

# The Supreme Court's Stern Reality Check

## Three Critical Legal Battles of 2026

A deep dive into Extradition Treaties, PMLA Powers, and the Data Protection Act



# Executive Summary: The 30,000 ft View

As of February 2026, the Supreme Court of India is navigating a complex intersection of international diplomacy, financial enforcement, and fundamental privacy rights. This deck unpacks three landmark developments currently shaping the legal landscape.

## CASE FILE A

**International Law vs.  
Domestic Sentencing**

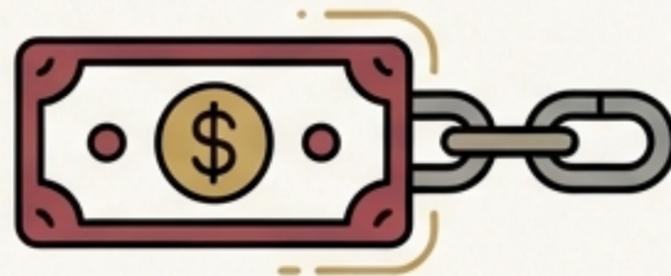


### **The Abu Salem Extradition.**

The SC rejects early release, prioritizing domestic penal code over broad interpretations of sovereign assurances.

## CASE FILE B

**Scope of Enforcement**



### **The PMLA & Asset Seizure.**

The ED's power to seize assets in non-scheduled offenses (The Betfair.com case) faces a judicial pause.

## CASE FILE C

**Privacy vs. Transparency**



### **The DPDP Act Challenge.**

A Constitutional Bench hearing scheduled for March 2026 will decide the future of the Right to Information.

## Case File A: The Abu Salem Extradition

# The 25-Year Promise: Anatomy of an Extradition Saga



# “Arithmetical Error” vs. The Meaning of “Life” in The Battle for Early Release

## The Argument (Abu Salem)

- **The Clock:** Claims custody began in 2002 (Lisbon detention).
- **The Math:** 25 years should have ended in March 2025.
- **The Grievance:** Cites “illegal custody” for past 10 months.
- **The Demand:** Apply “remission” (good conduct sentence reduction) to the 25-year cap.



## The Rebuttal (Union of India)

- **TADA Reality:** Under terror laws, “Life Imprisonment” means 60 years or until death.
- **The Interpretation:** The 25-year assurance refers to “actual imprisonment”.
- **No Remission:** Category 8 prisoners (heinous crimes) are ineligible for remission.
- **The Date:** Clock started at 2005 extradition. Release consideration begins only on November 10, 2030.



# The Verdict: No Special Privileges

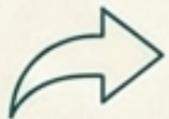
*“You have stayed for 25 years for not doing something good to the society. You were convicted under TADA.”*

– **Justice Vikram Nath**, Supreme Court of India

## Key Takeaways



**1. Rejection:** SC refused to entertain the plea for immediate release.



**2. Direction:** Petitioner directed to the Bombay High Court.



**3. Precedent:** Sovereign assurances bind the Executive (release in 2030) but do not force the Judiciary to grant benefits like remission to terror convicts.

## Case File B: The PMLA & Asset Seizure

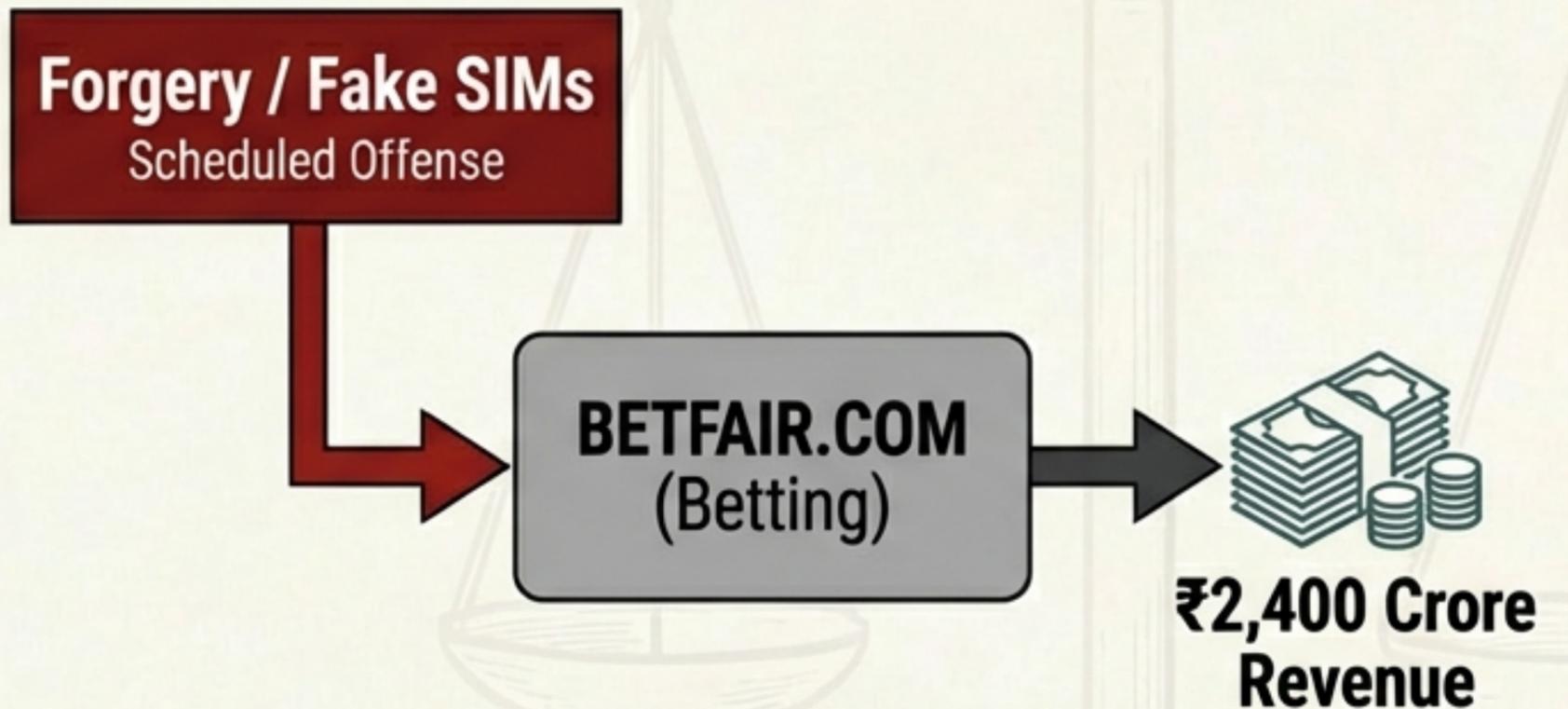
# Expanding the Net: The 'Betfair' Jurisdiction Battle

### The Scenario:

- International cricket betting racket via UK-based Betfair.com.
- Generated approx ₹2,400 crore; Petitioner received ₹60 crore.

### The ED's Strategy:

- The betting operation relied on criminal conspiracy and forgery (fake documents for SIM cards).
- **Argument:** Since Forgery is a scheduled offense, the revenue from the betting it enabled is 'Proceeds of Crime'.



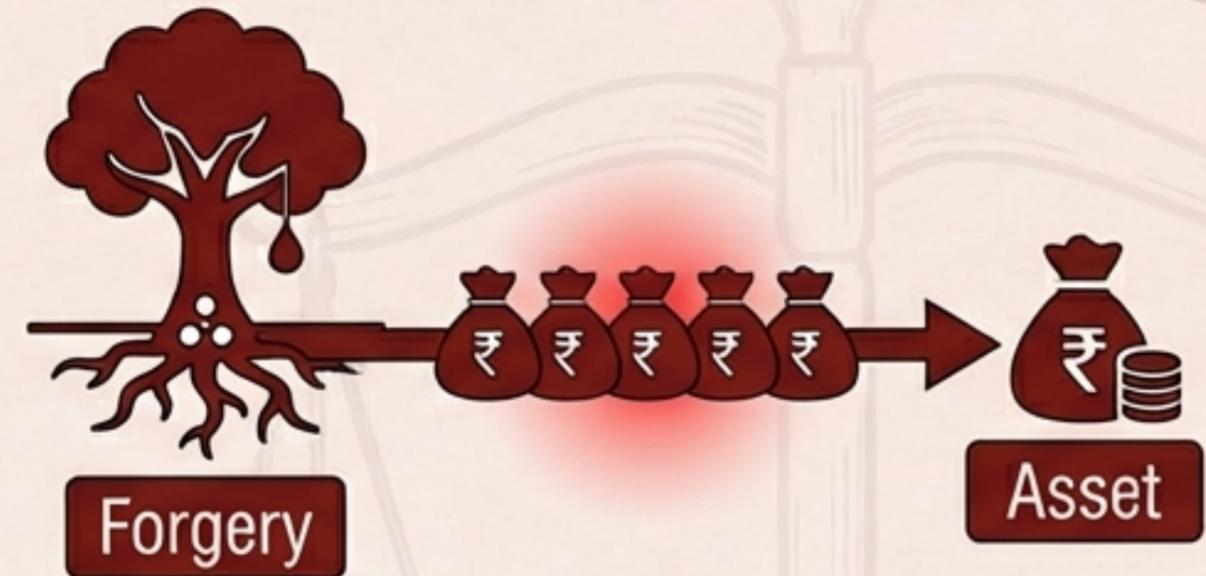
**The Legal Loophole:** Betting is NOT a scheduled offense under PMLA. But Forgery IS.

# The Judicial Tug-of-War: High Court vs. Supreme Court

## Delhi High Court (Nov 2025)

### The 'Fruit of the Poisoned Tree' Doctrine

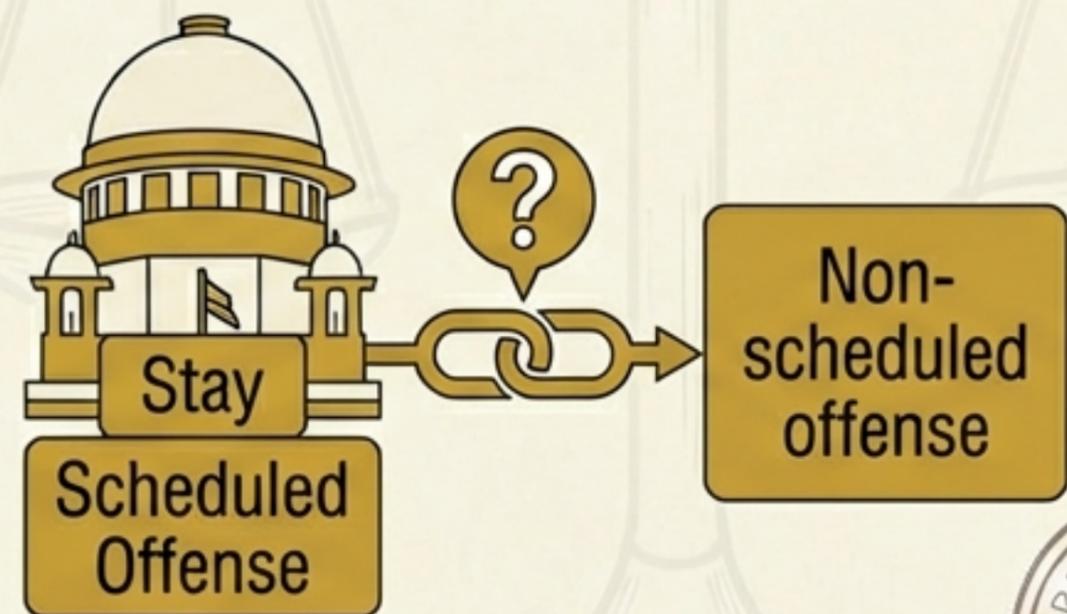
- **Logic:** If the betting infrastructure relied on forgery, the taint persists throughout the financial chain.
- **Ruling:** Upheld the attachment of ₹20 crore in assets.



## Supreme Court Intervention (Feb 9, 2026)

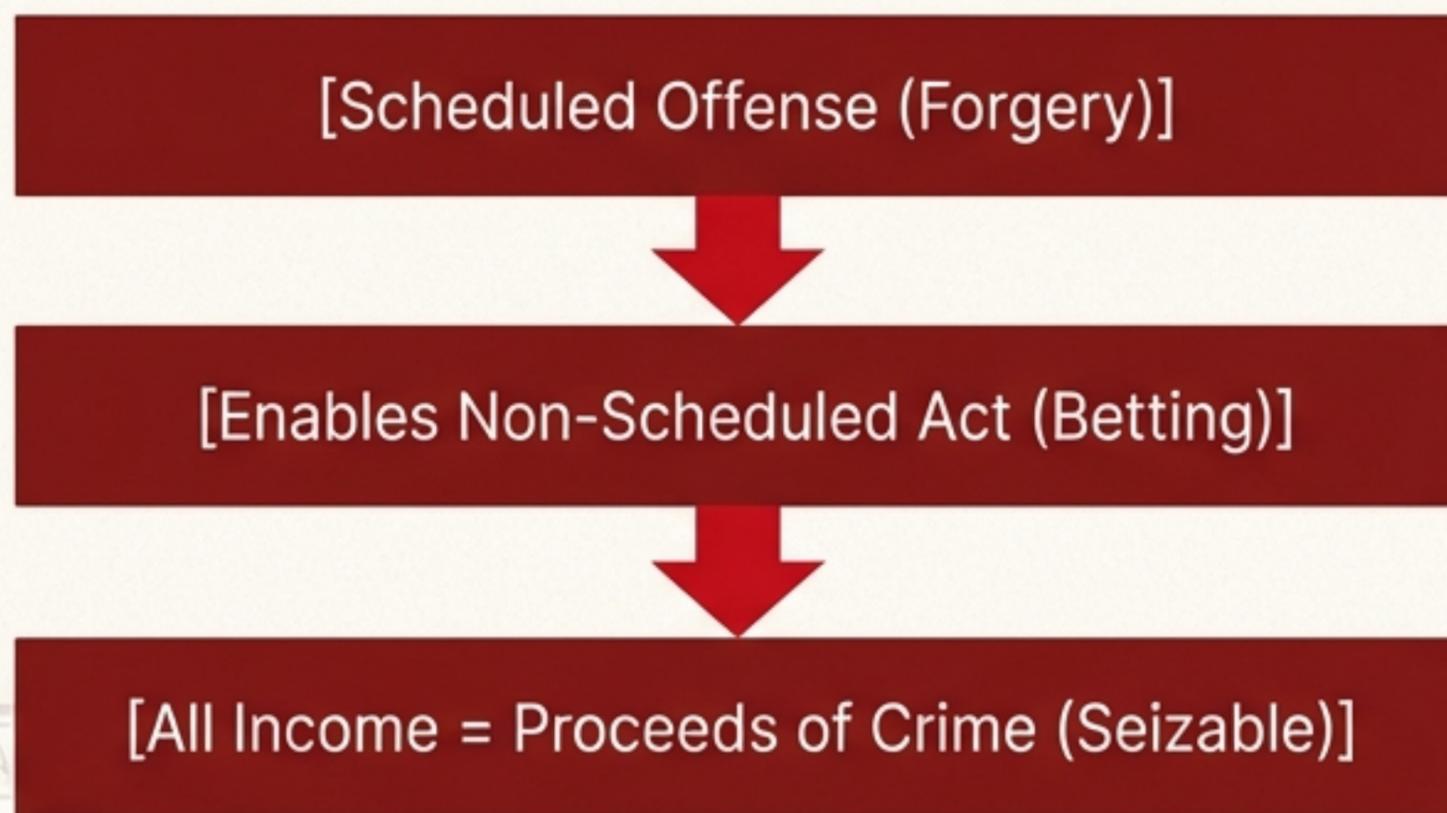
### The Stay Order

- **Bench:** Justices M.M. Sundresh and N. Kotiswar Singh.
- **Action:** Stayed the High Court order and issued notice to the ED.
- **The Core Query:** Can the ED claim jurisdiction over non-scheduled crimes just because a scheduled crime appears somewhere in the chain?

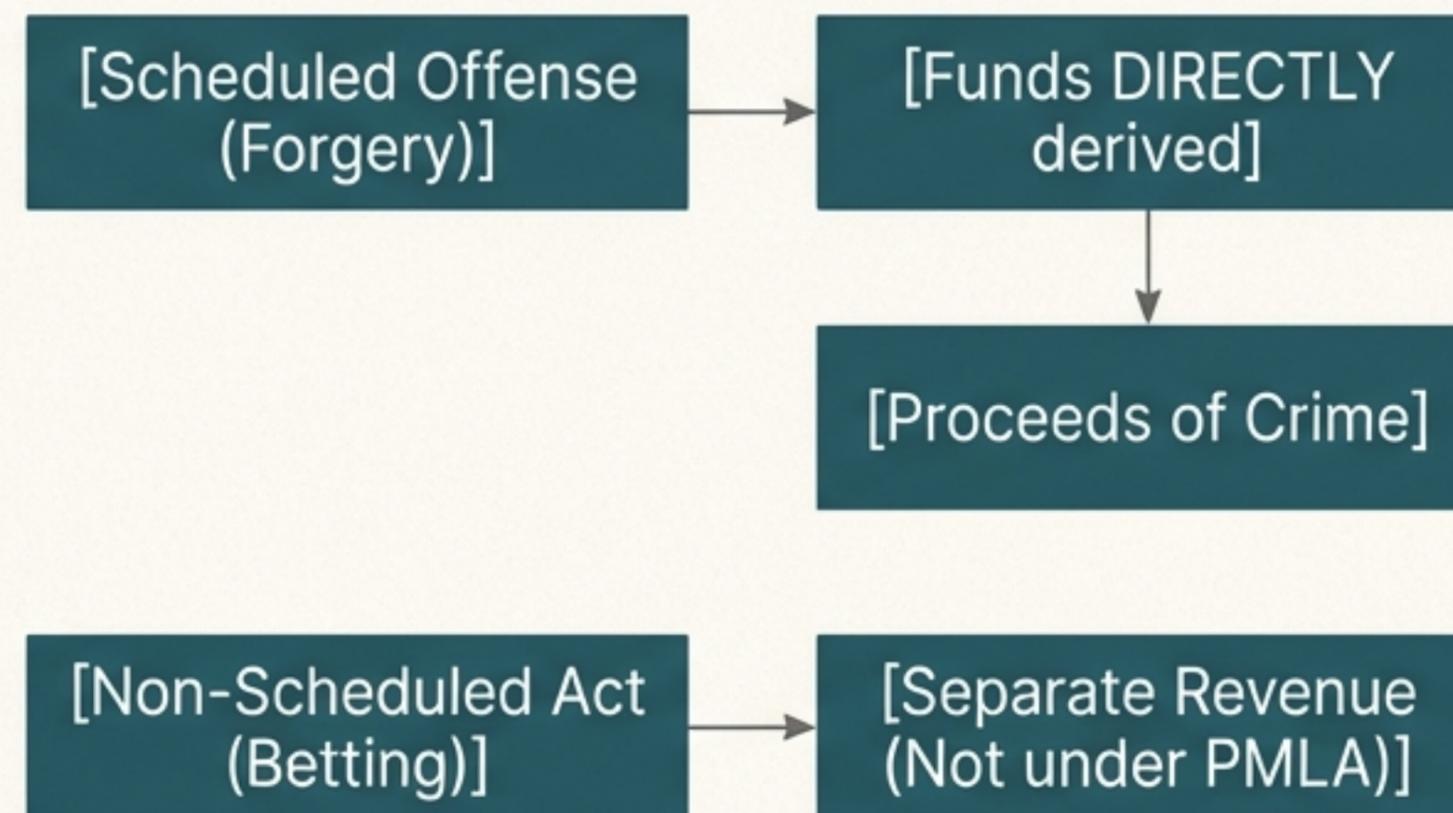


# The Stakes: Defining “Proceeds of Crime”

## Scenario A: ED / High Court View



## Scenario B: Petitioner View



**Key Insight:** If the ED wins, their jurisdiction expands massively to cover any business activity tangentially linked to a minor scheduled offense. If Petitioners win, PMLA power is restricted strictly to the schedule.

## Case File C: The DPDP Act Challenge

## Editorial Legal Dossier

# Privacy vs. Democracy: The Challenge to the DPDP Act, 2023

### The Status:

- Supreme Court Constitution Bench (5 Judges) listed to hear the case in March 2026.
- Pleas admitted, but interim stay refused.

### The Petitioners:

1. NCPRI (National Campaign for Peoples' Right to Information)
2. The Reporters' Collective (Investigative Journalists)
3. Venkatesh Nayak (Transparency Advocate)



# The Death of the 'Public Interest Override'?

## Amending the Right to Information (RTI) Act

### BEFORE (RTI Act Sec 8(1)(j))

Personal information could be withheld, BUT...

#### The Exception:

Information could be released if a "larger public interest justifies disclosure".



### AFTER (DPDP Act Sec 44(3))

A blanket ban on disclosing "information which relates to personal information".

#### The Change:

No exceptions. The Public Interest Override is removed.



**The Consequence:** Petitioners argue this shields corrupt officials. Public records (assets, tenders, file notations) can now be hidden by claiming they contain 'personal data'.

# The Chilling Effect on Investigative Journalism



## The Classification

Journalists investigating individuals are now classified as '**Data Fiduciaries**'.

## The Obligation

They must give notice and obtain **CONSENT** from the person they are investigating. If consent is denied, data must be erased (Sec 12).

**Impact:** Makes investigative journalism impossible.

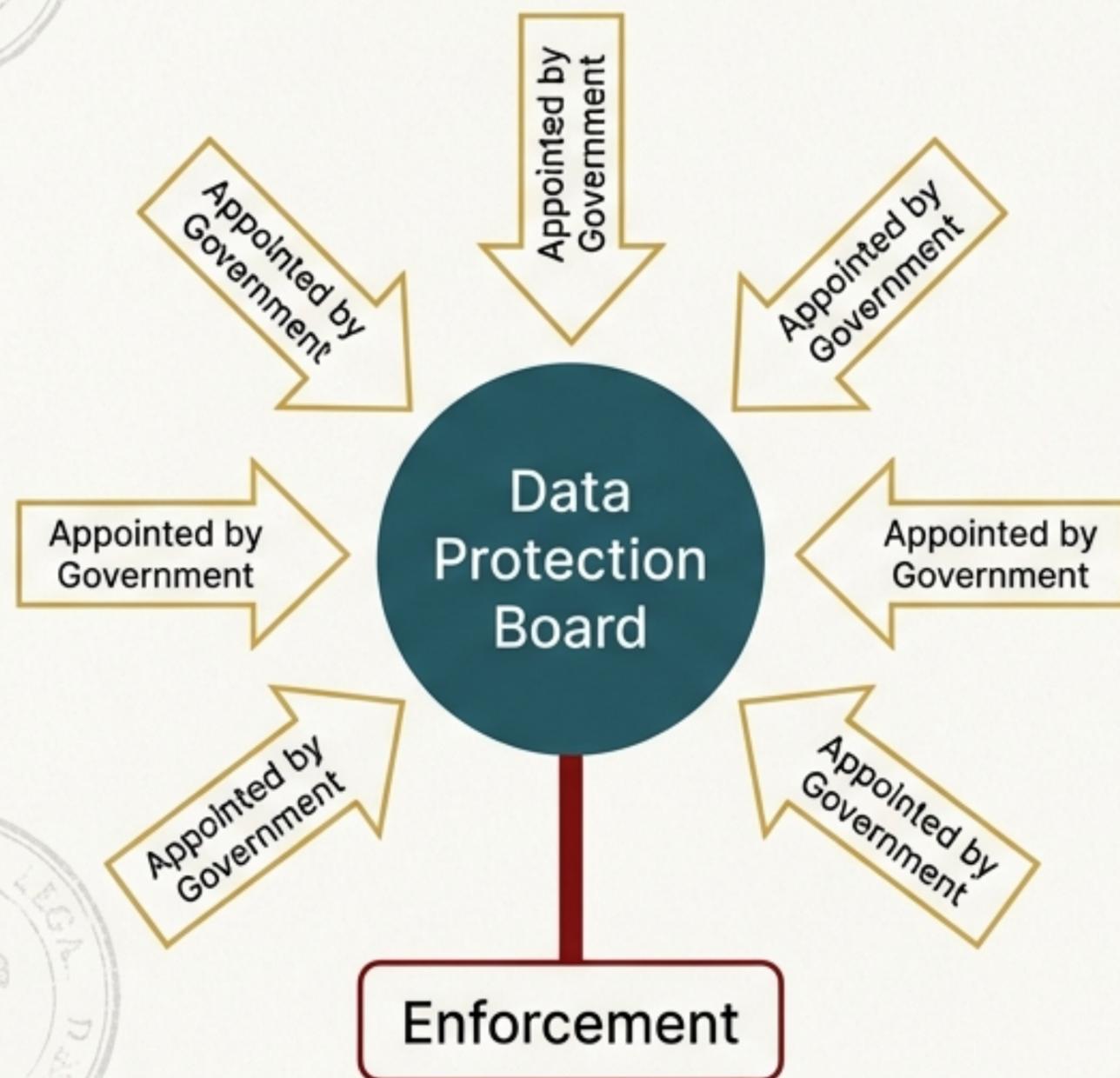
## The Penalty

Violations carry fines up to **₹250 CRORE**.

**Impact:** A massive financial deterrent to reporting on public figures.

# Who Watches the Watchmen?

## Structural Flaws in the Data Protection Board



### The Independence Issue:

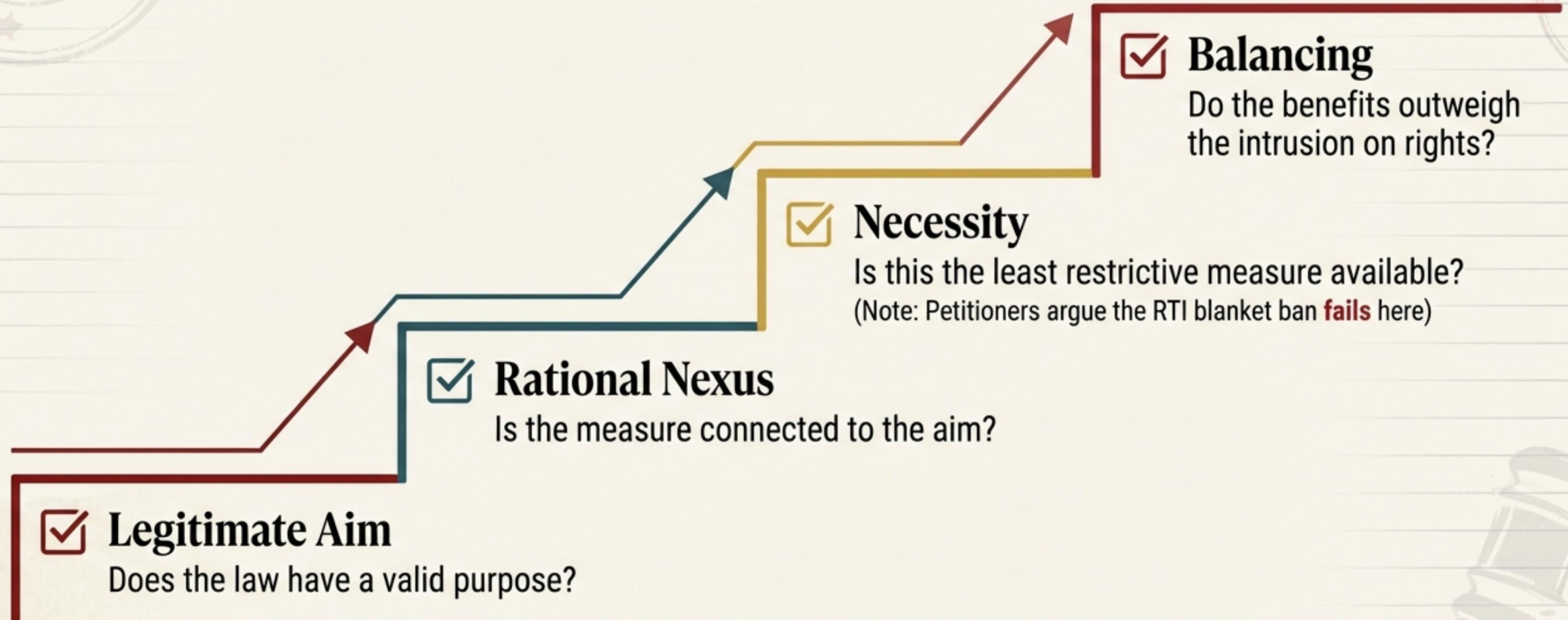
- The selection committee for the Board consists entirely of government nominees/secretaries.
- **Conflict:** The State is the biggest data collector. A Board appointed by the State cannot impartially regulate the State.

### Section 36: Surveillance

- **Power:** Union Govt can call for information from any fiduciary.
- **Risk:** Petitioners argue this allows “unreasonable digital searches” without judicial oversight, potentially exposing anonymous journalistic sources.

# The Legal Standard: The Puttaswamy Proportionality Test

The Yardstick for Privacy Restrictions (2017 Judgment)



This is the Constitutional test the Supreme Court will apply to the DPDP Act and the PMLA challenge.

# The Road Ahead: What to Watch in 2026

## Abu Salem

**Status: CLOSED (For now)**

Release likely only in Nov 2030. Strict interpretation of 'Actual Imprisonment' stands.



## PMLA / ED Powers

**Status: IN PROGRESS**

SC to define the outer limits of ED's power. Does 'tainted money' cover non-scheduled offenses?



## DPDP Act

**Status: CRITICAL**

March 2026 Constitution Bench verdict will define the balance between Digital Privacy and the Right to Know.



**The Supreme Court remains the crucial barrier between state efficiency and constitutional liberty.**

# Thank You



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