

The Hindu Important News Articles For UPSC CSE

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Quality education

Why in News?

- Nearly six years after the launch of India's second lunar mission 'Chandrayaan-2', scientists have detected the possible presence of sub-surface ice in the south polar region of the moon based on data from its orbiter.
- Institute and Research:** The study has been conducted by scientists at **the Ahmedabad-based Physical Research Laboratory (PRL)** and has been published in the prestigious 'Nature' (Nature Portfolio) journal.
- Key technology:** Observations from the Dual Frequency Synthetic Aperture Radar (DFSAR) **payload** onboard Chandrayaan-2 have been used for this discovery.

Key Findings & Technical Aspects

- Focus on Doubly Shadowed Craters:** Scientists focused their attention specifically on craters that are located **within the permanently shadowed** regions of the Moon. These are called 'double shadow craters'.

Chandrayaan-2 identifies 'possible presence' of ice in lunar south pole

The Hindu Bureau
BENGALURU

Nearly six years after it was launched, India's second moon mission Chandrayaan-2 continues to provide valuable data on the satellite.

In a new finding, scientists have found the possible presence of sub-surface ice in the Lunar South Polar Region. These were the findings of scientists from the Physical Research Laboratory (PRL) who used observations from the Chandrayaan-2's Dual Frequency Synthetic Aperture Radar (DFSAR) payload.

In this study, the scientists focused on doubly



Lunar shades: In the study, the scientists focused on special craters located in permanently shadowed regions of the moon. PTI

shadowed craters, which are special craters located in permanently shadowed regions (PSRs) of the moon.

Due to continuous shielding from sunlight

and thermal radiation, these regions remain extremely cold (temperatures -25K) and are considered favourable locations for preserving water-ice over long geological times-

cales. Using advanced radar polarimetric analysis, the scientists identified radar signatures consistent with the possible presence of sub-surface ice beneath the floors of four doubly shadowed craters in the lunar South Polar Region.

"Among the investigated craters, one crater of 1.1 km diameter within the Faustini crater shows particularly strong evidence of sub-surface ice, supported by both radar observations and distinctive lobate-rim morphological characteristics," the ISRO added.

The findings are expected to have significant implications for future lunar exploration missions.

Daily News Analysis

- **Highly Favorable Temperature:** The temperature in these areas is extremely low (around **25 Kelvin or -248°C**) due to the constant distance from sunlight and thermal radiation. This temperature is ideal for preserving water ice on geological timescales.
- **Strong evidence in Faustini Crater: Of the four craters examined,** the strongest evidence of sub-surface ice has been found in a small crater with **a diameter of 1.1 km located within Faustini Crater.**
- **Lobate-rim Morphology:** Typical 'flow-like' or curved structures have been observed in this part of Faustini Crater. This shows that in the past when a meteorite has hit here, it had penetrated the layer of ice beneath the surface, creating such a shape.
- **New radar criteria for detection:** Scientists have devised an accurate radar formula to distinguish between real snow and rough rocky terrain:
 - **Circular Polarization Ratio (CPR):** Its value should be greater than 1.
 - **Degree of Polarization (DOP):** It must have a value of less than 0.13.
 - When these two conditions come together, it attests to the 'volumetric scattering' (scattering of rays) caused by ice below the surface.

Significance of Chandrayaan-2 & DFSAR

- **Longevity of the Orbiter:** Although Chandrayaan-2's 'Vikram' lander crashed in 2019, its orbiter is fully functional and has been continuously sending valuable data for the last 6 years.
- **Feature of DFSAR:** This payload is an imaging device operating at L-band and S-band microwave frequencies. It is the world's first 'full-polarimetric' synthetic aperture radar to study the moon, which can also scan the layers below the surface.

Future Implications for Space Missions

- **In-Situ Resource Utilization (ISRU):** Utilizing Local Resources on the Moon (ISRU) will be mandatory for future manned missions. Getting sub-surface snow can make the availability of water easier there.
- **Rocket fuel and life support system:** This ice can be melted to produce propellant (fuel) for the rocket by separating potable water, oxygen for breathing, and hydrogen-oxygen. This will greatly reduce the cost of deep space missions.
- **Direction to Future Missions:** This discovery will help in choosing the exact landing site for upcoming missions like ISRO's upcoming **Chandrayaan-4 (Sample Return Mission)** and NASA's Artemis.

Conclusion

The discovery of sub-surface ice on the South Pole of the Moon by Chandrayaan-2 proves the technological maturity and foresight of India's space programme. The discovery will not only help in understanding the geological evolution of the Moon,

but will also prove to be a milestone in realizing the global dreams of establishing human settlements outside the Earth and using the Moon as a 'launching pad' for deep space exploration.

UPSC Prelims Exam Study Questions

Question: With reference to Chandrayaan-2's **DFSAR (Dual Frequency Synthetic Aperture Radar)**, consider the following statements:

1. It operates on **L-band** and **S-band** microwave frequencies.
2. It is capable of studying the layers beneath the surface of the Moon.
3. It is the world's first fully **polarimetric SAR to study the Moon**.

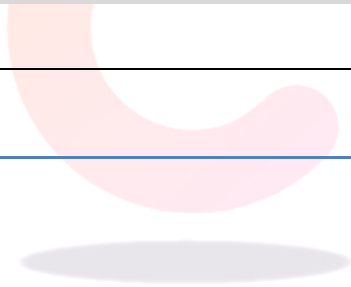
Which of the above statements is/are correct?

- (a) Only 1 and 2
- (b) 2 and 3 only
- (c) Only 1 and 3
- (d) 1, 2 and 3

Answer: D)

UPSC Mains Practice Questions

Question: It is not fair to judge the Chandrayaan-2 mission only on the basis of the failure of the Vikram lander. Discuss this statement with reference to the scientific achievements of Chandrayaan-2 orbiter. **(150 words)**



Classes
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Why in News?

- Recently, the 35th meeting of the Working Mechanism for Consultation and Coordination on India-China Border Affairs (WMCC) was held in Beijing.
- **Positive Approach:** In this meeting, both countries had constructive and forward-looking discussions on issues related to border demarcation and border management.
- **Representation:** The Indian delegation was led by Sujit Ghosh, Joint Secretary (East Asia) of the Ministry of External Affairs, while the Chinese delegation was led by Hou Yanqi, Director General, Department of Border and Ocean Affairs, Ministry of Foreign Affairs.

India, China hold talks on border delimitation

According to the MEA, the two sides reviewed the situation along the border and expressed satisfaction over the progress made in maintaining peace and tranquillity in border areas

Saurabh Trivedi
NEW DELHI

The 35th meeting of the Working Mechanism for Consultation and Coordination on India-China Border Affairs (WMCC) was held in Beijing on Wednesday, where India and China held constructive and forward-looking discussions on border delimitation and boundary management issues.

The Indian delegation was led by Sujit Ghosh, Joint Secretary (East Asia), while the Chinese delegation was headed by Hou Yanqi, Director-General of the Boundary and Oceanic Affairs Department of the Chinese Ministry of Foreign Affairs.

According to the Ministry of External Affairs (MEA), the two sides reviewed the situation along the India-China border and expressed satisfaction over the progress made in maintaining peace and tranquillity in border areas, which they said had contributed



Fruitful talks: Representatives from India and China at the 35th WMCC meeting held in Beijing on Wednesday. SPECIAL ARRANGEMENT

to the gradual normalisation of bilateral relations.

During the talks, both countries discussed issues related to border delimitation, border management, mechanism building and cross-border cooperation.

The Indian side also stressed the need for an early meeting of the Expert Level Mechanism on Trans-border Rivers, it said.

India and China agreed to continue regular diplomatic and military-level exchanges through existing mechanisms, including those agreed upon during

the 24th Special Representatives (SR) Talks. Both sides agreed to work together for preparations for the next SR meeting, scheduled to be held in China.

Indian side called for an early meeting of the Expert Level Mechanism on Trans-border Rivers

the 24th Special Representatives (SR) Talks. Both sides agreed to work together for preparations for the next SR meeting, scheduled to be held in China.

On the sidelines of the visit, the head of the Indian delegation met Liu Jinsong, Director-General of the Department of Asian Affairs of the Chinese Fo-

reign Ministry, and also called on Chinese Assistant Foreign Minister Hong Lei. In a statement, the Ministry of Foreign Affairs, People's Republic of China, said both sides conducted constructive dialogue in a practical and friendly atmosphere and acknowledged that border area maintained lasting peace.

In order to implement the consensus reached during the 24th round of talks between the Special Representatives of China and India on the boundary question, the two sides held discussion on boundary delimitation, border management, mechanism development and cross-border communication and cooperation.

They agreed to keep communication through diplomatic and military channels, maintain peace and tranquillity in the border area and actively prepare for the 25th round of talks between the Special Representatives of China and India on the boundary question, it added.

Key Highlights of the Meeting

- **Gradual Normalization of Bilateral Relations:** The two sides reviewed the current situation on the India-China border and expressed satisfaction at the progress made in maintaining peace and tranquillity in the border areas. Both countries believe that this stability has contributed to the gradual normalization of bilateral relations.
- **Four main pillars of the discussions:** The talks mainly focused on four areas:

- **Border Delimitation**
- **Border Management**
- **Institutional Mechanism Building**
- **Cross-border cooperation**
- **Emphasis on Trans-Border Rivers:** The Indian side stressed the need to hold an early meeting of the **Expert Level Mechanism on trans-border rivers (such as the Brahmaputra)**, which is crucial for water-sharing and flood forecasting.
- **Agreed to Continue Diplomatic and Military Dialogues:** The two countries have agreed to continue regular diplomatic and military-level interactions through existing mechanisms, **including the points decided at** the 24th Meeting of the **Special Representatives (SRs)**.

Special Representatives Mechanism & Future Steps

- **Preparations for the 25th SR Meeting:** According to the Chinese Foreign Ministry, **the two sides have agreed to actively prepare for the upcoming 25th Round of Special Representatives (SR) talks to be held in China.**
- **High-Level Meetings:** On the sidelines of the visit, the head of the Indian delegation met with Liu Jinsong, Director General of the Asian Affairs Department of the Chinese Foreign Ministry and also paid a courtesy call on Chinese Assistant Foreign Minister Hong Lei.
- **Acknowledgement of Lasting Peace:** The Chinese side issued a statement acknowledging that the two countries have held constructive talks in a practical and friendly atmosphere and agreed to maintain lasting peace and tranquility in the border areas.

Strategic Significance for UPSC

- **Significance of WMCC:** This mechanism (established 2012) **serves as an important institutional platform for** de-escalating tensions arising on the border between the two countries and maintaining peace along the Line of Actual Control (LAC).
- **Progress towards Reducing Tensions:** After the strain in relations between the two countries since the **2020 Galwan standoff**, **such constructive dialogue on border demarcation** shows that both sides are now moving towards a permanent solution to the border dispute.
- **Water Diplomacy:** **India's** raising of the issue of trans-border rivers underscores that along with security, water security and resource management are also an essential part of the India-China bilateral dialogue.

Conclusion

The 35th meeting of the **WMCC** held in Beijing **is a positive and practical step towards resolving the long-standing border standoff between India and China. The border demarcation talks and the preparations for**

the upcoming 25th Special Representative (SR) talks indicate that the two superpowers are seeking stability through dialogue amid geopolitical rivalry. The restoration of peace and mutual trust on the border between these two large neighbours is indispensable for lasting peace and economic development in Asia.

UPSC Prelims Exam Study Questions

Question: With reference to the Working Mechanism for Consultation and Coordination (WMCC) on India-China border matters, consider the following statements:

1. It was established in **the year 2012**.
2. It is aimed at maintaining peace and tranquillity along the Line of Actual Control (LAC).
3. It involves only military officers.

Select the correct answer using the code given below:

- (a) Only 1 and 2
(b) 2 and 3 only
(c) Only 1 and 3
(d) 1, 2 and 3

Answer: a)

UPSC Mains Practice Questions

Question: Why is peace and stability in the India-China border areas necessary for the normalization of bilateral relations between the two countries? **Explain with reference to the recent WMCC meeting. (150 words)**



Classes
Quality education

Why in News?

- Recently, the National Health Accounts of India (NHA) has released its latest estimates for the year 2022-23. These figures show that despite modest improvements in public financing, the biggest financial burden of healthcare in India is still borne by ordinary families and individuals themselves.
- Key Findings:** Nearly half (49.90%) of **the current health expenditure (CHE)** is still going out of people's pockets (OOPE), leaving the financial security provided during the health emergency still incomplete.

Government Claims vs. Ground Reality

National Health Accounts figures indicate high burden of health care costs on people

Ramya Kannan
CHENNAI



While India has improved public financing of health care, households and individuals still bear the heaviest burden. As per the latest figures from the National Health Accounts (NHA) Estimates for India 2022-23, out-of-pocket expenditure (OOPE) is nearly half of the current health expenditure, and financial protection for health emergencies remains incomplete, though government and insurance spending has increased.

The government's interpretation of the NHA measures and takes credit for infinitesimal growth of public spending. According to a press release, "The share of Government Health Expenditure (GHE) as a percentage of the GDP has risen from 1.15% in 2013-14 to 1.43% in 2022-23", and as per the new GDP series, it will be 1.48% in 2022-23. "Similarly, this share in General Government Expenditure has increased from 3.78% to 4.89% over the same period, underscoring the growing pri-

A big worry for a nation with a large non-communicable diseases burden is the relatively low spending on preventive care. ISTOCK

orisation of health in public spending. In per capita terms, GHE has increased nearly 2.7 times... The decadal trend of increased Government Health Expenditure has resulted in overall reduction in the Out-of-Pocket Expenditure (OOPE) as a share of the Total Health Expenditure," the release claims.

However, claims notwithstanding, these figures are still short of the WHO Global Recommendation to dedicate at least 5% of the GDP to public health towards meeting universal health coverage targets. It also falls short of National Health Policy recommen-

dation to have the combined Central and State government health spend at 2.5% of GDP.

Abhay Shukla, national co-convenor, Jan Swasthya Abhiyan, points out that the slight surge in public health spending seen in India during COVID has been pushed back to pre-COVID levels. "India's Government Health Expenditure (GHE) as a share of Current Health Expenditure (CHE) has dropped sharply from 41.1% in 2021-22, to 35.6% in 2022-23, in just one year." This indicates that even the temporary, small rise of public financing observed during COVID has not been

sustained, rather the latest levels are comparable to 35.3% recorded in 2019-20 in the pre-COVID period, he explains. CHE, which measures the final consumption of healthcare goods and services excluding cap-ex, is ₹7,66,814 crore.

The NHA also answers the question of who contributes to the health spend. GHE is the amount the government spends on health care, inclusive of capital expenditure, is ₹3,85,332 crore - less than half of the total health expenditure (THE). Of this, the Union government's share is about 36%, and the State governments fund over 63% of THE. With households forking out 56.44% of health spends on CHE, an extraordinary burden remains on the people. Of this, out of pocket expenditure, accounts for a whopping 49.90% of CHE.

Dr. Shukla says, the total expenditure under government-financed health insurance schemes combined was ₹26,266 crore, representing a meagre 3% of India's THE. In contrast, now private health insurance

expenditures (9.2% of THE), most of which are paid for directly by households, are three times higher than all spending through government-financed health insurance schemes. He charges that Pradhan Mantri Jan Arogya Yojana (PMJAY) and associated government health insurance schemes are failing to provide substantial protection to people from high healthcare spending.

The NHA has also revealed that private hospitals take the largest share of all CHE at 30.83%, followed by government hospitals at 16.73%. This makes it clear that India's health system remains deeply privatised, despite claims of increased public spending, Dr. Shukla says. "This continued high level of unregulated privatisation is deepening major inequities in access to healthcare, linked with rising costs and frequent irrational treatment practices."

Another worrisome aspect is the relatively low spending on preventive care. As per the NHA, preventive care forms only 8.88% of the CHE spending.

- Government Claims (Positive Aspects):**
 - Government's Health Expenditure (GHE) as a percentage of GDP has increased from 1.15% in 2013-14 to **1.43% in 2022-23** (1.48% as per the new series).

- The share of health in general government expenditure has increased from 3.78% to 4.89%.
- Per capita government health expenditure has increased by about 2.7 times in the last decade.
- **Actual Scarcity and Comparison with Global Standards:**
 - **Lags behind policy targets:** This increase is still far below the **National Health Policy (NHP) target of 2.5%** (of GDP) and **the WHO's global recommendation (at least 5%** of GDP).
 - **Post-COVID Decline:** The slight increase in public health spending seen during the COVID-19 pandemic has returned to pre-COVID levels. The government share in current health expenditure has declined sharply from 41.1% in 2021-22 to 35.6% in **2022-23**.

Structural Analysis of Health Expenditure

- **Financial Contributions (Who Funds Healthcare?):**
 - The total government health expenditure (GHE) is ₹3,85,332 crore, which is less than half of the total health expenditure (THE).
 - The central government's share **in this government expenditure is only 36%**, while **the state governments finance more than 63%**.
- **Excessive Burden on the General Public (OOPE):**
 - The total contribution of households to the current health expenditure (CHE - ₹7,66,814 crore) is 56.44%, of which **49.90% is purely 'out-of-pocket' (out-of-pocket expenditure)**.
- **Private Sector Dominance:**
 - India's healthcare system is still deeply privatised. The largest share of the current health expenditure **goes to private hospitals (30.83%)**, while government hospitals account for a mere 16.73%.

Failure of Insurance & Preventive Care

- **Limited Access to Government Insurance Schemes:**
 - The total expenditure under government-funded health insurance schemes (such as Ayushman Bharat – PMJAY) was ₹26,266 crore, which is just **3% of India's total health expenditure**.
 - In contrast, spending on private health insurance (which is mainly paid for by the family itself) is **three times higher (9.2%) than government schemes**. This shows that government insurance schemes are not fully successful in protecting people from high medical expenses.

- **Neglect of Preventive Care:**

- Despite the increasing burden of non-communicable diseases (NCDs such as cancer, diabetes, heart disease), very little is being spent on preventive care in India. The share of preventive care in the total current health expenditure is **only 8.88%**.

Challenges & Implications

- **Increase in Inequality:** The unregulated and unregulated privatization of the health sector is creating huge inequality in access to health services.
- **Irrational treatment methods:** Due to the high share of private hospitals and lack of regulation, the cost of treatment is constantly increasing and many times patients have to fall prey to irrational treatment methods.
- **Vicious Cycle of Poverty:** Heavy out-of-pocket expenditure on health continues to be a major reason for pushing middle and lower-middle-class families below the poverty line.

Conclusion

The National Health Accounts (NHA) data for 2022-23 is a clear indication that the goal of 'Universal Health Coverage' (UHC) cannot be achieved on the basis of micro-budgetary growth alone. India needs a structural change in its approach to health. For this, the Centre and states will have to work together to take the health budget to 2.5% of GDP, focus on primary and preventive care, and strengthen the scope and effectiveness of government insurance schemes along with effective regulation of the private health sector to protect citizens from financial catastrophe.

UPSC Prelims Exam Study Questions

Question: Which of the following objectives is related to "Ayushman Bharat - Pradhan Mantri Jan Arogya Yojana (PM-JAY)"?

- (a) To provide free medicine to all citizens
- (b) Providing health insurance coverage to poor and vulnerable families
- (c) Increasing the number of medical colleges
- (d) Providing only primary health services

Answer: b)

UPSC Mains Practice Questions

Question: Analyze the major reasons for high **out-of-pocket expenditure (OOPE)** on health in India. **(150 words)**

- According to a study (PLOS Global Public Health 2024), 30% to 61% of TB patients face 'catastrophic costs', where the cost of treatment exceeds 20% of their annual household income.
- TB drugs may be free, but 93.4% of the expenditure is due to indirect costs (e.g. loss of wages, commuting rent, nutrition).

Structural & Social Barriers

- **Clinic Timings:**

- Government DOTS centers in Mumbai open from 10 am to 5 pm. For women working in the informal sector (such as domestic help Rehana), this means that they have to lose half a day's wages to get the medicine.

- **Transport & Distance Barriers:**

- According to the National Family Health Survey-5 (NFHS-5), 56% of women in Maharashtra considered 'transportation' as a major barrier to accessing healthcare.
- Poor slums (such as Govandi) have the least access to government health facilities, leading to long and exhausting journeys for critically ill women.

- **Social Stigma and Discrimination:**

- According to an ICMR study, 40% of female TB patients face social stigma, job loss, or rejection by the family. It is because of this fear that they hide the disease.

- **Class & Caste Inequality:**

- In areas like Govandi and Mankhurd, the majority of the population belongs to the Dalit and OBC communities. Research suggests that people from lower social categories face higher waiting times in health facilities.

Policy Recommendations & Way Forward

- **Flexible Clinic Timings:** A study conducted in Chennai showed that when DOTS clinics started offering services in the evening, the treatment completion rate among working patients increased to almost 100%. Evening or night clinics should also be started in Mumbai and other big cities.
- **Strengthening of Nikshay Poshan Yojana:** Currently, TB patients are given ₹1,000 per month under it. For women patients (especially informal workers), this amount needs to be increased so that they can meet the loss of wages and nutritional needs.
- **Gender-Sensitive Healthcare:** ASHA workers and local doctors should be specially trained to identify TB symptoms in women early.
- **Side-effect Management:** The free TB program should cover not only the main medications but also the treatment of the side effects they cause (such as dentistry or mental depression).

Conclusion

This case study makes it clear that TB cannot be eradicated only by distributing free medicines. Unless health policies address women's 'time poverty', insecurity of informal employment and social barriers, India's dream of a 'TB-free India by 2025' (now

with expanded targets) will not be fully realized. Making the health policy gender-sensitive and women-friendly at the last rung of the society is the biggest need of the hour.

UPSC Prelims Exam Study Questions

Q: What is the main objective of the **National Tuberculosis Eradication Programme (NTEP)**?

- (a) Making India malaria-free
- (b) Making India anaemia free
- (c) **Ensuring prevention, detection and treatment** of TB in India
- (d) Achieving universal health coverage

Answer: c)

UPSC Mains Practice Questions

Q: Tuberculosis (**TB**) is not only a health problem but also a socio-economic problem. Explain this statement with reference to women. **(150 words)**



Why in News?

- Recently, an ordinance has been issued by the President increasing the sanctioned number of judges of the Supreme Court **from 34 to 38**. Soon after, the Supreme Court Collegium has also recommended the appointment of four new judges.
- Context and Current Status:** Through the 'Supreme Court (Number of Judges) Amendment Bill, 2026', the government aims to ensure "speedy justice". According to the National Judicial Data Grid (NJDG), there are currently **93,966 cases pending in the Supreme Court**.

Will increasing the strength of the SC solve the pendency problem?



Prashant Reddy T.

Legal Academic and co-author of 'Tareekh Pe Justice: Reforms for India's District Courts'



Swapnil Tripathi

leads Chakra, the constitutional law centre at Vidhi Centre for Legal Policy

PARLEY

In May 17, the President promulgated an ordinance increasing the sanctioned strength of the Supreme Court from 34 to 38 judges. The move came just days after the Union Cabinet approved the Supreme Court (Number of Judges) Amendment Bill, 2026, stating that the addition of four judges would enable the top court to facilitate "speedy justice". On May 27, the Supreme Court Collegium recommended the elevation of four High Court Chief Justices and senior advocate V. Mohana as judges of the top court. According to the National Judicial Data Grid, pendency before the SC currently stands at 93,966 cases. Is increasing the top court's strength an effective way to reduce pendency? Prashant Reddy T. and Swapnil Tripathi discuss the question in a conversation moderated by **Aaratrika Bhaumik**.

Was the ordinance route necessary to increase the top court's sanctioned strength?

Prashant Reddy: No. With Parliament set to convene within weeks, the government could easily have introduced the proposal through the ordinary legislative process. In any event, previous Bills increasing the sanctioned strength of the top court have often passed with minimal debate. In fact, in 2009, the government reportedly introduced a similar measure through a money Bill owing to its numerical disadvantage in the Rajya Sabha. Resorting to an ordinance for a measure of this nature deepens institutional scepticism and fuels unnecessary speculation about the motives of the move.

Does the Supreme Court's willingness to entertain a large number of Special Leave Petitions (SLPs) contribute to the pendency?

Swapnil Tripathi: Yes. The Constituent Assembly envisaged that the Supreme Court would exercise considerable restraint, particularly in invoking its extraordinary jurisdiction under Article 136 of the Constitution. SLPs were conceived as a remedy to be exercised sparingly. Over time, however, a substantial portion of the Supreme Court's docket has come to be dominated by SLPs. What is even more concerning is the court's persistent reluctance to formulate clear guidelines governing the exercise of this jurisdiction. The absence of any meaningful guidelines has contributed to the very accumulation of arrears the institution is now struggling to manage.

PR: The difficulty with Article 136 is that there has never been a clear consensus, even within



The Supreme Court of India.

the Constituent Assembly, on the precise role this jurisdiction was intended to perform. In most other common law jurisdictions, top courts have evolved institutional filters to regulate discretionary appeals, mindful of the finite judicial time available to them. They generally confine themselves to the most contentious or jurisprudentially significant cases. By contrast, as recently as 2016, a Constitution Bench of the Supreme Court declined to narrow the scope of Article 136, observing that no effort should be made to restrict the court's powers under the provision. The result is an increasingly unpredictable system in which outcomes often appear contingent on the Bench before which a matter is listed. This, in turn, fuels allegations of Bench fixing and corrupt listing practices, eroding the court's legitimacy in the eyes of the public.

Should the Court confine itself primarily to constitutional cases to reduce backlog?

PR: No. Last year, in *Vijaya Bank & Anr. versus Prashant B. Naraware*, a Division Bench of the Supreme Court was called upon to interpret Section 27 of the Indian Contract Act. The case was about the validity of a bond clause; allowing a public sector bank to recover damages from an employee who resigned before completing a mandatory three-year service period. Although framed as a contract law dispute, the issue went to the heart of the right to work and carried significant implications for labour mobility and market competition. Questions of law with such far-reaching consequences must engage the top court's attention. The real concern is not that the Court hears such cases, but how it hears them. Matters involving substantial questions of law ought to be decided by larger Benches to ensure doctrinal consistency.

ST: I agree. The Supreme Court was never envisaged as a constitutional court alone. It was also designed to function as the country's final



The pendency crisis cannot truly be addressed unless the Supreme Court develops a more robust mechanism to filter out frivolous litigation

SWAPNIL TRIPATHI

court of appeal. Over time, however, its appellate jurisdiction has increasingly overshadowed its role in deciding constitutional questions. At the same time, the court must ensure that the inflow of routine appeals is reduced and that intervention is reserved for cases where it is genuinely warranted. I would, however, add an important caveat. Where courts are called upon to decide substantial questions of law, such matters ought ideally to be heard by larger Benches to minimise inconsistencies in interpretation among coordinate Benches.

Will increasing the Supreme Court's sanctioned strength lead to more conflicting rulings by coordinate Benches?

PR: Yes. An increase in the court's sanctioned strength is likely to result in greater doctrinal inconsistency, particularly when most judges sit in Division Benches of two. A larger number of Benches will inevitably result in a greater number of cases being entertained and, consequently, more conflicting rulings by coordinate Benches. Further, once divergent views emerge among coordinate Benches and matters require reference to larger Benches for authoritative resolution, delays are likely to become even more pronounced.

ST: I think the polyvocality of the Supreme Court is one of its strengths, but it works as a strength only when accompanied by judicial discipline. The two must complement each other. Judges may arrive at different conclusions on facts, but the application of legal principles must remain consistent.

Does the government need a more consistent litigation policy?

PR: The government was initially expected to introduce a National Litigation Policy (NLP) to reduce the overwhelming volume of cases involving the Union, State governments, and public sector undertakings that continue to clog the judicial system. The government eventually withdrew its assurance to introduce it, leaving unanswered questions about how decisions relating to government litigation are actually taken. There are numerous instances where

similar cases remain pending before different High Courts, and instead of allowing at least one High Court to conclusively adjudicate the issue, the government files transfer petitions before the Supreme Court. The result is that these cases often remain pending before the top court for several more years.

ST: The government's litigation strategy often appears to be driven by a highly result-oriented, case-to-case approach rather than any coherent policy. Courts have repeatedly questioned why the government continues to pursue virtually every dispute up to the Supreme Court, even in cases where its position is clearly unsustainable. There is also a striking lack of institutional consistency. Changes in law officers often lead to shifts in legal strategy, with successive counsels sometimes advancing positions entirely contrary to those taken earlier. Ultimately, it is the individual litigant, lacking the State's resources and institutional capacity, who suffers the most.

What are the institutional reforms required?

ST: The pendency crisis cannot truly be addressed unless the Supreme Court develops a more robust mechanism to filter out frivolous litigation. This is particularly important in the context of Public Interest Litigations (PIL). The court must strictly apply the guidelines laid down in *State of Uttaranchal versus Bahwan Singh Chauhal* (2010), including ensuring that a PIL is filed for a genuine public cause and not driven by personal or political interests. As for cases already pending before the court, stricter time allocation for oral arguments is essential. Greater reliance should also be placed on written submissions so that judicial time is not consumed by prolonged hearings.

Is this an opportunity to improve gender representation on the Bench?

PR: Yes. In my view, these four additional positions ought ideally to be filled by women. There must also be greater transparency in the appointments process.

ST: A common justification offered for not appointing more women judges is that there are not enough senior women judges in the High Courts. But the convention of seniority has often been relaxed when it comes to appointing male judges to the Supreme Court.



To listen to the full interview
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Is increasing the number of judges a solution to the pendency of cases? (Will it solve Pendency?)

- **Theory vs. Reality:** The government believes that having more judges will lead to faster disposal of cases. However, according to legal experts (Prashant Reddy and Swapnil Tripathi), merely increasing the numbers is not a permanent solution to this problem.
- **Danger of Conflicting Rulings:** Increasing the number of judges will increase the number of two-judge 'division benches'. This will increase the chances of contradictory judgments being delivered by different benches on the same legal issues (polyvocality of the court).
- **Further delay in cases:** When the views of two identical benches are different, the matter will be referred to the larger bench for clarity. This entire process will further increase the delay in the final disposal of cases.

Core Reasons for Pendency

- **A Plethora of Special Leave Petitions (SLPs):** The 'Special Leave Petition' (SLP) was to be used very sparingly as an extraordinary power under Article 136 of the Constitution. But at present, most of the Supreme Court's time is spent hearing the SLPs of regular and minor civil/criminal cases.
- **Lack of Clear Guidelines:** The Supreme Court itself has refused to limit the scope of Article 136 or create any clear institutional filters or rules for its judicious use.
- **Lack of Government Litigation Policy:**
 - The largest share of pending litigation in the country belongs to the government itself (Centre, state and PSUs). The government does not have a coherent 'National Litigation Policy'.
 - The government drags almost every small dispute to the Supreme Court, even if its side is weak. Moreover, with the change of Law Officers, the legal strategy of the government also changes.
- **Misuse of Transfer Petitions:** Instead of allowing a High Court to deliver a judgment on similar cases pending in various High Courts, the government puts petitions to get them transferred to the Supreme Court, leaving those cases hanging in the apex court for years.

Required Institutional Reforms

- **Development of Institutional Filters:** The Supreme Court of India, like other countries, should also create a robust screening system to accept only the most important or constitutional importance cases.
- **Oral Argument Deadlines and Written Arguments:** Lengthy oral arguments in the courts should be prohibited and a strict time limit should be set for the same. Instead, written submissions should be relied upon more.
- **Strict adherence to PIL guidelines:** To prevent the misuse of Public Interest Litigations (PILs), the Supreme Court should strictly enforce the guidelines given in the case of 'State of Uttaranchal v. Balwant Singh Chaufal (2010)', so that frivolous or politically motivated petitions can be dismissed.

Gender Representation:

- **Opportunity to increase the number of women judges:** This increase of 4 judges in the sanctioned strength should be used to increase the representation of women in the Supreme Court.
- **Flexibility in the rule of seniority:** Often the excuse of the shortage of senior women judges in the High Court is made, while the rule of seniority has been relaxed many times at the time of appointment of male judges. Therefore, this rule should also be relaxed for the appointment of women.
- **Need for Appointment Procedure:** The entire Ordinance process could have been brought through the normal legislative route of Parliament. Adopting the ordinance route creates institutional doubts, hence the need for more transparency in the appointment process.

Conclusion

Increasing the number of judges in the Supreme Court may be only an immediate or symptomatic remedy, but it is not a complete cure for the deep malaise of pending cases. Unless the Supreme Court makes stringent rules to govern its appellate diplomacy (SLP), the government improves its litigation habits, and modern methods of time management are adopted in the courts, it will be impossible to achieve the goal of "speedy justice" by simply increasing the number of judges.

UPSC Prelims Exam Study Questions

Question: Who has the authority to determine the number of judges of the Supreme Court?

- (a) Chief Justice of India
- (b) President
- (c) Parliament
- (d) Law Commission

Answer: (c)

UPSC Mains Practice Questions

Question: Increasing the number of judges in the Supreme Court is not an adequate solution to the problem of pendency of cases. Critically examine. (150 words)

Brinkmanship in the age of growing conflict

Iran's closure of the Strait of Hormuz and the blockade by the United States of Iranian ports are among several recent acts of brinkmanship. A legacy of the Cold War era, brinkmanship refers to single action or a series of actions during a conflict or a short-of-war situation that forces a perilous climb up the escalation ladder to force the adversary to back down, make concessions, negotiate or even do something irrational that would justify the use of uncalibrated or widespread use of force. Coined by western political scientists in the 1950s and 1960s while analysing crises such as the Berlin Blockade (1948-49) and the Cuban Missile Crisis (1962), the term also warned of the risk of escalation spiralling out of control, particularly in the nuclear context (Armageddon).

The return of brinkmanship

With the vast spread of the spectrum of conflict in the post-Cold War era without the disappearance of the nuclear overhang, brinkmanship has once again assumed dangerous proportions and merits some examination in a contemporary context. Terrorism has emerged as a principal instrument of brinkmanship, frequently used by non-state actors to provoke disproportionate state responses and gain international attention and sympathy in pursuit of larger goals. Without debating the dilemma posed by the proposition that argues, 'One man's terrorist is another man's freedom fighter', globally proscribed terrorist movements have rarely achieved their stated aims through brinkmanship – al Qaeda and the Islamic State being among them. A few such as the Irish Republican Army (IRA) and the FLN (National Liberation Front) in Algeria did force the more powerful adversary to make concessions.

Another flavour of brinkmanship that has emerged in recent decades is proxy brinkmanship of the kind that Pakistan and Iran have engaged in for the last four decades against



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The growing reliance on brinkmanship threatens an already fragile global order

stronger powers. Using proxies largely designated as global terrorist outfits, this brand of asymmetric brinkmanship seeks to erode the resolve and power of stronger powers and force them to make concessions over long-festering issues of statehood and sovereignty. The attacks by Hamas on Israel on October 23, 2023, are an example of this kind of brinkmanship. Israel's disproportionate counter-brinkmanship in Gaza in pursuit of destroying Hamas is testimony to the breakdown of deterrence and the propensity to climb the escalation ladder at breakneck speed to achieve difficult strategic outcomes.

Rising geopolitical tensions

Among the larger powers today, the U.S. has seldom resorted to brinkmanship and prefers instead to achieve its geopolitical objectives through the brute and direct application of force or economic coercion. Frustrated at its inability to drag Iran to the negotiating table, the U.S. has resorted to brinkmanship by imposing a blockade on Iran, hoping to squeeze it economically and make it come to the negotiating table. Iran, on the other hand, has resorted to its own brand of asymmetric counter-brinkmanship that has yielded disproportionate strategic outcomes by blocking the Strait of Hormuz. Where this will go is anybody's guess until both the parties agree to meet mid-way – such are the complications of the brinkmanship game.

Russia's brinkmanship, driven by frustration over its inability to halt the North Atlantic Treaty Organization's eastward expansion despite Moscow's takeover of Crimea in 2014, and by expectations that Ukraine would capitulate after the advance on Kyiv in February 2022, has instead resulted in a prolonged war. Russia's periodic sabre-rattling over nuclear restraint is also a legacy of the Cold War that Russian President Vladimir Putin wants to keep alive. The indiscriminate use of hypersonic and other area

weapons against population centres such as Kiev by the Russians triggers a brinkmanship chain that is hard to control and infuse any semblance of restraint in the four-year-long conflict.

Ever since China upped its maritime game since 2006 and laid claims to vast expanses of the South China Sea and parts of the East China Sea, it has mastered the art of controlled brinkmanship against weaker neighbours, daring them to push back against its attempts to establish maritime hegemony in the region. Except for Japan which has pushed back strongly against Chinese coercion over claims on the Senkaku Islands, and Taiwan which continues to stare the People's Republic of China in the eye, all other countries with shores along the South China Sea have been mute to Chinese reclamation of Islands and claims on territorial waters.

If there is one nation that has perfected the art of brinkmanship in the 21st century, it is North Korea. This largely underdeveloped and opaque country, with its demonstrated missile and nuclear prowess and nuclear proliferation, has kept the most powerful power in the world from forcing it into a 'rules based world order', while also keeping the region on edge.

The displacement of diplomacy

India's strategic DNA of restraint and responsibility and its calibrated use of force eschews any inclination to resort to brinkmanship even under the gravest provocation. The fragile global geopolitical system is now fraught with danger, and diplomacy no longer seems to be the preferred choice for conflict resolution. With global institutions such as the United Nations increasingly marginalised, coercion, brinkmanship and the uncalibrated use of force seem to be emerging as preferred options in settling conflicts of various genres. The world needs to seriously introspect this.

GS Paper II: International Relations

UPSC Mains Exam Practice Questions: What do you understand by Brinkmanship? Examine its growing relevance in contemporary international politics. **(250 words)**

Context: Recent events such as Iran's threat to close the Strait of Hormuz and the blockade of Iranian ports by the US reflect a resurgence of 'brinkmanship'.

- **Brinkmanship: A legacy of the Cold War**, this term refers to a single act or series in which a country or organization deliberately takes a conflict **to the brink of war (the top of the escalation ladder)**. The purpose is to force the opponent to retreat, make concessions, or negotiate.
- **Historical Context:** The term was coined by Western political scientists in the 1950s and 1960s during the analysis of the Berlin blockade (1948-49) and the Cuban Missile Crisis (1962), which posed the threat of nuclear war (Armageddon).

Modern Shades of Brinkmanship

- **Terrorism and Non-State Actors (Terrorism as a Tool):**
 - In the present era, terrorism has emerged as a major instrument of brinkmanship. Non-state actors use it to provoke sovereign states to excessive and disproportionate retaliation and gain global sympathy.
 - Organizations such as Al-Qaeda and the Islamic State failed, but in the past groups such as the IRA and the FLN in Algeria have used it to force powerful opponents to make concessions.
- **Proxy Brinkmanship:**
 - Countries like Pakistan and Iran have used this 'asymmetric strategy' against more powerful countries for the last four decades.
 - By using global terror organizations as pawns, they attempt to undermine the resolve of the strong powers. The Hamas attack on Israel in October 2023 is a direct example of this, in response to which Israel resorted to excessive 'counter-brinkmanship' in Gaza to eliminate Hamas.

Brinkmanship of Major Powers

- **United States of America (USA):** The U.S. generally prefers to use direct military force or economic coercion rather than brinkmanship. However, after failing to bring Iran to the negotiating table, the US has resorted to brinkmanship by blockading its port.
- **Russia:** Russia has been constantly threatening 'nuclear sabre-rattling' due to NATO's failure to stop the eastward expansion and the protracted drag on of the Ukraine crisis. The indiscriminate use of hypersonic weapons on civilian areas such as Kyiv gives rise to a series of brinkmanship that is difficult to control.
- **China:** Since 2006, China has mastered the art of '**controlled brinkmanship**' against its weaker neighbors in the South China Sea and East China Sea. Except for Japan (on the Senkaku Islands) and Taiwan, the other countries in the region remain mute spectators to this aggressive island building and territorial claims by China.
- **North Korea:** North Korea has made brinkmanship its main diplomacy in the 21st century. Despite being economically weak, on the strength of its nuclear and missile tests, it has kept the superpowers of the world hooked and keeps the entire region under constant stress.

Displacement of Diplomacy and India's Stance

- **Weakening of Global Institutions:** The current global geopolitical order has become extremely fragile. Global institutions such as the United Nations (UN) have been marginalized, with diplomacy for conflict resolution now replaced by coercion, military force, and brinkmanship.

- **India's Strategic DNA:** In contrast to this alarming trend growing globally, India's strategic approach has always been one of **restraint and responsibility**. India refrains from excessive or uncontrolled use of force even after serious provocations and always supports calibrated measures.

Conclusion

The increasing use of brinkmanship in the contemporary world amid the shadow of nuclear weapons is a serious warning to global peace. When superpowers and non-state actors begin to prefer diplomacy to the brink of war, any miscalculation increases the risk of a catastrophic global war breaking out. Today, the world is in dire need of reviving multilateral diplomacy and adopting peaceful paths of dialogue for conflict resolution, in which India's restrained model can play the role of a guiding light.

