



अधीतम्: THE URBAN ARCHIVES

Centre for Law &
Urban Development
Monthly Newsletter



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ABOUT CLUD

The primary objective of the Centre is to evolve and impart comprehensive and interdisciplinary research involving land laws, property laws and working towards a sustainable legal education that is socially relevant. We aim to promote legal and ethical values and foster the rule of law and the objectives enshrined in the Constitution of India. Furthermore, the Centre works toward dissemination of legal knowledge and its role in national development, so that the ability to analyse and present contemporary issues of public concern and their legal implications for the benefit of public are improved. These processes strive to promote legal awareness in the community and to achieve political, social and economic justice.

Many believe that the path of liberalisation we embarked upon in the early 90s unleashed India's potential. Undoubtedly the country has undergone vast changes in all spheres and we see a more confident India asserting itself on the global stage. However, this progress has come with very significant challenges to the country. India's various social classes are yet to be assimilated; their participation in the process of governance remains fractured. Cumulative progress needs to be fair and equitable and integral to that is a legal system that empowers the marginalised.

Our sincere endeavour is to make legal education an instrument of social, political and economic change. Each individual who is part of this institution must be remembered for the promotion of social justice. Our students will not only be shaped as change agents as the country achieves its social and developmental goals, but will also be equipped to address the imperatives of the new millennium and uphold the Constitution of India.



EDITOR'S NOTE

Urban governance in India continues to evolve at the intersection of constitutional values, reform in regulations, and judicial scrutiny. The November 2025 edition of *The Urban Archives* reflects this dynamic landscape across land, tenancy, environment, healthcare, labour, and real estate law.

This month's judicial developments reaffirm foundational principles of property and land law, ranging from clarifying the limits of rights arising out of land acquisition to reinforcing statutory discipline in registration, compensation settlements, and tenancy disputes. Courts across jurisdictions have emphasised procedural fairness, finality of settlements, and the primacy of legislative intent in rent control and housing regulation.

Simultaneously, policy reforms such as the Jammu & Kashmir Tenancy Act, 2025, the New Rent Rules, 2025, and the strengthened Labour Codes signal a broader shift toward digitisation, institutionalised dispute resolution, and enhanced protections for workers and tenants. Environmental governance remains contested terrain, with significant rulings revisiting ex-post facto clearances and reaffirming judicial oversight in ecological protection.

Together, these developments underscore a central reality, that urban transformation is not merely infrastructural, but deeply legal. Through this edition, CLUD continues its commitment to examining how law shapes equitable, accountable, and sustainable urban futures.

An aerial photograph of a rural landscape. The top left shows a field of bright yellow flowers, likely rapeseed. The rest of the image is dominated by large, rectangular agricultural plots. A prominent feature is a large area with wavy, concentric lines, possibly representing a field with a specific soil management or irrigation pattern. In the bottom right, there is a cluster of white buildings, likely a farm or a small processing plant. The entire image is framed by a thin black border.

LAND CONFLICT

LAND CONFLICT

SUPREME COURT REITERATES THAT LAND ACQUISITION CREATES NO ENFORCEABLE RIGHT TO GOVERNMENT EMPLOYMENT

The Supreme Court in *Sanjeev Kumar v. State of Haryana & Ors.*, SLP (C) No. 30798 of 2025, ruled that the acquisition of land under the Land Acquisition Act, 1894 does not give rise to any legal or enforceable right to a government job. It is also stated that the State's statutory obligation is fully discharged by the payment of compensation.

A Bench of Justice Pankaj Mithal and Justice Prasanna B. Varale was hearing the special leave petition of an individual whose family's land had been acquired in 1998. The petitioner, who was not born at the time of acquisition, filed a compassionate request for appointment in government service almost 30 years later, alleging that such employment is a natural consequence of land acquisition. The Court rejected the request and pointed out that the Land Acquisition Act, 1894 does not provide for granting

employment in lieu of the acquired land. The Court noted that the statutory scheme provides only for monetary compensation and that once such compensation is paid, the State's obligation is fully discharged.

The Court added that if there were any administrative policy granting employment to the affected families, such a policy could not override or supplement the statutory framework. The Court also mentioned the long delay in making the claim and held that a demand raised nearly 18 years after the formulation of such a policy could not be accepted. Noting that there was no illegality or infirmity in the orders passed by the authorities and the High Court, the Supreme Court dismissed the special leave petition and thus re-established the position that claims for employment cannot be judicially read into land acquisition statutes.

LAND CONFLICT

SUPREME COURT HOLDS IMPUGNED RULE-19 SUB-RULES REQUIRING MUTATION PROOF FOR REGISTRATION AS ULTRA VIRES AND ARBITRARY

The Supreme Court of India, in *Samiullah v. The State of Bihar* (2025 INSC 1292), Civil Appeals arising out of SLP (C) Nos. 12674/2024 and 18064/2024 (decided on 7 November 2025), held that sub-rules (xvii) and (xviii) of Rule 19 of the Bihar Registration Rules, 2008, mandating production of proof of Jamabandi or holding allotment as a precondition for registration of sale/gift documents, are beyond the rule-making power under Section 69 of the Registration Act, 1908, and are arbitrary in contravention of the right to freely acquire, possess, and dispose of immovable property.

The appeals challenged the Patna High Court's decision, where it rejected the writ petitions questioning the 2019 amendments to Rule 19. The amendments to those sub-rules allowed the officers recording the register to refuse registration of a document presented validly that related to the sale or gift of immovable property unless it included a Jamabandi or holding allotment in the vendor's favour and the proof

thereof. The petitioners submitted that (i) the questioned sub-rules were beyond the rule-making power prescribed by Section 69 of the Registration Act; (ii) the land mutation and survey works in Bihar were not completed, thus making such evidence impossible to obtain; (iii) mutation entries do not give title; and (iv) investigation of title is under the jurisdiction of civil courts, not that of registering authorities.

The High Court supported the amendments by concluding that the entries in the revenue records, though not definitive of the title, are very strong evidence; that the difficulties arising from incomplete surveys should be resolved by individual owners; and that registration, as provided for in Sections 21 and 22 of the Act, requires a clear description of the property. It also argued that even if the sub-rules exceeded the scope of Clauses (a) and (aa) of Section 69(1), they could still be authorized by Section 69(1)(h) and (j) in conjunction with Sections 21 and 22.

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The Supreme Court, on the other hand, reversed the decision. It emphasized that Section 69 only allows for very limited rule changes relating to procedural and supervisory aspects of registration that must be in line with the Act. The Court held that neither expressly nor implicitly is mutation proof to be produced before registration, as that would effectively mean that registering authorities would have to obtain collateral proof of title, which is

beyond their limits under the Registration Act. Furthermore, the Court held that the requirement was arbitrary because without a proper land mutation and survey system in place in Bihar, it is practically impossible to meet the requirement, thus unreasonably limiting the constitutionally guaranteed freedom of property transfer. The contested sub-rules were thus declared to have been passed beyond the authority of the legislature and therefore invalid.

SUPREME COURT HOLDS THAT CONCLUDED COMPENSATION SETTLEMENTS BAR SUBSEQUENT STATUTORY CLAIMS

The Supreme Court in *The Government of Tamil Nadu v. P. Jagannathan & Others*, 2025 INSC 1332, ruled that individuals whose land has been compulsorily acquired but have settled voluntarily on a compensation under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 are precluded from resorting to the statutory provisions for claiming additional benefits such as interest at a later point of time.

The acquisition of land for industrial purposes was initiated in

2011. The landowners, in 2018, in the course of negotiations under Section 7(2) of the 1997 Act, consented to substantially more than the compensation, ₹1500 per sq. ft. for residential land and ₹900 per sq. ft. for agricultural land, which were more than 250% of the guideline value. After the State approved the negotiated amount in 2019, the landowners withdrew the earlier legal challenges. After that, the landowners filed a petition in the Madras High Court praying for the grant of statutory interest under Section 12 of the Act from

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the date of the first acquisition notification. The High Court allowed the claim. The State filed an appeal in the Supreme Court against this decision.

On the side of the appellant, the Supreme Court, led by Justice M.M. Sundresh, decided that the acceptance of a compensation amount by the landowner from the settlement made as a result of negotiations is an unequivocal expression of the finality of the package. The Court referred to the and hence not capable of being agreed contract as being

court reopened for the purpose of selectively invoking statutory provisions which according to the terms of the agreement are excluded. The Court pointed out that the parties cannot take inconsistent positions by accepting the contractual compensation without protest and then seeking additional statutory benefits. The Supreme Court, holding that any other interpretation would mean Sections 7(2) and 7(4) of the 1997 Act being infringed, set aside the judgment of the High Court and allowed the appeal of the State

KARNATAKA HIGH COURT HOLDS THAT PROLONGED DELAY CANNOT DEFEAT COMPENSATION WHERE STATE ADMITS ILLEGAL LAND ACQUISITION

Karnataka High Court led by Justice N. Nagaprasanna in the case of H.P. Ramesh & Another v. State of Karnataka & Another (W.P. No. 3982 of 2023) ruled that a delay of over sixty years by itself cannot have the effect of limiting the people's right to claim compensation if the State admits that their land was taken and used without any formal acquisition process.

The land of the petitioners, which was given to them through a registered deed in 2017, had been in the possession and use of the State continuously since 1957 for the running of a government school and making of a road. After making several representations for compensation and receiving no response, the petitioners filed a writ petition in the High Court. The State denied the claim stating that

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the land was handed over voluntarily a long time ago and that the claim was time-barred as per the Limitation Act, 1963. It was also said that the petitioners' right, if any, had been extinguished by the so-called doctrine of laches.

In its decision, the Court emphasized that the State admitted that the land was used for public infrastructure without any lawful acquisition. The Bench held that once such an admission is made, payment of compensation becomes inevitable, regardless of the delay.

The Court further held that private property cannot be taken from a person except by law as per Article 300A, and any other interpretation would violate the very constitution. The Court ruled that the evidence was not sufficient to meet the standard for denying compensation and therefore instructed the State to calculate and pay compensation in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and issue the orders within three months.

An aerial photograph of a densely populated city, likely in South America, with a prominent mountain in the background. The city is characterized by multi-story buildings and a complex network of streets. The image is overlaid with a semi-transparent blue filter. Two horizontal black lines are positioned above and below the title text.

TENANCY AND MIGRATION

TENANCY AND MIGRATION

DELHI HIGH COURT EVICTS, RESTATES RIGHT OF LANDLORD TO DECIDE BONA FIDE NEED.

Delhi High Court has ruled in a major landlord protection case that tenants and unauthorized occupants of a residential premise must be vacated, and that a landlord is the most appropriate decision to determine his or her bona fide residential need. This was decided in RC.REV. 39/2024, overturning an earlier decision of the Additional Rent Controller (ARC) permitting leave to defend to unlawful occupants.

The case was based on a property initially acquired in 1947 by a registered sale deed by the grandfather of the landlord which was rented. However, with time the original tenant supposedly sub-let the premises to a family of seven without authorization. The unauthorised occupants disputed the ownership of the landlord and asserted the rights in the latter when the legal heirs of the landlord sought eviction on the basis of the supposed 1997 sale agreement with the medical evidence that the daughter-in-law of the landlord, who had undergone caesarean surgery was advised against using

the stairs. These claims were denied by the High Court because the original tenant had not sought leave to defend and that unauthorised occupants did not have a locus to challenge eviction proceedings under Section 25B of the Delhi Rent Control Act. The Court also noted that the purported agreement to sell had already been dismissed in prior civil proceedings, and could not be reanimated to establish a triable issue.

Justice Saurabh Banerjee believed that ownership was decisively made out by the deed of sale in 1947, mutation book and identity records and that once the bona fide requirement is established the question of alternative accommodation becomes incidental. By focusing on the legislative purpose of delivering prompt relief to landlords, the Court then used its revisional power to remedy a perceived manifest perversity in the order of the ARC.

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It has issued an eviction order which has a statutory six months vacate period, which once again confirms that speculative or artificial defences by the

tenants or illegal occupants cannot water down the genuine residential requirements of a landlord.

JAMMU AND KASHMIR NOTIFIES NEW TENANCY ACT, 2025 TO REGULATE RENTALS AND ENSURE SPEEDY DISPUTE RESOLUTION

The Jammu and Kashmir Tenancy Act, 2025 was notified replacing the previous Jammu and Kashmir Residential and Commercial Tenancy Act, 2012 as a large-scale reform in the rental housing structure. The objective of the new law is to modernise the regulation of tenancies, harmonize the interests of the landlords and the tenants and to provide a time-limited, institutional dispute resolution system throughout the Union Territory.

One of the main characteristics of the Act is the obligatory written tenancy agreement; it needs to be intimated jointly to a newly established Rent Authority within a set period of time. The Rent Authority must have a digital platform in the local vernacular language where they can be able to register tenancy information, issue unique identification numbers and upload agreements online-

introducing transparency and formalisation into the rental market.

The Act proposes a three tier adjudicatory system consisting of Rent Authority, Rent Court and Rent Tribunal with a rigid time limit on case disposal- 30 days to 90 days, depending on the conflict involved. Civil courts have also been clearly prohibited to have jurisdiction over issues that are contained in the Act, which guarantees quick and specialised hearing.

A considerable amount of protection has been provided to both parties. Security deposit is limited to two months rent in case of residential premises and six months in non-residential premises. Sub-letting cannot be done without a supplementary contract and without a formal intimation to the Rent Authority.

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Digitisation through institutionalisation of digital registration, prevention of lengthy litigation, and clear definition of rights and liabilities, the Jammu and Kashmir. Another significant aspect is the distribution of repair and maintenance between landlords and tenants in the Act that has been clearly written in statutory schedules to curb ambiguity and conflicts. Notably, the legislation offers

greater safeguards against unfair eviction whilst permitting eviction based on specific circumstances including default on rent, illegal sub-letting, misuse of property or a legitimate fide developmental necessities. It also brings in penal rent on tenants who over stay past the agreed tenancy period. Tenancy Act, 2025 has taken a clear step towards an open, equitable and conducive investor-driven ecosystem of rental housing within the Union Territory.

CENTRE NOTIFIES NEW RENT RULES 2025, MANDATES ONLINE REGISTRATION AND CAPS SECURITY DEPOSITS

The Central Government announced the New Rent Rules, 2025 as a major step towards formalising the largely unregulated rent market in India, and entailing the introduction of mandatory online rent agreement registration, security deposit limits and time-constrained dispute resolution. The reforms will be directed at improving the renting system, making it more transparent, people-friendly, and secured by the law and avoiding the landlords being trapped into long-term conflicts and unofficial relations.

The biggest transformation about the new structure is that all rent agreements will be digitally stamped and registered online in not more than 60 days after signing. In the past, handwritten or unregistered agreements were allowed in many states and they usually created disputes concerning the terms of the tenancy and evictions that were not lawful. Nondisclosure of the registration of an agreement may now result in a fine ranging between 5000 and 100000, with state-specific provisions. States are instructed to enhance their

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digital infrastructure so that they can facilitate smooth online registration and verification.

The regulations also put definite restrictions on security deposits, which is not more than two months rent on residential properties and six months on commercial properties, which is likely to reduce the financial strain on tenants in city markets where huge deposits have been a perennial obstacle to entry. To curb the arbitrary increases in rent, landlords may only raise the rent after every 12 months, and such an increment must be done with a written notice of 90 days. The regulations also enhance the protection of tenants by making it illegal to forcefully evict a tenant without a written Rent Tribunal order. The landlords should also inform the tenants by giving them at least 4 hours notice prior to entering or

inspecting their rented premises to protect their privacy.

Significantly, tenants have the right to perform necessary repairs in the case when the landlord has not acted within 30 days, and the amount is payable in respect of rent with the submission of evidence. Termination of basic necessities like water or electricity or the use of coercive eviction has become punishable.

Although New Rent Rules do not automatically have an enforcement basis and are grounded on the Model Tenancy Act, they are used as a template of a policy. The land and tenancy are considered under the State List so they can only be provided under the individual state rent laws, which have to be enacted or amended and will gradually but surely create a state of a modern, regulated rental ecosystem.

SUPREME COURT DECREES THAT TENANT CANNOT DENY LANDLORD'S TITLE AFTER ACCEPTING RENT AGREEMENT IN JYOTI SHARMA V. VISHNU GOYAL CASE (2025 INSC 1099)

In an important decision pertaining to landlord-tenant relationships, the Supreme Court has determined that a tenant who took

possession of the property under a rent deed established by the landlord cannot subsequently dispute the landlord's title, notably

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if the tenant has been paying rent for several years. The Court granted the appeal in the case of *Jyoti Sharma v. Vishnu Goyal* and nullified the identical rulings of all three courts—the trial court, the first appellate court, and the High Court. The controversy goes back to 1953, when the defendants' ancestors rented a shop from Ramji Das. Rent was always paid to Ramji Das and, after his death, to his son. The plaintiff, Ramji Das's daughter-in-law, asserted her title to the shop on the basis of a registered Will dated May 12, 1999, and demanded the tenant's removal by citing her family's commercial need to take over the adjacent premises where their sweets and savoury business was running. The eviction suit was challenged by the lower courts on the grounds of the plaintiff's doubtful ownership and the suspect Will. Nevertheless, the Supreme Court regarded these conclusions as perverse and unsupported by the evidence. The Court based its decision on a relinquishment deed from 1953 that proved the title of Ramji Das and pointed out that the tenants' long

-standing practice of paying rent was a clear acknowledgment of the landlord's ownership, and thus they could not claim otherwise.

According to Justices J.K. Maheshwari and K. Vinod Chandran, the High Court had made a mistake by ignoring the 2018 probate ruling that authenticated the Will.

The Court ruled that the mere fact that the testator's wife was excluded from the Will did not suffice to question its authenticity after probate had been granted.

On the issue of bona fide need, the Court conceded to the plaintiff's assertion that the family business required to be expanded into the leased premises. The Supreme Court, thus, granting the appeal, ruled eviction, ordered rent arrears to be paid from January 2000, and allowed six months for vacating, on condition that the tenants submit an undertaking.

The judgment reiterates the tenant's principle of not being able to accept the tenancy and then deny the landlord's title.

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PENDENCY OF APPEAL WITHOUT STAY NO DEFENCE TO WILFUL DEFAULT, SUPREME COURT HOLDS

It was decided by the Supreme Court on 13 November, 2025 in K. Subramaniam (Died) through LRs Balakrishnan & Ors. versus M/s Krishna Mills Pvt. Ltd. that a tenant cannot evade paying rent or resist being evicted by just stating that the appeal against a fair rent fixation order has not been fixed when a stay has not been granted. The Court affirmed that the appeal filing did not invariably stay the effect of a judicial order in maintaining the eviction of a tenant due to wilful default, and stated that the established basis on the case between Orders XLI and XLI under Rule 5 of the Civil Procedure Code. The bench consisting of Justice Dipankar Datta and Justice Manmohan noted that the lack of seeking a stay was a sign of either acceptance of the order or a lack of any objection to its enforcement.

The controversy started because of a lease of a commercial godown in Coimbatore. The landlord said that the agreed rent was Rs 48,000 per month, whilst the tenant said that it was Rs 33,000. In January 2007, the Rent Controller pegged fair rent at

Rs 2,43,600 per month, and the decision was effective from February 2005. Whereas the tenant appealed against this decision, there was no stay applied and only a small percentage of the fixed rent was still paid. The High Court and the appellate court affirmed the rent fixation with slight modifications but still did not allow the tenant to pay arrears that are Rs 1.22 crore despite the Supreme Court having dropped the special leave petition of the tenant in 2012. The proceedings of eviction were then started on the basis of wilful default.

Although the Rent Controller, who was originally the rejecter of the eviction plea, granted it in 2020, the appellate authority affirmed it in 2021, and the High Court upheld its ruling the same year. In front of the Supreme Court, the legal heirs of the tenant stated that wilful default was defeated by the pendency of litigation and a supposed bona fide controversy on rent. The Court did not accept this argument but believed that liability to pay rent accrual occurs when

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fair rent has been determined by the Court unless it is stayed and loss of time in non-payment of rent denies the landlord the fruits of a lawfully obtained order. It could not see the behavior of delayed and partial payments as consistent with any bona fide doubt and struck down the appeal, upholding eviction.

The decision helps to support procedural discipline in the litigation of rent disputes by establishing a strict distinction between appealing an order and staying its execution, and in the process, landlords can enjoy greater procedural protection against tactical non-compliance in the guise of a pending appeal.

DELHI HIGH COURT HOLDS THAT STATUTORY RIGHTS UNDER RENT CONTROL ACT CANNOT BE WAIVED BY CONTRACT

The Delhi High Court in *Mohd Yahya & Ors v. Farat Ara & Ors* has decided that the statutory rights that a landlord is granted under the Delhi Rent Control Act, 1958 can never be waived or surrendered in a non-formal contractual relationship with a tenant. In reference to the then Sections 23 and 28 of the Indian Contract Act, 1872, Justice Anup Jairam Bhambhani explained any agreement that attempts to bar or limit a legal recourse under statute is void in law. The Court pointed out the fact that statutory protection and remedy is not a contractible point regardless of any consideration that might have been bargained between the parties.

The case was caused by tenants who had occupied the premises almost 85 years arguing that the predecessors to the rights of the landlords had waived their rights under the Rent Control Act. Based on this, the tenants claimed that the current landlords could not claim eviction based on the requirement of good faith as provided by Section 14 under the Act in (e). It was also contended that because the success of the Rent Control Act is to control and limit eviction, no legal hurdle could be seen in the way of a landlord making a contract to forego rights that would otherwise have been provided by the act.

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The High Court disagreed with it and stated that a compromise or a personal agreement cannot be applied in the statutory rights. It noted that a landlord cannot reasonably expect to permanently agree that he/she and his family members would never have a bona fide requirement to the premises because it is possible at any time in the future that such a need may occur. The Court observed that allowing such waivers would no longer serve the legislative intent of the Rent Control Act, and would be detrimental to the legislative scheme of landlord-tenant relationships.

The Court determined that the argument of the tenants to show that the contractual relationship was a waiver to the statutory right of the landlords to evict was a wrong argument and it had no legal basis. The petition was therefore dismissed, costs of [?]Rs.50,000 being assessed, against the tenants.

The judgment upholds the primacy of statutory rights over private bargains in rent regulation law so that protective legislation cannot be weakened by using contractual instruments that aimed at permanently limiting remedies that have been expressly established by statute.

A blurred photograph of a hospital ward. In the foreground, a woman wearing a yellow and red sari and a white face mask sits on a metal bed frame. In the background, several other patients are lying in beds, and medical staff in white coats are visible. The room has large windows with metal grilles and teal privacy curtains. The overall scene is dimly lit and out of focus.

HEALTHCARE

HEALTHCARE

DELHI-NCR GETS REVISED GRADED RESPONSE ACTION PLAN AS CAQM TIGHTENS ANTI-POLLUTION MEASURES

The Commission for Air Quality Management (CAQM) has published a revised Graded Response Action Plan (GRAP) for the whole of the Delhi-NCR, as a significant regulatory move to curb the accelerating air pollution disturbing the city with earlier and more drastic interventions at various stages of pollution. The revised Action Plan was notified after holding consultation with key stakeholders and instructions given by the Supreme Court in *M.C. Mehta v Union of India* (WP(C) No. 13089 of 1985).

The new framework has seen some of the measures that were initiated at a later stage of pollution being moved to lower stages of GRAP, and this enables the authorities to intervene earlier to stop the worsening of air quality. In particular, measures like provision of continuous power supply to deter the use of diesel generators, coordinated flow of traffic, community communication via media, and provision of more transport services have been relegated to the latter, which is

Stage I. Likewise, staggering of working schedules in offices which was a Stage III measure, will now move to Stage II, and work-at-home initiatives in government offices and in the private offices have shifted to stage III.

GRAP is still working on a four stage structure, which is associated with Air Quality Index (AQI) levels Stage I (Poor), Stage II (Very Poor), Stage III (Severe) and Stage IV (Severe+). Most importantly, the amended plan gives the opportunity of invoking stages in advance that will be determined with the forecast of the air quality by the India Meteorological Department (IMD) and IITM, even before AQI thresholds are violated, so preventive action can be taken in time.

The order explains that measures of Stage I, II and III have been and are in force since October-November 2025, and that all the implementing agencies in the states of Delhi, Haryana, U.P, and Rajasthan should immediately adhere to the adjusted schedule.

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The updated GRAP signals a transition to earlier and more coordinated and preventive management of air pollution in Delhi-NCR by advancing priority

interventions and focus on the action based on forecasts, as signs of incipient judicial and regulatory urgency to prevent the harm to human health.

KERALA HIGH COURT RULES THAT NO HOSPITAL IS ENTITLED TO WITHHOLD LIFE-SAVING EMERGENCY TREATMENT ON NON-PAYMENT.

In a far-reaching judicial statement asserting that patients had a right to receive life-saving care and the doctrine of ethical medical practice, the Kerala High Court established that no clinical institution could deny first line treatment to patients in need of emergency care on the ground of non-payment of advance fees, lack of necessary documents, and formality. Hospitals are thus compelled to screen, stabilize and when necessary to provide secure transfer of such patients to higher level facilities with the proper documents and communication.

A Division Bench, constituted by Justice Sushrut Arvind Dharmadhikari and Justice Syam Kumar V.M. rejected writ appeals mounted by the Kerala Private Hospitals Association and the Indian Medical Association at the same time. The Court confirmed

that the Kerala Clinical Establishments (Registration and Regulation) Act, 2018, together with the subsidiary Rules and Schedules, is constitutional and that the regulatory regime is not uncertain or disproportionate and corresponds to the international healthcare standards. The Court also ordered that there should be total transparency and accountability by hospitals towards the care of patients. Along with the discharge summary, all investigative reports such as the electrocardiograms, X-rays, CT scan, laboratory test results among others should be given to the patients to enable proper maintenance of medical records. All clinical establishments must conspicuously post details of services provided, base rates and packaged rates, billing, grievance redressal, and emergency care procedures, both physically and on

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websites of the establishments.

Hospitals are also forced to have a grievance officer and post contacts of district authorities, such as the helpline of the District Medical Officer. The complaints have to be addressed within a period of seven working days; otherwise, they should be escalated to a relevant regulatory authority. The failure to comply with such mandates will result in regulatory action under the 2018 Act. Notably, the Court pointed out that the patients have

a right to remedy the situation in the form of consumer forums, law enforcement, legal services agencies, or higher administrative bodies in case of service deficiencies, fraud, or systematic violations. It has commanded the State Government to disseminate the judgment by use of print and visual media. The decision strengthens the privilege to an upright, moral, and fair medical treatment, thus making the welfare of patients central to healthcare provision.

NEW LABOUR CODES STRENGTHEN WORKPLACE SAFETY AND EXTEND INSURANCE COVERAGE TO UNORGANISED WORKERS

By enacting the new four Labour Codes in effect from 21 November 2025, the Government of India has greatly enhanced the legal framework to regulate health and safety at the workplace and has substantially increased insurance and social security of unorganised, gig, and migrant employees. The reforms help to merge 29 central labour laws into a simplified and more modern regulation regime in accordance with the global labour standards. One of the main components

is the Occupational Safety, Health and Working Conditions (OSHC) Code, 2020, which creates the homogeneous standards of workplace safety across industries, such as factories, mines, plantations, construction sites, docks, and hazardous industries. The Code provides that workers should be given a free annual health check-up, safety training is mandatory, workers must use safety equipment and set up safety committees in institutions with 500

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or more workers. In the case of dangerous industries and mines, the Code provides more rigid safety standards, working hours, and other monitoring institutions to avoid work-related injuries and excessive health hazards.

No less transformative is the Code on Social Security, 2020, which is the first law to provide statutory social security to all workers, such as those in the unorganised sector, the gig and platform economy, contract labour and migrant workers. Eligible employees can now receive Provident Fund (PF), Employees State Insurance (ESI), insurance and welfare plans whose benefits will be portable across states using Aadhaar-linked universal accounts. It is worth mentioning that

ESI coverage has been extended throughout India and it is also compulsory in even those workplaces that have one worker working on hazardous processes.

The Codes also mandate employers to provide a compulsory appointment letter, payment of wages within the stipulated time, and offering of health

benefits to contract workers, which makes accountability in informal employment relationships more effective. Collectively, these reforms signal a fundamental change in the direction of preventive healthcare, universal insurance coverage and decent working conditions, and make the safety and welfare of workers central to the labour governance system in India.

NHA SIGNS MOU WITH DHR AND ICMR TO SUPPORT EVIDENCE-BASED HEALTHCARE THROUGH AYUSHMAN BHARAT.

The NHA has taken a major step in enhancing evidence-based healthcare policymaking by renewing its Memorandum of Understanding (MoU) with the Department of Health Research (DHR) and the Indian Council of

Medical Research (ICMR). The new partnership is also aimed at promoting data-informed decision-making, health technology evaluation, and affordable service-delivery in the Ayushman Bharat Pradhan Mantri Jan Arogya Yojana

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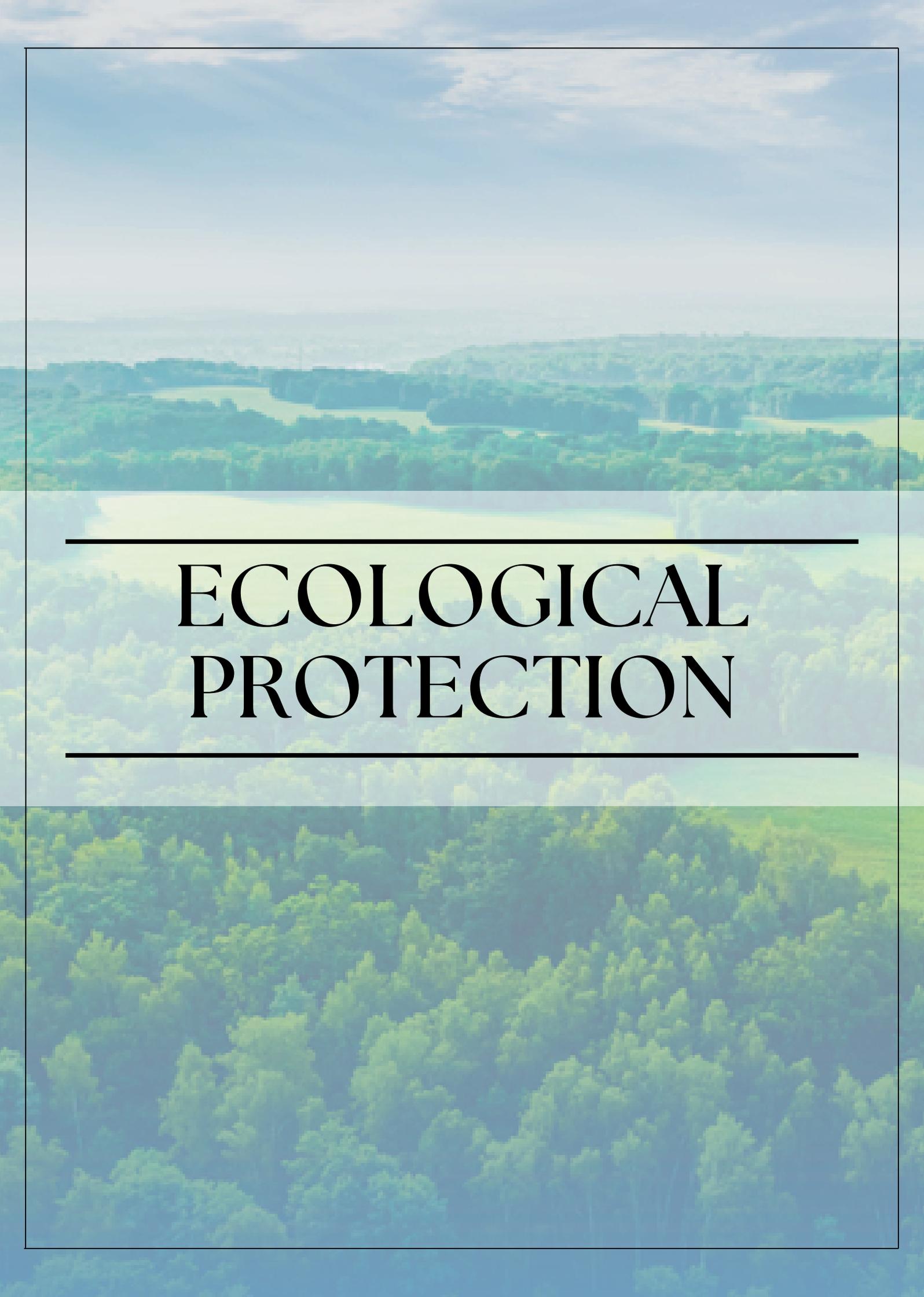
iciency, and (AB-PMJAY) and the Ayushman Bharat Digital Mission (ABDM). This partnership, which was established in 2019, has contributed to the development of price and policy

frameworks of the NHA by using Health Technology Assessment (HTA) practices to assess the clinical effectiveness, economic value, and equity impact of medical procedures covered under AB-PMJAY.

The new agreement enhances the area of work to include digital health interventions, thus indicating the changing position of technology in healthcare. Using the Health Technology Assessment India (HTAI) initiative, DHR and ICMR will evaluate digital technologies, such as electronic health records, telemedicine platforms, and AI-based diagnostics solutions, to determine the effectiveness, cost-effectiveness, and scalability in the environment of the national digital health in India.

The primary areas of the collaboration are rationalisation of the healthcare costs based on the information provided by the National Costing Initiative, the implementation of Standard Treatment Workflows (STWs) in order to enhance the quality of care and reduce unnecessary medical interventions, and operational research needed to address the challenges of implementation under PM-JAY, such as patient safety and access fairness.

The updated MoU reflects the government's determination to align the flagship health programmes in India with the scientific data and economic logic and utilize the research and digital transformation as the driver of Universal Health Coverage. In this strategic alliance, the NHA, DHR, and ICMR will create an efficient, transparent and value-based healthcare system to the millions of Ayushman Bharat beneficiaries



ECOLOGICAL PROTECTION

ECOLOGICAL PROTECTION

SUPREME COURT OVERTURNS ITS EARLIER ORDER MANDATING DEMOLITION OF INFRASTRUCTURAL PROJECTS CONSTRUCTED WITHOUT ENVIRONMENT CLEARANCE

On 18 November 2025, the Supreme Court's decision of 18 May 2025 to declare ex-post facto (retrospective) environmental clearances illegal was reversed by a 3-judge bench of the Court in Confederation of Real Estate Developers in India Credai vs Vanashakti (Review Petition). It preempted the potential demolition of most major public infrastructure constructed without prior clearance, such as the ₹20,000 crore worth of projects. The previous ruling had described retrospective ECs as an anathema and a gross illegality to environmental law. The validity of retrospective ECs was overturned in November by a three-judge bench by majority 2-1 by overturning the previous order following a petition by the Confederation of Real Estate Developers/Associations of India (CREDAI) and others. Most of them emphasized that implementing the former ban would create hardships of an extreme character, and that it would interfere with vital services and waste taxpayers on demolitions, which can even lead to

greater contamination of large-scale destruction of projects that have already been completed. The majority consists of Chief Justice B. R. Gavai and Justice K. Vinod Chandran and the dissenting opinion was given by Justice Ujjal Bhuyan who held that there was no reason to have the case reviewed and that the previous decision was legally correct.

The Supreme Court ruling of November has opened the way to post-facto environmental clearances practice in order to continue development projects that have already started without previously approved development. Although this lifts the ban, practically, the ruling reintroduces the regime whereby retrospective approvals may be given, with the relevant processes and penalties, instead of demolition or work stoppage. The reversal by the Court is an indication of a court strike between environmental protection and economic/public interests. Critics say that permitting retrospective clearances undermines the preventive role of

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to completely destroy mega projects. This ruling does not detract attention to the regulatory compliance mechanism as opposed to the strict environmental impact assessment and compromises long-established principles such as the

precautionary approach. The proponents argue that it would be ineffective and unreasonable invalidation, although it can be a source of controversy regarding the strength with which environmental laws are applied in practice.

SUPREME COURT CLARIFIES EXECUTIVE LIMITS IN RELATION TO THE CENTRAL EMPOWERED COMMITTEE

The Central Empowered Committee (CEC) that aids the Supreme Court to govern the environment and forests, has been recently confronted with the question of its survival. Ahead of the interference by the Supreme Court to protect its position, the Cabinet Secretariat recommended that the question regarding the future of the CEC should be left to the Law Commission of India by referring the Ministry of Environment Forest and Climate Change. The note raised the issue of potential institutional overlap, noting that as the National Green Tribunal (NGT) is now fully operational as a specialised environmental adjudication forum, the parallel operation of the NGT and the CEC would cause

duplication of functions, confusion of jurisdiction and inefficient administration. It was proposed that the Law Commission would be able to review the possibility that the CEC was still required in the present laws. The CEC was formed out of the T.N. Godavarman Thirumulpad forest conservation litigation which was an old case that started in 1972, and the Supreme Court decided to form CEC to help monitor the protection of forests and adherence to its directives. As time went by, its mandate was broadened enough to incorporate fact-finding missions, field inspections and expert opinions in complicated environmental conflicts. It was accorded a statutory permanent status in 2023

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by government notification, but remained in operation under the supervision of the Supreme Court in general. In later hearings, the Court reiterated its use of the reports and recommendations published by the CEC as an important contribution in the case of environmental sensitivity over a period of almost 30 years. This has been clarified by the Chief Justice that as the committee was formed based on judicial orders then the executive cannot end or generally change it without the prior consent of the Court.

The developments also attract attention to the special status of

the CEC, whereas it is administratively placed in the Environment Ministry, its autonomy and responsibility in operations is strictly linked with the oversight of the Supreme Court. The episode also brings to light the ongoing conflict between judicial control and executive-driven institutional change in environmental regulation. The Supreme Court has given special regard to continuity and specialised expertise by reaffirming the position of CEC over the issue of overlap and has indicated its intention of keeping direct supervisory control in the forest and wildlife protection issues.

SUPREME COURT'S MINING-LINKED DEFINITION OF THE ARAVALIS TRIGGERS ENVIRONMENTAL DEBATE

The recent adoption of a new definition of the Aravali Hills which defines the height as a 100-metre threshold to identify the landforms constituting the range has elicited a serious concern among the environmentalists and conservation experts. The Supreme Court in *In Re: Issues relating to definition of Aravali Hills and Ranges*, the case of the

regulation of the mining activity dated Nov 20, 2025, supported the criterion used by the Union environment ministry to determine that only hills that are 100 metres or more above the surrounding terrain will be treated as Aravallis. Critics worry that despite this definition being framed to apply to mining, it will be used in other policies like regional planning and

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conservation zoning including the NCR Regional Plan 2041 that will come next.

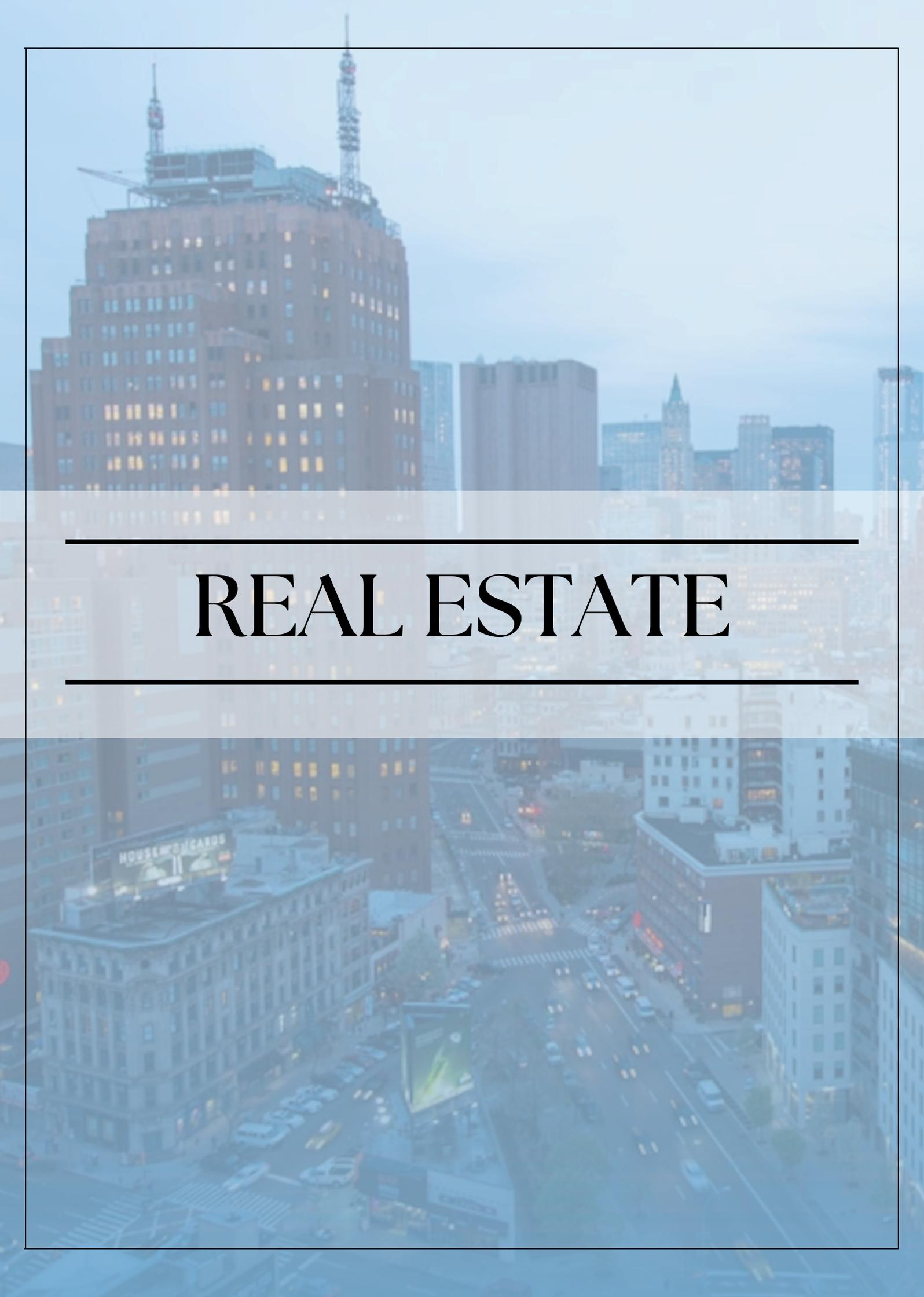
Scientists and former forest officials fear that such a high filter would leave behind a very large majority of the Aravali scenery, particularly the low, scrub-covered hillocks and ridges in Gurgaon and Faridabad, under the legal protection. They state that 90-95% of these hills would be out of the definition and they would not have any protection against being quarried, against real-estate development and other harmful processes.

Scholars emphasize that these smaller topographical features are ecologically essential, despite their humble size: they can shield groundwater adornment, adjust regional climatic conditions, safeguard biodiversity, and serve as a natural shield against dust and desertification in the Thar lands. The fear is that unless these

features are also given protection, development pressures may drive up environmental degradation all over the Delhi-nuclear control region and northwestern India.

Advocates of the benchmark state that it offers a consistent and scientific standard between the states whose terrain is Aravali, and a long-standing ambiguity as to what the range is. This ruling also involved an instruction that no new mining leases should be given until the forestry authorities prepare a complete sustainable mining plan.

The argument shows a conflict between formal definitions that are elevation-based and the larger ecological realities of the ancient, very eroded hill systems such as the Aravallis. Although law is clear and can be used to regulate people, a strict line of height might cause important ecological processes of low-lying yet important landforms to be overlooked



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SUPREME COURT INTERVENES TO ADDRESS PLIGHT OF HOMEBUYERS IN FAILED HOUSING SCHEME: RAVI PRAKASH SRIVASTAVA V. STATE OF UTTAR PRADESH [2025 SCC ONLINE SC 2367]

In the case of Ravi Prakash Srivastava v. State of Uttar Pradesh, the Supreme Court was presented with a case that has been pending and is very complex, relating to a housing dispute arising out of a group housing project, which has been held back in Greater Noida. Here, the matter related to hundreds of homebuyers who had invested in the project nearly two decades ago.

The petitioners approached the Supreme Court after the Allahabad High Court declined to interfere with the cancellation of the lease and advised them to pursue other remedies. Before the Supreme Court, the buyers sought revival of the project and restoration of the lease so that construction could finally be completed. The Court took note of the disturbing facts that had emerged over time, including multiple allotments of the same flats, fictitious bookings, and criminal proceedings against those who had managed the project. Contrary to treating it as a simple appeal, the Supreme Court

realised that the situation had evolved into a complex administrative and human issue, taking into account the presence of bona fide purchasers, reported imposters, unpaid statutory dues, and incomplete structures. It was repeatedly emphasised by the Court that although it was necessary to safeguard the interest of bona fide homebuyers, it was equally necessary to ensure that they did not receive relief in case they failed to establish a valid claim.

During the hearing of the case, the court closely monitored the efforts to verify the claims by the Housing Commissioner, ordered structural audits, and even considered the possibility of formation of groups of genuine allottees for the completion of the project in parts themselves. It was even concerned over the lack of co-operation extended by the Greater Noida Industrial Development Authority (GNIDA) authority and pressed the authority hard to assist in finding a workable solution. Accordingly, to ensure that the

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resolution is expedited and efficacious, the Supreme Court ordered the constitution of an independent one-member committee headed by Justice Pankaj Naqvi (Retd.). The said committee shall be empowered to go through the records for identification of the genuine allottees, discuss with GNIDA the issue of partial restoration of the lease and evolve a fair mechanism

for apportioning the land dues. It will also be required to evolve a comprehensive and time-bound plan for completing the stalled construction and may sell unclaimed flats in some towers by auction to recover the costs. This judicial intervention aims at finally securing the roof over their heads, which the allottees have been promised since 2004.

BOMBAY HIGH COURT SETS ASIDE PMC STOP-WORK NOTICE IN PUNE HOUSING PROJECT: ATRIA CONSTRUCTION V. MUNICIPAL COMMISSIONER PUNE [2025 SCC ONLINE BOM 4614]

In Atria Construction v. Municipal Commissioner Pune, the Bombay High Court quashed a stop-work notice issued by the Pune Municipal Corporation (PMC) regarding a residential housing project. The action was held to be procedurally flawed and, therefore, unsustainable in the eyes of law. The project consisted of several towers, one of which was already completed and for which an occupation certificate was awaited.

Work suddenly stopped when municipal authorities ordered the developer to do so. The authorities cited shortcomings related to

environmental clearance, pollution control and storm-water drainage compliance for its decision. According to the petitioner, the notice was issued without any prior warning or clarity on the allegations being examined, leaving no real opportunity to respond. The developer also pointed out that the completed tower fell squarely within the limits permitted under an existing environmental clearance, and that further construction had been voluntarily paused pending approval for additional development.

The Court found merit in these

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submissions. It was observed that the stop-work notice followed a hearing conducted at extremely short notice, without any proper show-cause notice or disclosure of material relied upon by the authorities. Compounding the problem, while the hearing was chaired by a senior official, the final notice was issued by subordinate officers without a reasoned decision from the competent authority. This, the Court held, was a clear breach of basic principles of natural justice.

Further, the Court declined to uphold the contention that a construction activity that had been carried out on the basis of a valid environment clearance could later be challenged on the basis that an application for modified clearance had been filed. The court observed that the structure has been built in accordance with the existing environmental clearance, and a proposal for an extension is still

pending, it cannot make the construction activity illegal. The Court also examined the overall context within which the notice was issued.

It was observed that the municipal matter has links with a civil dispute existing between the developer and the landowner, and such use of statutory power to affect a contractual dispute is also not advisable. The most significant part is that it has caused inconvenience to the flat purchasers, who are not parties to such disputes but are still bound to suffer.

In light of this, the Bombay High Court set aside the stop-work notice, thus affirming that state power must be exercised in a fair, transparent, and limited manner within the law. This ruling is a significant reminder that civic bodies cannot function arbitrarily, especially when home buyers are concerned.

BOMBAY HC UPHOLDS FLAT OWNERS' RIGHTS, HALTS FURTHER DEVELOPMENT UNDER MOFA: LOK-EVEREST COOPERATIVE HOUSING SOCIETY V. JAYDEEP DEVELOPERS [2025 SCC ONLINE BOM 4317]

The Bombay High Court, in its decision in Lok-Everest

Cooperative Housing Society v. Jaydeep Developers, dealt with a

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long-running dispute between a cooperative housing society and a developer over proposed additional construction in a large residential layout governed by the Maharashtra Ownership Flats Act, 1963 (MOFA). The society, which represents 309 flat purchasers occupying Building No. 4 of the complex, approached the Court seeking an injunction to restrain the developer from carrying out further construction in Building No. 5, particularly a new wing identified as C5.

The main grievance of the society was that the developer had already exhausted the entire development potential of the land as disclosed to flat purchasers at the time of executing their agreements for sale in 1995. Despite this, the developer sought to take advantage of changes in planning regulations and the increased availability of Floor-Space Index (FSI) to construct additional floors and apartments. The society contended that such construction had been prohibited under Section 7(1)(ii) of MOFA unless 100 percent of the flat purchasers showed informed written consent, which did not happen in this case.

After examining the sanctioned plans from 1993, 1995, 2007, 2016 and the unapproved 2019 proposal, the Court found that the development potential of both Building No. 5 and the larger layout had already been fully consumed. It noted that while the developer relied on the original 1993 layout plan to claim that Wing C5 was always contemplated, the flat purchase agreements themselves did not disclose the development potential of the land in clear terms. The Court reiterated settled law that what matters is not merely the number of floors shown, but whether the total development potential was fully and truthfully disclosed to flat purchasers.

The Court rejected the developer's argument that additional FSI arising from later changes in law could be unilaterally utilised. It held that after the developer has utilized their full development potential, further development can only proceed after receiving unanimous consent from the existing owners. This ruling applies even if the government relaxes or removes any regulatory requirements in the future. The Court also found that general or blanket consent clauses

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in flat purchase agreements cannot substitute the requirement of informed consent under MOFA. In light of this conclusion, the Court granted temporary relief to prevent the developer from carrying out any additional construction on the

contested wing. Therefore, the case highlights that developers are not allowed to rely on later policy changes to alter the nature of their schemes to the detriment of current apartment buyers and restates and upholds the protective purpose of MOFA.

CIVIL COURTS CANNOT ROUTINELY EXECUTE RERA ORDERS: MANTRI DEVELOPERS PVT. LTD. V. SNIL PATHIYAM VEETIL [W.P. NO. 17821/2025]

The Karnataka High Court, examined whether orders passed by the Real Estate Regulatory Authority (RERA) or the Real Estate Appellate Tribunal can be executed directly through execution proceedings before a civil court. The writ petitions arose from certain execution cases filed by homebuyers to enforce such orders of RERA which awarded monetary relief to them against the developer. When the execution petitions were filed before the City Civil Court, Bengaluru, the developer raised objections to their maintainability under Section 47 of the Code of Civil Procedure (CPC) contending that civil courts do not have jurisdiction to execute orders passed under the RERA Act. These objections were rejected by the executing court, and these writ

petitions were filed by the developer before the High Court.

Before the High Court, the developer contended that the Real Estate (Regulation and Development) Act, 2016 is a self-contained code that provides its own mechanism for enforcement. It was argued that Section 40 of the Act prescribes recovery of amounts as arrears of land revenue, while Section 79 expressly bars civil court jurisdiction in matters that fall within the domain of RERA authorities. According to the developer, permitting civil execution would defeat the statutory scheme. The homebuyers, on the other hand, argued that RERA orders operate as decrees and are therefore executable by civil courts.

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The Court analysed the legal provisions as well as judicial precedents on the matter from the Supreme Court and High Courts. It clarified that the proceedings before RERA are not akin to civil suits filed on the basis of complaints, and the orders passed by RERA as well as the Appellate Tribunal are also not decrees within the meaning of Section 2(2) of the CPC.

While the Act creates a legal fiction by allowing RERA orders to be enforced “as if” they were decrees, the Court clarified that this fiction is limited strictly to the mode of enforcement provided under the Act and cannot be extended to invoke the entire civil execution mechanism under Order XXI of the CPC. The Court further stated that

recovery through revenue authorities as arrears of land revenue is the principal mode of enforcement contemplated under Section 40. Execution by civil court is not a common remedy and should only be used in extreme situations following the failure of statutory recovery mechanisms. Based on this reasoning, the High Court found the writ petitions and quashed the orders passed by the executing court and set aside the execution proceedings. The judgment leaves the homebuyers at liberty to seek enforcement through remedies explicitly available under the RERA Scheme, while leaving no doubt on the reach of civil court jurisdiction in such matters.

CONDITIONAL OC NOT ENOUGH TO AVOID DELAY COMPENSATION: RAAJYAM REALTY LLP V. RADHIKA GANATRA [COMPLAINT NO. CC006000000591010]

The Maharashtra Real Estate Regulatory Authority (MahaRERA) has delivered a significant order that strengthens protections for homebuyers in delayed or incomplete projects. The authority, in a recent ruling, made it clear

that no builder can get away from paying compensation for delays by simply using a conditional Occupation Certificate (OC) if all conditions attached to that certificate have not actually been met.

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The project in question was related to a residential development. The promoter had conditional OCs, which he contended would mean project completion and essentially insulate his firm from liability. Homebuyers, however, disagreed. They pointed out that several conditions listed in the conditional OC remained unfulfilled, and they were still unable to take possession of their flats. Because of this, they sought compensation and interest under the Real Estate (Regulation and Development) Act, 2016 (RERA), which entitles buyers to relief when possession is delayed beyond the contractual timeline.

MahaRERA agreed with the buyers, holding that the promoter could not treat the conditional OC as the same thing as a final OC simply because the certificate had been recorded. The authority emphasised that a conditional OC is granted subject to certain specific terms being met, and until all those terms are satisfied, the project cannot be treated as complete for the purposes of calculating delivery obligations. In this case, the project

was not legally considered completed because the builder had not complied with a number of requirements.

The order makes a clear distinction between meeting the requirements associated with the OC itself and simply allowing the technical conditional OC.

The MahaRERA said that allowing the builder to use a conditional OC as a shield without fulfilling conditions would result in going against the purpose of the RERA itself, which is to protect the interests of homebuyers by ensuring the timely completion of projects.

By doing this, the authority once again made it clear that there is no room for promoters to claim completion unless genuine satisfaction of all statutory and regulatory requirements have been achieved. Simply relying on conditional OC is not sufficient. The ruling empowers homebuyers seeking compensation for delayed possession and instructs developers that regulatory approvals must lead to real, substantive compliance.

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DUBAI'S 2033 VISION SIGNALS A GOVERNANCE LED PUSH FOR URBAN LIVEABILITY

In November 2025, Dubai unveiled its 2033 Vision and D33 Economic Agenda. The stated ambition: to position the city among the world's most liveable and healthiest urban centres. The Executive Council approved a package that links economic growth targets with binding commitments on land use, public space, education, aviation, healthcare, and financial governance. The centrepiece is the Public Parks and Greenery Strategy. It carries an allocation of AED 18.3 billion. More than 310 new parks are planned. Green cover is to expand to 187 square kilometres. The target: 80 per cent of residents living within a five-minute walk of a park. Irrigation will rely entirely on recycled water.

These commitments reflect a growing global emphasis on proximity-based planning and legally enshrined standards for urban wellbeing. Other elements of the agenda include a new Financial Restructuring and Insolvency Court, policies to attract affordable schools, and sector-specific initiatives in aviation and sports. Dubai is attempting something that few cities manage: using planning law and regulatory reform as active instruments for shaping urban outcomes rather than as reactive controls. Execution will determine whether the ambition is realised. Other rapidly urbanising regions are watching closely.

UN'S URBANIZATION REPORT RECASTS HOW THE WORLD MEASURES AND GOVERNS CITIES

On 18 November 2025, the United Nations Department of Economic and Social Affairs released World Urbanization Prospects 2025. The report introduces something new:

a standardised framework for measuring urbanisation. Previously, each country applied its own definition of what counts as urban. Now there is a unified

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Degree of Urbanization classification that places settlements along a continuum from rural areas to towns to cities. The numbers are striking. In 2025, 45 per cent of the global population lives in cities. Another 36 per cent lives in towns. Only 19 per cent remains in rural areas. By 2050, nearly two-thirds of population growth will occur in cities, with most of the remainder in towns. Asia and Africa will account for the bulk of this expansion. Significantly, small and medium-sized cities are growing fastest. Megacities are not the primary drivers. Many of these smaller cities lack the planning capacity and institutional

resources to manage growth sustainably. The report raises another concern. Built-up land is expanding nearly twice as fast as population. That trajectory implies sprawl, loss of agricultural land, and inefficient infrastructure locked in for decades.

Why does measurement matter for governance? Because definitions shape resource allocation and infrastructure planning. The UN is making a case that standardised data is itself a governance tool. Countries pursuing SDG 11 and the New Urban Agenda need comparable baselines to track progress honestly. This report provides one.

IEA REPORT HIGHLIGHTS THE CHALLENGE OF MAKING HOUSING MORE ENERGY-EFFICIENT

The Energy Efficiency 2025 report, published in November 2025 by the International Energy Agency (IEA), shows that the building sector, and more particularly the residential sector, continues to play an important role in terms of global energy demand. Almost 30% of total global energy consumption is covered by the residential and service sector. On the other hand,

it is observed that the development pace in most regions has not kept up with what is needed to deliver progress on medium- and long-term climate and energy security objectives.

A key concern identified by the IEA is the growing mismatch between rising urban energy demand and the pace of efficiency

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improvements. Rapid urbanisation, increased reliance on cooling and heating, and the expansion of energy-intensive appliances have offset many recent gains. Older housing stock, especially in cities, remains a major challenge. Much of it was built before modern efficiency standards came into force and is costly to upgrade without targeted policy support. The report places particular emphasis on retrofitting existing homes. Since most of the buildings that will be in use over the next few decades already exist, improving their energy performance offers one of the fastest and most cost-effective routes to reducing demand. Measures such as better insulation, efficient heating and cooling systems, improved glazing and modern lighting can significantly lower energy use while improving living conditions.

The design and enforcement of policies are key drivers in this area.

The IEA states that countries with strong building and appliance standards, along with financial support for upgrades, have made more progress. When policies are not enforced or funding support is lacking, development tends to slow down. The report emphasizes the importance of collaboration between countries and funding agencies to speed up the growth of energy-efficient housing stock. Beyond climate considerations, the report highlights that energy efficiency has various implications for the economy and society at large. This is because when there is a reduced demand for energy, the stress that comes with the demand will reduce, hence securing energy and keeping it affordable for households. As cities continue to expand, there will be a need to make sure that energy efficiency is integrated into urban planning, if affordable, resilient, and sustainable cities are to be developed.

PUBLIC PROJECTS CANNOT OVERRIDE PROPERTY RIGHTS, SAYS OHIO SUPREME COURT

The Ohio Supreme Court, in a recent ruling, reviewed the issue of whether homeowners harmed as a

result of the expansion of Cleveland Hopkins International Airport could bring a suit against

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the City of Cleveland. The matter in question arose due to the long-standing grievances of homeowners in the vicinity of the airport, who alleged that increased noise, pollution, and operational changes following the expansion interfered with their enjoyment of their properties following the airport expansion. The homeowners approached the Court after their claims were dismissed at earlier stages on the ground that airport operations constituted a lawful public function, insulating the city from liability.

The petitioners stated that the expansion was more than simple inconvenience and had quantifiable property value loss, incessant disturbance, and reduced livability in residences. They argued that these effects were a compensable injury, despite the public nature of the project.

These submissions were approved by the Ohio Supreme Court. It noted that although the airports certainly play a public service, this does not necessarily have overall immunity of the municipal authorities in instances where the property of the private individuals is negatively impacted. The Court observed that many of the

traditional principles of property law acknowledge that government actions can, under some conditions, be considered a nuisance when it places an excessive burden on the neighbouring landowners.

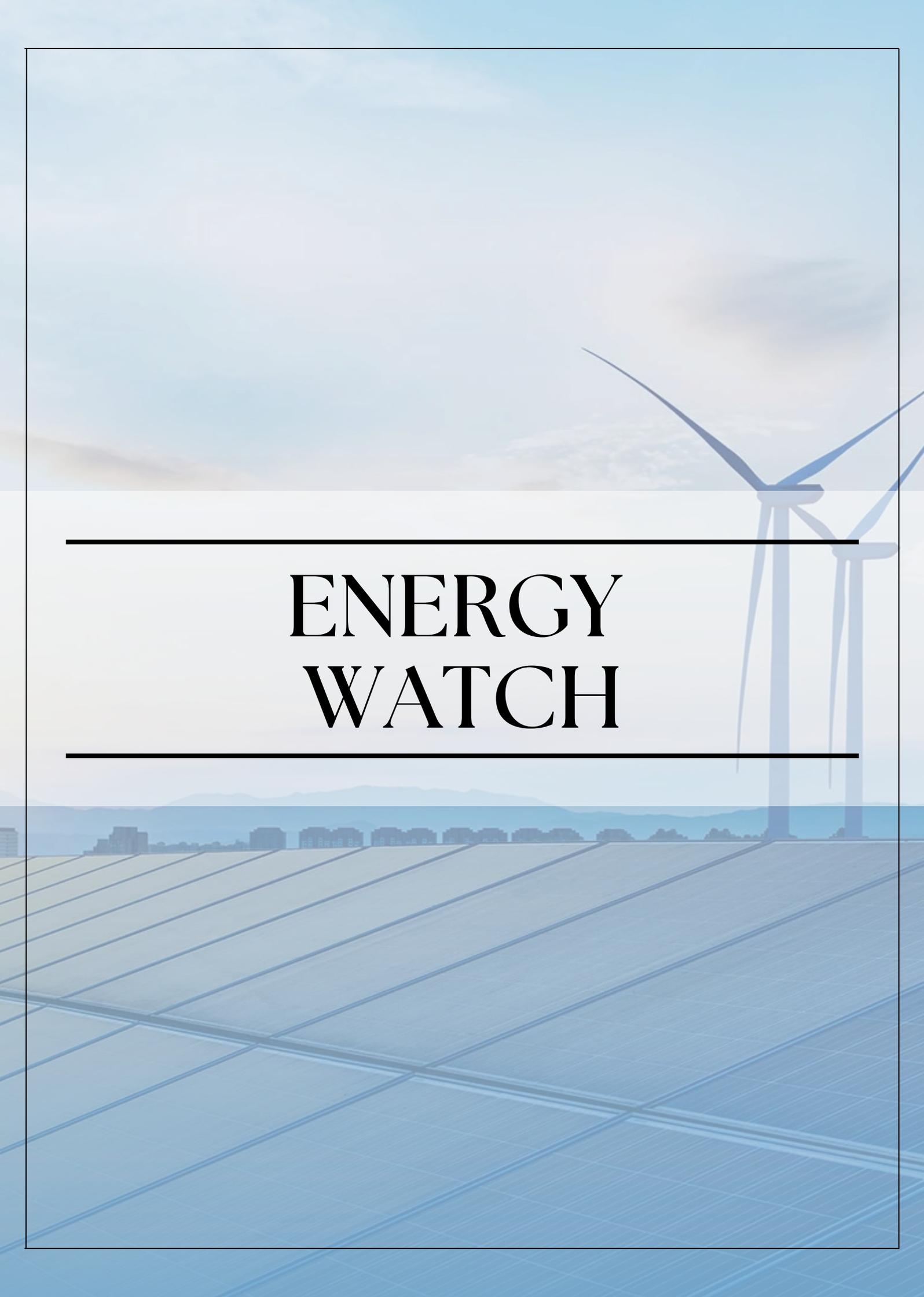
Notably, the Court rejected the argument that the fact that regulatory approvals or statutory power to expand the airport were present was a sufficient fact to bar individual claims. It held that the legality of the expansion does not bar compensation between the affected homeowners whereby they will prove to have suffered real and substantial harm. Further, the Court observed that the issue of whether the actions of the city went beyond the threshold of the actionable interference, is to be discussed during the trial and cannot be removed in the initial stage.

The Court also discussed the implications of the case at large. It observed that large-scale infrastructure developments often affect local communities and the law needs to balance between the welfare of the public and individual rights. It would be unfair to refute homeowners to legal remedies in

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the first place. By permitting the claims, the Ohio Supreme Court reaffirmed that public authorities remain accountable for the consequences of development projects.

The decision is an indication to municipal bodies to ensure their growth and the infrastructure expansion be done without neglecting the interests and rights of the affected residents.



ENERGY WATCH

ENERGY WATCH

CERC ORDERS TARIFF REDUCTION FOLLOWING GST RATE CUT ON RENEWABLE EQUIPMENT

The Central Electricity Regulatory Commission (CERC) issued an order regarding tariff adjustments for the renewable energy projects. This order was taken after the reduction in GST rates on renewable equipment from 12% to 5%, which is in effect from 22 September 2025. The rationale behind this order arose from an issue involving several renewable energy developers who had submitted their bids before September 22 and calculating their tariffs based on the 12% GST rate. However, after the introduction of new GST rates, their actual capital expenditure decreased, while their bid tariffs remained unchanged, which resulted into a disparity where developers would be benefited from the lower costs while on the other hand distribution companies had to pay the higher price, which forced CERC to intervene so that they can resolve this issue. To resolve this problem, CERC invoked Section 61 of the Electricity Act, 2003. It mandates that tariffs should reflect actual generation costs only and it should also safeguard the consumer interests.

It also held that this incident of GST reduction constitutes a "Change in Law" event. Consequently, If a developer bids based on the old tax structure but they receive benefits from the lower cost structure introduced in the new GST rates, they cannot keep the tariff savings and claim lower costs at the same time. To resolve this, CERC directed such projects to reduce tariffs or return the difference to distribution companies. The intention behind this order was to enforce anti-profiteering provisions (Section 171 of the CGST Act, 2017) so that companies do not benefit twice from the tax cut. They must either lower their tariff or return the extra amount to the stakeholders. When costs change through government action like a tax cut, so tariffs should also adjust accordingly. This prevents a company from gaining profit from the tax reduction and the unchanged tariff payments. CERC concluded that tariff adjustments must occur whenever some major cost structures change. This is not a one-time calculation but an ongoing coordination between actual costs and approved tariffs.

ENERGY WATCH

MNRE ANNOUNCES ₹100 CRORE SCHEME FOR BIOMASS-BASED HYDROGEN

The Ministry of New and Renewable Energy (MNRE) announced a new scheme allocating ₹100 crore for development of the biomass-to-hydrogen conversion technology. Union Minister Pralhad Joshi launched this scheme during the 3rd International Conference on Green Hydrogen.

The main agenda of this scheme is to make green hydrogen production economically viable in India. Currently, India produces large amounts of waste from agriculture and industry such as sugarcane waste, and industrial byproducts. And these wastes are usually burned or dumped. The question arose whether waste-to-hydrogen conversion could provide a cheaper route to green hydrogen production. As currently, Electrolyzer-based hydrogen costs around ₹400-600 per kg and also requires high electricity inputs. Whereas, on the other side waste-based hydrogen costs only around ₹200-350 per kilogram which is cheaper than electrolyser hydrogen. Hence, the Ministry wanted to develop this cheaper method to reduce costs.

The scheme tends to promote waste based hydrogen by establishing a framework to fund the pilot projects. Companies and research institutions can also apply for the funding to build and test biomass-to-hydrogen technology. This programme will be managed by BIRAC (Biotechnology Industry Research Assistance Council) which is the government's biotech research council. This scheme is part of India's National Green Hydrogen Mission, which has a total budget of ₹19,744.

Biomass based hydrogen primarily solves two major problems- Firstly, it provides a cost-effective fuel source for heavy industries like steel and cement as they require high-grade industrial heat (above 1000°C) which battery storage systems cannot efficiently provide. Biomass hydrogen offers a clean fuel alternative that fits these thermal requirements without the extra cost of electrolyzer hydrogen. Secondly, it utilizes agricultural and industrial waste that wouldn't otherwise be burnt and cause pollution

ENERGY WATCH

RERC REJECTS ₹40,000 CRORE COAL POWER PROPOSAL

On 18 November 2025, the Rajasthan Electricity Regulatory Commission (RERC) rejected a petition by Rajasthan Urja Vikas and IT Services Ltd (RUVITL) that wanted to develop 3,200 megawatts of coal-based power procurement arrangement for a tenure of 25 years. In response RUVITL argued that the state needed additional coal capacity to meet future electricity demand and grid stability.

RERC had to decide that if it was economically justifiable or whether some other alternatives could meet the state needs at lower cost. So, in order to know they examined the Central Electricity Authority's Resource Adequacy Plan 2025 which revealed that Rajasthan would need only 1,905 MW of new coal capacity by FY 2035-36 whereas, the proposal projected by RUVITL was for 3,200 MW which exceeded the projected demand by about 1,300 MW. RERC then compared costs between coal and renewable energy and concluded that Coal costs ₹5-7 per kilowatt per hour whereas renewable energy with battery storage would cost only ₹4-5 per kilowatt-hour.

Rajasthan already has large amounts of solar power. RERC also applied the principle from BSES Rajdhani Power Ltd. v. Union of India, 2025. In this judgement the Supreme Court held that buying expensive power when cheaper options exist violates the Electricity Act's mandate that tends to safeguard consumer interests and ensure financial viability. By applying this RERC found that approving an expensive coal contract when cheaper renewable options existed would burden consumers with avoidable costs, directly violating the efficiency standards laid down by the Supreme Court.

RERC concluded that the coal power proposal should be rejected as the state does not require this amount of capacity and alternatives like renewable energy are cheaper. A 25-year commitment would damage the consumer finances. The decision establishes that regulators will refuse the projects that fail the economic tests, contradict clean energy plans, and burden consumers with unnecessary costs.

ENERGY WATCH

INDIA'S NATIONAL POLICY ON GEOTHERMAL ENERGY 2025: CREATES A NEW FRAMEWORK FOR CLEAN ENERGY

The Ministry of New and Renewable Energy (MNRE) has finally notified National Policy on Geothermal Energy 2025. The main aim of this policy is to make geothermal energy an important element in India's plan to become energy independent by 2047 and reach net-zero emissions by 2070.

The new policy resolves the prior ambiguities that existed regarding the nodal authority for geothermal matters by designating the Ministry of New and Renewable Energy (MNRE) as the central coordinating body. Now, if a company seeks to start a geothermal project, then they must approach the relevant state government for land allocation, with states required to have a "single-window" system. This means developers won't have to run from pillar to post for permissions like land

use, water, forest clearance, or grid connection as everything will be handled at one place. The policy also fixes the timelines by giving companies an initial period of 3 years to explore, which could be further extended by another 2 years and in rough terrains such as mountainous regions, they will get an extension of 2 years. Once they start producing energy, they could keep the project for up to 30 years. To bring in more money, the policy allows 100% foreign investment without needing special government approval. It also hints at benefits like tax breaks and exemptions on import duties. Moreover, It also suggests using old, dried-up oil wells for geothermal energy, which could save a lot of drilling costs.

An aerial, high-angle photograph of a city street. A blue bus is moving along the road in the lower half of the frame. Pedestrians are walking on the sidewalks. The scene is overlaid with a semi-transparent blue filter. Two horizontal black lines are positioned above and below the text.

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RAIL FREIGHT MOMENTUM SHOWS GROWTH IN INDIA'S LOGISTICS NETWORK

Indian Railways recorded freight loading of 135.7 million tonnes in November 2025. That figure represents a 4.2 per cent increase over November 2024. Steel shipments went up. So did iron ore, fertilisers, cement, containers, and food grains. These commodities together pushed the numbers higher, pointing to sustained demand from industrial and agricultural sectors alike.

Why does freight matter so much? Because it keeps Indian Railways financially viable. Passenger trains lose money. The fares are subsidised, often heavily, and the gap between what tickets cost and what journeys actually cost to operate is substantial. Freight fills that gap. The revenue from hauling goods cross-subsidises passenger operations and funds infrastructure upgrades. When freight loading grows, the organisation's balance sheet improves. The cumulative figure for FY 2025-26 has already crossed 1,070 million tonnes.

A decade ago, that would have been the entire year's tally.

There is a policy dimension here also. For years, governments have sought to shift freight from road to rail. Rail costs roughly half what trucking does for bulk goods; it burns less fuel, takes trucks off highways thereby reducing congestion along with cutting road maintenance bills, and results in falling emissions. The composition of freight is also changing: containers and construction materials take up a larger share, meaning that railways are moving beyond their traditional stronghold of coal-and-ore into more diversified cargo.

However challenges remain in this sector. Last-mile connectivity is weak in many corridors. Terminals need modernisation. And there is little coordination between rail freight planning and urban logistics networks. Unless these gaps are addressed, the efficiency gains from higher freight volumes will not translate into broader economic or environmental benefits.

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URBAN MOBILITY INDIA 2025 REFRAMES THE LINK BETWEEN TRANSPORT AND CITY MAKING

Gurugram hosted the 18th Urban Mobility India Conference and Exhibition between 7 and 9 November 2025. The Ministry of Housing and Urban Affairs organised the event. Attendees included state transport commissioners, officials from metropolitan development authorities, academics from planning and engineering departments, auto industry executives, infrastructure developers, and mobility technology entrepreneurs. This year's theme explored how transport investments actively shape cities by influencing land prices, job accessibility, and where people choose to live, rather than simply reacting to existing travel patterns. Union Minister Manohar Lal inaugurated proceedings. He described urban mobility as a driver of socio-economic change, not just an engineering exercise. Several announcements followed. Under PM e Bus Sewa, 10,000 electric buses have been sanctioned, with cities below ten lakh population getting first priority. DMRC subsidiaries will now consult on metro projects

abroad, including in Dhaka and Jakarta. Progress reports covered transit-oriented development pilots in Nagpur, Kochi, and Ahmedabad under the Metro Rail Policy 2017. Updates on National Common Mobility Card rollout across 25 systems were shared. Delegates also discussed extending the Mumbai region's suburban rail model to corridors around Bengaluru, Hyderabad, and Chennai. Conference resolutions, of course, do not automatically become policy. State governments must convert them into planning rules and budget lines. Tier-2 and tier-3 cities face the steepest challenge here. Their transport networks are still forming. Intervene now, and these towns might avoid the car-dependent sprawl choking Delhi or Bengaluru. Fail, and the patterns become locked in. The 74th Constitutional Amendment of 1992 had envisioned municipalities handling urban transport. Three decades later, most lack the staff, funds, and technical know-how to do so. Until states address this institutional deficit, coordinated metropolitan planning will remain elusive.

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KERALA HIGH COURT FLAGS ROAD SAFETY RISKS FROM ILLEGAL VEHICLE MODIFICATIONS

The Kerala High Court, exercising suo motu jurisdiction, has issued directions to the State Transport Commissioner, the Motor Vehicles Department, and the Kerala Police requiring intensified enforcement against two categories of violations under the Motor Vehicles Act, 1988: first, structural and mechanical modifications to vehicles that contravene the specifications recorded in the registration certificate and the type approval granted under Rule 126 of the Central Motor Vehicles Rules, 1989; and second, the operation of mobile phones and cameras by drivers for the purpose of recording video content while the vehicle is in motion, a practice that has proliferated in connection with content creation for social media platforms.

The Court observed that Sections 52 and 190(2) of the Motor Vehicles Act, 1988, read with Rules 100 and 138 of the Central Motor Vehicles Rules, 1989, already provide adequate statutory basis for penalising unauthorised modifications, but that enforcement by Regional

Transport Offices has been sporadic and inadequately coordinated with police traffic enforcement units. The Court accordingly directed that joint inspection squads be constituted at the district level, that penalty proceedings be initiated within 48 hours of violation detection, and that video recordings placed before the Court during the proceedings be transmitted to the Road Safety Authority of Kerala for identification of violators and prosecution under Section 177 of the Act.

It may be noted that similar concerns have animated enforcement actions in other states during the same period. The Punjab Police, through a circular issued by the Director General of Police in October 2025, announced a zero-tolerance policy against modified silencers, aftermarket suspension kits, and non-compliant lighting assemblies, with instructions that both vehicle owners and the workshops carrying out such modifications be proceeded against under Section 191 of the Motor Vehicles Act.

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Media investigations in Bhopal have documented retail availability of prohibited modification components in automotive parts markets, suggesting that supply-side enforcement targeting component dealers and fabrication workshops may warrant greater attention from transport authorities.

The Kerala High Court's framing of vehicle modifications and driver distraction as matters of urban governance rather than routine traffic policing is notable, inasmuch

as it situates road safety within the broader discourse on sustainable urban mobility that has gained prominence following India's commitments under the Brasilia Declaration on Road Safety 2015 and the Stockholm Declaration 2020. Whether this jurisprudential framing will influence legislative or executive action at the national level remains to be seen, but the order does establish a precedent that may be cited in public interest litigation concerning road safety in other High Courts.

KERALA HIGH COURT BRINGS FACTORY FORKLIFTS WITHIN THE MOTOR VEHICLE REGULATORY FRAMEWORK

The Kerala High Court has clarified that forklifts and cranes used within the premises of a factory will still be considered motor vehicles under the Motor Vehicles Act, 1988, and are therefore required to be registered and insured, and are also liable to pay motor vehicle tax, with the Court dismissing a challenge from a manufacturing unit in Ernakulam on the ground that the relevant test is not where the equipment is used but whether it is mechanically propelled and

capable of being used on public roads.

The Court rejected the contention that material handling equipment used exclusively within industrial premises falls outside the purview of transport law, reasoning that factories are often open to workers, visitors, and other vehicles, thereby making them public spaces for purposes of road safety and compensation, and that registration and insurance are

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accordingly necessary safeguards to ensure coverage for liability in case of accidents even if the machinery is not routinely driven on public roads. The Court made a practical observation: factories are not sealed environments. Workers move around. Visitors enter. Other vehicles operate within the premises. Accidents occur. Without registration and insurance, there is no clear framework for assigning liability when something goes wrong.

For manufacturers and logistics operators, compliance costs have just increased. But there is a broader principle at stake. Warehouses, factories, and logistics parks are increasingly integrated into supply chains. The old distinction between "inside the factory" and "on the road" is becoming harder to maintain. Transport regulation, it seems, will follow goods wherever they move.

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