

# EDITORIAL HIGHLIGHTS

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GS 2: POLITY  
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## Citizenship rulings must be 'fair, lawful': SC

Court sets aside 27 judgments by Gauhati HC on 'foreigners', asks tribunals to adjudicate afresh

Declarations on citizenship are not sustainable if 'procedure employed is mechanical', says court

The HC had dismissed appeals against tribunals since the appellants failed to appear for hearings

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The Supreme Court on Monday held that the determination of citizenship and foreigner status must be undertaken through a "fair, lawful, and reasoned" process, as it set aside a batch of 27 Gauhati High Court judgments declaring the appellants to be foreigners, and remanded the cases to the Foreigners' Tribunals concerned for fresh adjudication.

A Bench of Justices Vikram Nath and Sandeep Mehta observed that while the state has a legitimate interest in ensuring that persons who are legally ineligible for an Indian citizenship do not obtain such a status through "false claims", the "grave consequence" of being declared a foreigner must follow a procedure that adheres to constitutional guarantees.

"A state action which is arbitrary cannot claim the protection of law merely because it is clothed in statutory form. A proceeding which may result in a person being declared a foreigner cannot be sustained if the procedure adopted is mechanical, one-sided, or devoid of application of mind," the judgment, authored by Justice Nath, said.

### 'Fair opportunity'

The Tribunal must examine whether the person had a "fair opportunity, whether the main grounds were disclosed, whether the evidence before it was capable of supporting the reference, and whether the conclusion follows from the material on record," it added.

The High Court had dismissed the appeals against the orders of the Foreigners' Tribunals declaring the appellants to be fo-



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SUPREME COURT JUDGMENT



reigners after noting that none of them had appeared before the tribunals despite having been served notices. It had observed that, in the absence of any written statement, documents, or evidence from the appellants, the tribunals had "no option" but to affirm the references.

The top court, however, clarified that the remand should not be construed as an affirmation of the appellants' claim to Indian citizenship.

The remand was intended solely to ensure that the serious civil consequences of being declared a foreigner flow only from an adjudication that is legally sustainable and consistent with the principles of fairness, the top court said.

Accordingly, the Bench set aside both the High Court judgments and the corresponding opinions of the Foreigners' Tribunals concerned, directing the tribunals to decide the matters afresh without being influenced by their ear-

lier findings or those of the High Court. It said the fresh adjudication must involve an independent assessment of the evidence and the rival claims in accordance with law and should, as far as possible, be completed within six months.

The court further directed that no coercive steps be taken against the appellants until the Foreigners' Tribunals render fresh opinions.

The top court also directed the appellants to appear before the tribunals within four weeks.

### 'Big legal consequence'

Justice Nath also acknowledged that questions of citizenship and foreigner status occupy a field of "high constitutional and legal significance", particularly because a declaration that a person is a foreigner carries far more than ordinary civil consequences. Such a

finding, the judge noted, may result in detention, deportation, separation from family and community, and even "statelessness".

The apex court further underlined that while Section 9 of the 1946 Act undoubtedly places the burden upon the proceedee to prove that he or she is not a foreigner, it does not absolve a Tribunal of its "obligation" to conduct a lawful adjudication so as to not proceed with a "mechanical" declaration.

The Bench also pointed out that the guarantees of equality before the law under Article 14 and the right to life and personal liberty under Article 21 of the Constitution extend to foreigners as well, and are not confined to Indian citizens.

"A person proceeded against before a Foreigners' Tribunal may ultimately fail to establish Indian citizenship, but the process by

which such determination is made must still satisfy the constitutional requirements", the Bench said.

The principal contention before the apex court was whether a person could be declared a foreigner through *ex parte* proceedings solely on account of non-appearance, particularly where government records were available in support of the claim to Indian citizenship.

The dispute arose from an order dated May 9, 1997, by the Illegal Migrants (Determination) Tribunal, which declared Sabitri Dey and her husband, Sambhu Dey, to be illegal migrants after they failed to appear despite summons. The petitioners contended that they had no knowledge of the proceedings and that the tribunal's conclusion rested primarily on the inquiry officer's hearsay testimony rather than reliable substantive evidence.



## GS 2: POLITY

### THE HINDU PAGE: 08

# Holding the Court accountable amid democratic strain

In late June this year, 23 Opposition parties wrote to the Chief Justice of India (CJI) Surya Kant raising concerns about the state of the electoral process in India's democracy. The letter reiterated the broad concern that the Special Intensive Revision (SIR) of electoral rolls is exclusionary, and that the framework is burdensome for ordinary citizens. The Opposition's letter is also a gesture of desperation and disappointment over the Supreme Court of India's refusal to interfere with the massive and continuous disenfranchisement.

#### The erosion of the right to vote

In *Why India Votes?* (2014), Mukulika Banerjee narrates various encounters with poor ordinary voters. Ms. Banerjee, in the book, referring to Mekhala Krishnamurthy's study, cites an incident: A woman named Rukmini Bai was unable to vote in the elections for lack of proper identification documents. When Rukmini was asked why it was important for her to vote, she said, "My work is to sweep up all the grain that falls from the sacks and the weighing scales on the floor. At the end of the day, I sell what I have collected and I am allowed to keep half the money. That is my income. So you see, I understand the value of each grain of wheat. On the floor they look insignificant, just one isolated grain of wheat, but each grain that is added to the heap determines what I earn. My vote is like those grains of wheat."

For any citizen of a democracy, exercising the right to adult franchise is vital. But for those who have been marginalised from mainstream society, voting becomes a powerful political act. It reaffirms the recognition that they and their votes matter, and that they count as much as those of the privileged. This is why the long queues at polling booths, without class, caste, or income disparities, turns out to be a beautiful image of a functioning democracy.

What the SIR exercise initiated by the Election Commission of India (ECI) has done is to poke at the heart of this electoral enfranchisement. The modalities in which the ECI has invoked this process are also significant. The ECI has been successful in creating an atmosphere of anxiety for citizens, in a matter closely tied to their political identity. The right to vote is a significant facet of political expression envisaged by the Constitution. This right is now, however,



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The higher judiciary's handling of the Special Intensive Revision (SIR) of electoral rolls raises questions about judicial scrutiny and India's democratic future

submerged in an entire overarching framework consisting of documentation, inquiry into lineage, appeals and as scholar Rudraksh Lakra calls it – 'digital structural authoritarianism'.

#### Role of the Court

When the basic structure of a democracy is directly attacked by the executive, the kind of response by the Court – a counter-majoritarian institution – deserves serious study. When a politically aggressive state battles the powerless individual with the entire state machinery at its disposal, one looks at the Court, equipped with the constitutional tools to limit state power.

The Bihar SIR case was adjudicated by the Bench led by the CJI on May 27, 2026. However, this decision came long after the election was over. The Court also has a disappointing history of postponing the final decision in cases after the state action in question has been already operated or implemented.

Therefore, as in the cases challenging demonetisation (2016) and the abrogation of the special status of Jammu and Kashmir, by the time the legality of the SIR was decided, it had become a *fait accompli*. This is the primary failure of the Court – not determining the dispute when time is of the essence.

Second, the way in which the Court oversaw the process was problematic. Unlike the cases where executive action is under judicial scrutiny, in the Bihar SIR, the Court actively involved itself and facilitated the so-called revision that led to deletion of several lakhs of voters. By virtue of several interim orders and a multitude of directions, the Court effectively administered the process. One finds a clear judicial abetment to the electoral process making it a collaborative exercise – quite unprecedented in the country's history. The Court's nature shifted from a forum of judicial review to an administrative body.

Third, the ex-post facto endorsement. In the Bihar SIR case, it was nevertheless crucial how the Court would substantively conceptualise the dispute. This was also determinative for other State elections, particularly in Assam and West Bengal. One could frame the narrative in either of two ways: first, as a technical question concerning the competence and powers of the ECI; and second, as a question of deprivation of rights.

In formulating the questions themselves, the

Court leaned towards the former rather than the latter. Barring a singular question on proportionality and legitimacy, all other issues were misidentified. This is why there is no effective deliberation on the legality of the process, particularly with regard to its vagueness and lack of reasoning. The disproportionate administrative demand for (often impossible) paperwork, rigid time limits, and the discriminatory impact on minorities, women, and the migrant population were overlooked. In the adjudicatory exercise, there was no appreciation of the social realities of illiteracy, poverty and lack of institutional access for a substantial number of voters. Ultimately, the Court decided in favour of the ECI on all the issues.

#### Judicial accountability

Long ago, the liberal thinker Murray Rothbard, relying on the scholar Charles Black, noted that: "the state has ... largely transformed judicial review itself from a limiting device to yet another instrument for furnishing ideological legitimacy to the government's actions." In his classic work, *The Politics of the Judiciary* (1977), J.A.G. Griffith also exposes the judiciary's natural inclination towards the political branches of the state.

The Indian Supreme Court is one of the most powerful institutions in the world. Many decisions of the Court seemingly involving legal questions are essentially political questions. Therefore, it is necessary for the political Opposition to evaluate and criticise the fundamental aberrations in the judicial realm. This is part and parcel of the function of the Opposition, in today's critical times.

Manufacturing endorsements to support continuing executive excesses is symptomatic of any authoritarian regime. It is important to recognise that India is evolving into a system in which institutions have lost neutrality, as acknowledged by the Leader of the Opposition in the Lok Sabha, Rahul Gandhi, in his speech at the recent INDIA bloc convention.

It is also becoming clearer that any radical change in the polity through the judicial process is unlikely. There is a recent global trend of expanding oppositional politics beyond conventional methods to people's movements. India's democracy must embrace such political praxis.



## GS 3: ENERGY

### THE HINDU PAGE: 08

# The right path for India's nuclear power development

International sanctions were imposed on India after its peaceful nuclear test of 1974. The India-United States civil nuclear deal, which was signed in 2008, ended the restrictions on the import of uranium and of nuclear power plants, with some critical exceptions. The free import of natural uranium has enabled India to grow its nuclear programme. Negotiations with major western nuclear power plant suppliers were started but had to be given up as their plants were far too expensive.

#### Homegrown nuclear advantage

Sanctions forced India to innovate. Every part going into India's nuclear plants was designed, developed, tested, and manufactured in India in patient partnerships between the Atomic Energy Commission (AEC) and Indian firms. The unit size of India's nuclear power plants went up from 200 MW to 500 MW. Now, 700 MW units have been developed. Four units are under construction and another 10 are being developed. India now makes the cheapest nuclear power plants in the world, costing approximately \$1,700 per Kw. The South Korean plants cost more, around \$2,200 per Kw, the French over \$5,500 per kw, and the U.S. \$15,000 per Kw. Therefore, India has the potential to become a major exporter of nuclear power plants.

With such a clear cost advantage and self-reliance, reports of plans to import nuclear power plants and technology indicate insufficient awareness of India's own capabilities and price competitiveness. The size of India's potential market for nuclear energy is so large that it would be rational for international suppliers to do whatever it takes to get a substantial share of this market. But would that be the optimum choice for India if costs are much higher or if it creates a new stream of technological vulnerability?

At this time, India has further strengthened its



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The country's nuclear future must balance growth with self-reliance and safety

leadership in technology as its 500 MW commercial fast breeder reactor is getting commissioned after overcoming many difficult challenges. Today, India makes Pressurised Heavy Water Reactors (PHWR), which use natural uranium as fuel. The Light Water Reactors (LWRs) use enriched uranium as fuel and are based on uranium enrichment technology which is more widely used in the world. India should try and develop its own LWRs, specially as the Nuclear Suppliers Group waiver permanently prohibits the transfer of enrichment and reprocessing technology to India. This should not be beyond India's capabilities, given sufficient resources and a dedicated programme.

#### Scaling up, staying self-reliant

The government has decided that by 2047, India will develop 100 GW of nuclear power capacity. To achieve this, the sector has been opened up to new entrants from both the public and private sectors through enabling legislation that is well-crafted and investor-friendly. The price of nuclear power in India is now competitive vis-à-vis thermal power. The use of the proven, cost-competitive domestic technology by new entrants would be the ideal cost-effective way to scale up. A large programme has scale effects resulting in lower production costs. Further, new entrants could potentially reduce project execution costs and time. Bringing in technology streams and equipment which will give India far more expensive electricity should not merit serious consideration.

To meet the enormous dedicated power demands of artificial intelligence data centres, small modular reactors (SMRs) are being considered as a solution in the West. However, the designs remain under development, with commercial deployment yet to begin. The AEC has offered its technology for 200 MW nuclear

plants to new entrants. Smaller unit sizes to suit emerging market needs can also be developed domestically in partnership between the AEC and Indian firms. The market for SMRs in India would be a bilateral contractual matter between the generator and buyer. From a regulatory perspective, there would be merit in taking the view that a foreign-designed SMR plant should have operated satisfactorily for a few years before being deployed in India. There would be little justification for an untested SMR being developed elsewhere being first deployed, experimentally, in India.

#### Ambition needs caution

Given the critical importance of ensuring the safety of nuclear power plants, it would be prudent that new players establish themselves before scaling up. India's record on safety in its nuclear plants has been exemplary till now. This must be preserved going forward. This will be a major challenge amid rapid expansion and the entry of new players, given the prevailing industrial culture in India, where accidents at construction sites and operating industrial plants continue to occur.

A single nuclear mishap could trigger a strong public backlash, similar to the one experienced by the West after Chernobyl (1986), which led to nuclear power development coming to a virtual standstill in many western countries. It would, therefore, be prudent for new entrants to initially develop only a few plants and establish the rigorous internal safety culture required for nuclear facilities, subject to continuous external auditing. Scaling up can thereafter take place gradually, without needlessly risking safety. The goal of achieving 100 GW of capacity by 2047 could be achieved safely while also strengthening self-reliance within India and enabling the country to become a globally competitive player.

## GS 2: INTERNATIONAL THE HINDU PAGE: 10

# What is the India-Australia uranium supplies agreement?

What do the administrative arrangements mean for India's nuclear energy sector?

Kallol Bhattacharjee

The story so far:

During Prime Minister Narendra Modi's visit to Australia last week, India and Australia "finalised the administrative arrangements" required to enable export of uranium from Australia to India. These exports will be "exclusively for peaceful purposes and under International Atomic Energy Agency (IAEA) watch" under the Australia-India Nuclear Cooperation Agreement, 2015.

What does the latest development mean?

The finalisation of the "administrative arrangements" means that private Australian mining entities involved in uranium extraction will be able to conclude commercial contracts with Indian private sector companies and joint ventures. The participation of private

Indian entities in uranium exports from Australia adds a new chapter to India's energy journey, which was recently boosted by the SHANTI Act passed in December 2025, opening the nuclear sector to private players.

The timing of the announcement is significant, as it has come at a time when India's energy sector is under severe stress due to the U.S.-Israel attack on Iran. India is being forced to diversify and explore options to cope with short-term requirements by buying hydrocarbons from Russia, the United States, and Venezuela, while also planning for the future. The arrangements with Australia for uranium export are expected to help India meet its energy requirements in the future.

Why is this significant?

Australia holds more than a quarter of the global uranium reserves and has traditionally maintained a strict policy

regarding the supply or export of uranium to non-NPT member countries.

According to the World Nuclear Association the countries that have received Australia's uranium include the United States, Japan, South Korea, France, Sweden, Belgium, Finland, the United Kingdom, and Germany. India is among the non-signatories, which are countries that chose not to sign the Nuclear Non-Proliferation Treaty.

Australia has been exporting uranium to countries with which it has "bilateral safeguards agreements", as it maintains that support for nuclear non-proliferation is among its "paramount" considerations. The "administrative arrangements" can be interpreted as further firming up of "bilateral safeguards" that were part of the Australia-India Nuclear Cooperation Agreement 2015.

India has an unblemished nuclear supply chain record and an ambitious nuclear energy programme. Though it is

not a signatory to the NPT, it signed a safeguards agreement with the IAEA in 2008 after India and the U.S. signed the nuclear deal, which was presided over by Prime Minister Manmohan Singh and President George W. Bush. Subsequently, the 48-member Nuclear Suppliers Group made a major move by exempting India from the list of countries with which they are prohibited from engaging in nuclear-energy-related business, thereby opening the gates for nuclear-energy-related supplies to India. This exemption has been the basis of several civil nuclear agreements that India has signed with partner countries.

What negotiations made this arrangement possible in 2026?

While Canberra and New Delhi have finalised the "administrative arrangements" now, negotiations between the two sides have been ongoing for nearly two decades. On November 12, 2009, during Prime Minister Kevin Rudd's visit to India, the two issues were addressed.

A joint statement issued during this visit said, "Mr. Rudd noted India's plans to meet its future energy requirements by exploring and developing all sources of energy, including nuclear, renewable and non-conventional resources. Both sides recognised the benefits of enhancing bilateral commercial exchanges of renewable and non-renewable energy

resources. The two Prime Ministers also agreed that energy security concerns are best met by reconciling the long-term interests of both energy-producing and energy-consuming countries through a truly open and competitive energy market. Both sides also expressed their willingness to join efforts which promote a cooperative response to any global energy crisis." The same joint statement also mentioned mutual commitment to oppose nuclear weapons. These negotiations led to the Australia-India Nuclear Cooperation Agreement, which was signed in 2014 and came into force in 2015.

According to World Nuclear Association, the "administrative arrangement" between India and Australia was 'finalised and became operational' after the signing of the Australia-India Nuclear Cooperation Agreement of 2015 and at least 300 tonnes of uranium were exported to India since 2018.

But it is understood, that uranium export was part of a 'test drive' as there were lingering concerns about Indian entities receiving Australian uranium. The latest announcement on the "administrative arrangements" and the emphasis on "exclusively peaceful purposes and under International Atomic Energy Agency (IAEA) safeguards" indicates that the 'test run' has paved the way for bigger commercial deliveries.



## GS 3: ENERGY

### THE HINDU PAGE: 10

# Can biogas aid India's energy security?

India, which imports nearly 85% of its crude oil needs, remains vulnerable to global energy shocks. Over the years, it has pushed several initiatives to promote compressed biogas. Despite these efforts, progress has been limited; government support and incentives could provide a boost to the sector

#### EXPLAINER

V. Nivedita

**T**ensions in West Asia continue to keep global energy markets on edge. India imports nearly 85% of its crude oil needs, much of it from West Asia, and supplies faced disruptions due to the Israel-U.S.-Iran war. While the government has diversified its crude oil suppliers, around 90% of India's LPG imports still transit through the Strait of Hormuz, making any instability in the region a potential risk to India's energy security.

Over the years, India has pushed several initiatives to promote alternate fuels like compressed biogas to reduce dependence on imported fuel, tackle agricultural waste and support rural incomes. But despite ambitious targets and policy support, progress has remained limited.

#### The search for an alternative fuel

Biogas is a mixture of methane, CO<sub>2</sub> and small quantities of other gases produced by anaerobic digestion of organic matter. It can be processed and compressed to get Compressed Biogas (CBG). It is chemically identical to CNG; renewable, carbon-neutral and can be produced from waste. It can be used directly to produce electricity, heating or as an energy source for cooking.

India has also been trying to blend biogas into its gas supply for at least a decade. The push gathered pace in 2018, when the Sustainable Alternative Towards Affordable Transportation (SATAT) initiative was launched with a target of establishing 5,000 plants by 2023. Only 132 are completed as of June 3, 2026.

The Centre launched the GOBARdhan (Galvanising Organic Bio-Agro Resources Dhan) scheme to increase CBG production. Under this 'waste to wealth' programme, the government offered grants of up to ₹50 lakh per district for



A biogas plant at the Waste-to-Energy unit in Koramangala in Bengaluru. J. ALLEN EGENUSE

community biogas plants. ₹564 crore was earmarked for the purchase of biomass collection machinery, while ₹994 crore was allocated to build pipelines connecting biogas plants directly to the gas grid.

However, progress on the ground has remained limited. The lack of infrastructure, poor private investment, difficulties in accessing formal credit and high upfront cost of technologies have stalled progress. Financial support from the government can make biogas projects economically viable. Other incentives, like accelerated depreciation and tax holidays, would also help attract private players.

#### Impact on cultivation patterns

The development of biogas has been uneven across the world, with Europe, China and the United States accounting for 90% of global production.

Germany is one of the largest producers in Europe, along with France, Denmark and the U.K. The fillip for the sector came in 2000, when Germany introduced the Renewable Energy Sources Act to incentivise production.

Over the years, it introduced schemes to guarantee income to producers, gave bonuses to help operators increase their income and encouraged small-scale biogas plants. However, the country's push for biogas triggered a "corn mania", with maize cultivation rising sharply because it was highly profitable for farmers. Maize slowly started to replace other food crops. Over a decade later, the government was forced to step in and control this by introducing a cap on the use of maize in biogas plants.

This danger hits close to home. The Economic Survey 2026 noted that maize cultivation in India has increased sharply, potentially affecting crop diversity and food security. It noted that while the national maize yield increased from approximately 2.56 tonnes per hectare in FY16 to roughly 3.78 tonnes per hectare by FY25, the yields for soybeans, sunflower, rapeseed, peanuts and millets, among other crops, have either stagnated or declined.

While this trend could be attributed to technological advancements, ethanol pricing can be an important factor.

The government fixes administered

per-litre ethanol prices based on the feedstock used. The price for maize-based ethanol is higher, while the price for rice-based ethanol is lower. The price for molasses-based ethanol is fixed between the two. Between FY22 and FY25, the administered price of maize-based ethanol grew at a compound annual growth rate (CAGR) of 11.7%, making maize more lucrative for farmers.

While maize's area under cultivation and production jumped between FY22 and FY25, pulses output declined, while oilseeds and other cereals registered only modest growth.

India imports large quantities of pulses and edible oils to meet demand. Yet, instead of focusing on increasing production, the government's policy might inadvertently disincentivise farmers from cultivating them. Over time, this could increase India's dependence on imports and expose domestic food prices to greater volatility during supply shocks.

Denmark, which is targeting to use only biomethane in its gas system by 2030, offers a solution. The government discouraged the use of crops as feedstock, and the primary source is livestock manure and agricultural waste.

#### Government's action plan

In 2023, the National Biofuels Coordination Committee approved a mandatory blending obligation. Gas distributors have been mandated to blend CBG into their supply from FY26. It would start at 1% and rise to 5% by FY29. In her Budget speech in February 2024, Finance Minister Nirmala Sitharaman said the phased blending of CBG in CNG for transport and Piped Natural Gas for domestic purposes "will be mandated."

To meet these targets, the government is ramping up the establishment of plants.

The question is whether the government can replicate India's ethanol blending programme with CBG. In 2014, just 1.5% of petrol was blended with ethanol. By December 2025, it had hit 20%, five years ahead of the original 2030 target.

#### THE GIST

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