal on merits entirely, without questioning whether the Section 34 challenge against a Section 16 order was maintainable in the first place. Thus, the Supreme Court then took cognizance of the issue.

Issues

The central question debated before the SC was whether an order passed by an Arbitral Tribunal under Section 16, that is rejecting a plea of lack of jurisdiction, can be challenged under Section 34 at an intermediate stage, before the final arbitral award is made. A connected question was whether an appeal under Section 37 would lie from such a Section 34 proceeding.

Judgement and Reasoning

The Supreme Court answered with a resounding no. It referred to the Act and held that the same is unambiguous, thus offering no scope for such actions. Section 16(5) expressly mandates that once a jurisdictional plea is rejected, the arbitral proceedings must continue and an award must be given. Section 16(6) then provides the remedy, which is that the aggrieved party can challenge the rejection, but only at the stage of challenging the final award under Section 34. The Court noted that the Parliament deliberately built in this sequencing to prevent arbitral proceedings from being derailed by premature interventions.

As for Section 37, the Court clarified that it permits appeals only where the Tribunal actually accepts a jurisdictional plea and terminates proceedings, and not where it rejects one. Allowing a Section 37 appeal against a rejection would therefore render this provision meaningless.

The Court also addressed and distinguished the often-cited *IFFCO Ltd. v. Bhadra Products (2018)* ruling, which had created some confusion. That case dealt with a situation wherein limitation was determined as a preliminary issue, effectively constituting an interim award, which is thus a materially different scenario from a Section 16 jurisdictional rejection. Treating the latter as an interim award, the Court held, would distort the intent of the Act.

Notably, the Court corrected the legal position suo motu, even though the appellant had conceded maintainability below. The error, the Court reasoned, went to the very root of how the statute operates and could not be allowed to stand simply because a party had made an ill-advised concession.

[4] MCM Worldwide (P) Ltd. v. Construction Industry Development Council, 2026 SCC OnLine SC 717.

5.THE SUPREME COURT HOLDS THAT EVEN AN UNSUCCESSFUL PARTY CAN INVOKE SECTION 9 PROTECTION AT THE POST-AWARD STAGE.5 [24TH APRIL 2026]

Introduction

The primary question herein is as to whether the party against whom an arbitral award has been issued can seek interim protection or not. This was disputed over by various High Courts, some saying that the Act makes no discernible differentiation between the parties, while others said that the purpose of interim relief post-award is only to protect the benefits reaped from the award, and the losing party had no such benefit to protect. The SC thus had to step in to settle this debate.

Facts

The matter came before the Supreme Court as a batch of appeals arising from conflicting judgments of multiple High Courts on the same. On one hand, the Bombay, Delhi, Madras, and Karnataka High Courts, consistently held that the post-award Section 9 relief is meant only to safeguard an enforceable award, and therefore an unsuccessful party, having no award in its favour, simply has no locus to apply for it. On the other hand, the Telangana, Gujarat, and Punjab & Haryana High Courts had taken a more inclusive view, holding that even a losing party may seek interim protection if the circumstances justify it.

Issues

The issue herein was whether a Section 9 petition filed by the losing party at the post-award stage is maintainable or not.

Judgement and Reasoning

The Court did a plain reading of the Act, and refused to interpret it to have a wider scope than was explicitly stated.

The SC did a part-by-part analysis of the Act to draw its inferences. With regard to the meaning of ‘party’, the court noted that nowhere in the Act is any distinction drawn between a successful and an unsuccessful party. Thus, it applied the rule of statutory interpretation, which is that where the language is clear and unambiguous, courts must give it its natural meaning and cannot introduce words or qualifications that the legislature chose not to include. To say that "a party" means "a successful party" after the award is rendered would create an anomalous situation where the same expression carries different meanings at different stages of the same proceedings. That, the Court said, is simply not permissible.

With regard to the broad scheme of Section 9, the court noted that the provision expressly contemplates three stages for seeking interim relief, which are: before arbitration begins, during proceedings, and after the award but before enforcement under Section 36. Nowhere does it say that post-award relief is available only to award-holders. Importantly, the Court noted that India's statute consciously departs from the UNCITRAL Model Law by conferring this additional post-award right, and even that expanded provision carries no restriction on which party may invoke it. They held that if the Parliament had wanted to limit post-award Section 9 relief to successful parties, it would have said so expressly, just as the old Arbitration Act of 1940 had done.

Reading the relationship between sections 9, 34, and 36, the Court rejected the argument that Sections 34 and 36 adequately protect an unsuccessful party's interests. They said that these provisions operate in completely different spheres, as Section 34 challenges the validity of an award, and Section 36 governs its enforceability, while Section 9 protects the subject matter or assets in dispute. An unsuccessful party challenging an award under Section 34 has no mechanism under Sections 34 or 36 to prevent asset dissipation during that challenge. Thus, denying it access to Section 9 would leave it entirely without interim protection, and if the award is eventually set aside or modified, that party's success would mean nothing if the assets have long since vanished.

With regard to the High Courts’ reasoning, the Court found the judgments in *Dirk India, Nussli Switzerland, Padma Mahadev, and A. Chidambaram* to be based on a flawed premise that post-award interim relief exists solely to protect the fruits of enforcement. This premise had become even more untenable after the Supreme Court's recognition in Gayatri Balasamy that courts under Section 34 can modify awards in certain circumstances, not merely set them aside or uphold them. The Court also noted that Section 43(4) preserves the right of parties to re-agitate disputes after failed arbitrations, further reinforcing the need for interim protection even for losing parties. Calling the restrictive approach a "strained interpretation" of a provision that was "clear, categorical, and couched in simple and direct terms," the Court firmly overruled those decisions.

While ruling that unsuccessful parties can file Section 9 petitions, the Court clarified that maintainability is not the same as entitlement. Courts must exercise care and circumspection, and the bar for actually granting interim relief to a losing party will be higher. The established principles of establishing a prima facie case, balance of convenience, and showing irreparable injury continue to apply, and in the case of an unsuccessful party, these must be assessed with greater scrutiny.

[5] Home Care Retail Marts Pvt. Ltd. v. Haresh N. Sanghavi, 2026 SCC OnLine SC 670.

6.COURTS, WHEN DECIDING ON AN ANTICIPATORY BAIL PLEA, CANNOT DIRECT FOR SURRENDER OF THE PERSON.6 [23RD APRIL 2026]

Introduction

Anticipatory bail is typically filed for by persons who have apprehension of charges being filed against them in the near future. The aim of this provision is to enable the accused to obtain legal protection in a due manner.

Facts

This case arose from a land dispute between the petitioner and the complainant (Respondent 2). A private complaint was filed against the petitioner in Jharkhand for offences under Sections 323, 420, 467, 468, 471, 120B, and 34 of the IPC, which are offences relating to cheating, forgery, and criminal conspiracy. The petitioner, being apprehensive of arrest, approached the Jharkhand High Court for anticipatory bail. The High Court not only declined to grant anticipatory bail but went further and directed the petitioner to surrender before the court and then apply for regular bail. Aggrieved by this additional direction, the petitioner approached the Supreme Court by way of a Special Leave Petition.

Issues

The core issue was whether a High Court, while rejecting an anticipatory bail application, has the jurisdiction to simultaneously direct the applicant to surrender and seek regular bail from the trial court.

Judgement and Reasoning

The Supreme Court's answer was unambiguous: it held that the High Court had no such jurisdiction and, more importantly, that the direction to surrender was wholly illegal.

The Court took the opportunity to address a broader and more fundamental problem it had observed in Bihar and Jharkhand, which was the routine filing of anticipatory bail applications in private complaint cases, even when there is no real threat of arrest. The Court pointed out that in a private complaint, once a Magistrate takes cognisance and issues process, the standard course of action is to issue a summons, and not a warrant. All that the accused is required to do upon receiving a summons is appear before that court. There is no reason to rush to the Sessions Court or High Court for anticipatory bail unless a non-bailable warrant has actually been issued.

The Court further clarified the limited circumstances under which even a warrant can be issued under Section 87 of the CrPC. It noted that a warrant can be issued only where the court believes the person has absconded, will not comply with the summons, or has failed to appear despite proper service without a valid excuse. Outside these narrow situations, a warrant is not the default outcome of a private complaint.

Addressing the role of police in such cases, the Court made an important clarification: where a Magistrate takes cognisance under Section 200 CrPC but postpones the issuing process while conducting an inquiry under Section 202, the police have no power of arrest. Their involvement in private complaint matters at that stage is not provided for by the law.

Returning to the specific grievance, the Court held that once the High Court rejected the anticipatory bail, its jurisdiction ended there. Directing surrender was a separate and additional imposition on the petitioner's liberty that the court lacked the power to impose. The ruling was forwarded to the High Courts of Bihar and Jharkhand, with a direction to the State counsel to take note and guide their respective administrations accordingly.

7.MUNICIPAL PROPERTY REGISTER ENTRIES DO NOT CREATE TITLE, AND DE-RESERVED LAND CANNOT BE RETROSPECTIVELY TREATED AS EARMARKED FOR PUBLIC PURPOSE.7 [20TH APRIL 2026]

Introduction

Land matters are especially infamous for dragging on for decades and, in the process, exceeding the scope of the original dispute. In such cases, it is necessary for the SC to step in and correct judicial overreach in the interest of the litigants.

Facts

In 1958, Urban Improvement Company Pvt. Ltd., a coloniser, surrendered a 1600 sq. yard parcel of land in what was then Village Yusuf Sarai Jat and is now Green Park Extension, to the Municipal Corporation of Delhi (MCD), along with a sanctioned layout plan that reserved the land for a High School. Not long after, a revised layout plan was sanctioned in which this High School reservation was deleted, on the grounds that the available area was insufficient for the purpose. This de-reservation was never challenged by anyone and attained complete finality.

With the land now de-reserved, the coloniser sold it in parts to five purchasers through registered sale deeds in June 1975. When the MCD began interfering with their possession, the purchasers filed civil suits and obtained a decree of permanent injunction in October 1988, thereby restraining the MCD from interfering with their possession except through due process of law. The MCD's appeals against this decree were dismissed at every level, including before the High Court, and the decree became final.

[6] Om Prakash Chhawnika v. State of Jharkhand, 2026 SCC OnLine SC 676.
[7] Pawan Garg v. SDMC, 2026 SCC OnLine SC 644.

The land subsequently changed hands through registered conveyances in 1994, eventually reaching the appellants through gift deeds and sale deeds between 2006 and 2008. Throughout this period, the appellants and their predecessors remained in peaceful possession. However, when they applied for incorporation of their plots in the colony layout plan, the MCD rejected the application in 2014, relying on entries in its immovable property register and departmental reports, rather than on any actual legal claim to the land. The Standing Committee upheld this rejection. The appellants filed a writ petition, which the Single Judge allowed, directing the MCD to reconsider the application within a stipulated period. The MCD's letters patent appeal before the Division Bench, however, succeeded, with the Division Bench exceeding the Single Judge's limited direction and making sweeping observations about title and public purpose. That judgment is what the Supreme Court then debated upon.

Issues

Two issues arose. First, whether the Division Bench was justified in exceeding the limited scope of the letters patent appeal, which was only about the correctness of the Single Judge's direction to reconsider the layout plan application, to examine questions of title and public purpose.

And second, whether a mere entry in the MCD's immovable property register could constitute proof of title sufficient to deny the appellants their rights, particularly in the face of a final civil court decree.

Judgement and Reasoning

The Supreme Court's ruling rested on three clear foundations. First, on the finality of the civil court decree, the SC held that the 1988 injunction decree had been upheld all the way to the High Court and never challenged further. It conclusively protected the appellants' predecessors' possession. The Division Bench's observations effectively unsettled this binding decree, which is something that an appellate court simply cannot do, particularly when the MCD itself had never asserted title before any competent forum in all those years of litigation.

Second, on the nature of municipal records, the Court firmly reiterated the well-established legal position that an entry in a municipal property register does not confer title. The MCD's only basis for claiming any interest in the land was a single entry in its register and no more. That cannot override registered sale deeds, a civil court decree, and decades of uncontested private possession.

Third, the land had been formally de-reserved since 1969. Nobody challenged that de-reservation. The land had since passed through multiple registered conveyances. For the Division Bench to then say that the land retained a public purpose character because it was originally earmarked for a High School was, in the Court's words, "perverse and untenable." One cannot retrospectively restore a reservation that was formally deleted over five decades ago and never contested.

Finally, and perhaps most importantly, the Court emphasised the limited scope of the letters patent appeal. The Division Bench was only asked to examine whether the Single Judge was right in directing the MCD to reconsider the layout plan application. That was the beginning and the end of its jurisdiction. By venturing into title and public purpose, which are issues that the MCD had never even raised in earlier proceedings, the Division Bench exceeded its adjudicatory mandate entirely.

Ms. Anushree Rauta, Equity Partner and Head – Media, Entertainment & Gaming Practice at ANM Global, has been recognised amongst the Asian Legal Business Super 50 TMT Lawyers 2026.

ANM Global announces the elevation of Shikha Ginodia to Equity Partner, marking a significant milestone in the firm's continued growth and leadership strengthening.

FIRM HIGHLIGHTS

ANM Global is pleased to have represented Balaji Telefilms Limited, successfully advising on production deals, locking the lead artist agreements, and assisting in closing all revenue deals for the film.

ANM Global hosted “IP at an Inflection Point” — the International Trademark Association (INTA) Pre-Annual Meeting Reception 2026, bringing together key stakeholders from across the IP ecosystem for insightful discussions and meaningful exchange.

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