SanskritiIAS

EDITORIAL HIGHLIGHTS

27-08-2026

GS 2: SOCIAL JUSTICE THE HINDU PAGE: 08

The high cost of India's private health-care boom

For crores of Indian families, the financial shock of hospitalisation – especially in a private hospital – begins even before treatment is complete. The Parliamentary Standing Committee on Health and Family Welfare, in its 176th Report tabled in Parliament on August 7, 2026, noted that the average cost of hospitalisation is ₹50,508 in a private facility, compared with ₹6,631 in a government facility. For childbirth, the average out-of-pocket medical expenditure in private facilities is ₹37,630, against ₹2,299 in public facilities.

Some of the contradictions

The committee has made 368 recommendations, including standardised package rates and mandatory pre-treatment cost estimates. Among the widely reported proposals is that basic room tariffs in metropolitan private hospitals should not exceed the average tariff of three-star hotels that are nearby. It has also suggested that large corporate hospitals earning from medical tourism, foreign patients and high-net-worth individuals should cross-subsidise poorer Indians and reserve beds for Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) beneficiaries at regulated rates. Yet, there is a contradiction. India wants more private and foreign capital in health care, particularly in Tier-2, Tier-3 and rural areas, while simultaneously asking the government to review foreign direct investment rules related to the acquisition and management of existing hospitals.

There is a strong case for continued investment in Indian health care. Hospitals require substantial capital. Land, equipment, intensive care units, digital systems, laboratories and trained personnel are expensive. Public hospitals cannot currently meet all demand for secondary and tertiary care. Private hospitals therefore fill an important gap. Foreign investors and private-equity funds can bring capital, managerial capacity, technology and the capacity to expand hospital networks. India also needs investment in pharmaceutical and medical-device manufacturing. If regulation becomes excessively restrictive or unpredictable, some investment may move elsewhere. This could slow capacity expansion and delay the development of better health-care infrastructure in cities and districts where need is genuine.

However, in all sectors, capital comes with expectations of returns. In health care, it creates a special concern because patients are not ordinary consumers. A patient rarely decides independently whether an MRI is required, whether hospital admission should continue for two more days, or whether a procedure is necessary. Health care is shaped by what economists call information asymmetry: the provider knows more than the patient. Therefore, when financial incentives become too strong, they can influence not just the price of care but also how much care is delivered.

Chandrakant Lahariya

Practising physician specialising in preventive and cardio-metabolic medicine, whose upcoming book, 'Pill-Free: You Don't Need Everything You Have Been Prescribed', will be released in September 2026

> The country needs private capital to expand health care, but investment cannot be allowed to shape clinical decisions, pricing and access in ways that make care unaffordable or unnecessarily intensive

A closer look at private care

This is where the role of private equity and venture capital in health care deserves closer attention. Corporate hospital groups increasingly compete for well-known specialists, sophisticated technology and premium infrastructure. These can improve quality, but also create a high-cost ecosystem. Hospitals that pay very high salaries to senior specialists and super-specialists, acquire expensive equipment and operate under pressure to increase revenue must eventually recover these costs. Revenue targets, procedure-linked incentives, higher occupancy expectations and higher revenue per bed can gradually influence institutional behaviour. Most doctors act in patients' interests. Yet, systems shape behaviour. If hospitals and doctors are rewarded for doing more, the direction becomes predictable.

The result is not only higher cost but also a worrying medicalisation. Lab investigations may detect abnormalities that would never have caused harm. More screening can lead to unnecessary follow-up tests. A patient who could be managed as an outpatient may be admitted. Caesarean sections, angioplasties, intensive-care admissions, diagnostic packages and long lists of medicines must therefore be seen not only as individual clinical decisions but also within the incentive structure of the health system. This does not mean these interventions are usually unnecessary. It means that a system rewarding interventions and procedures needs strong safeguards against unnecessary prescriptions, surgeries, investigations and medications.

That is why a review of FDI in the acquisition of existing hospitals is justified. Domestic investors can be equally profit-oriented, while foreign investment can create valuable capacity. The more useful question is about what an investment does to the health system. Does it create new beds or simply acquire existing ones? Does it improve competition or lead to market concentration? Does it enter an underserved district or add another high-end facility in a metro? If an investor receives concessional land, tax benefits or other public support, are there enforceable obligations related to affordable beds or participation in public insurance schemes? India should encourage greenfield investment and manufacturing, while scrutinising acquisitions that reduce competition or raise the risk of excessive pricing.

Price regulation also needs to be approached carefully. The proposal to link hospital room charges to nearby three-star hotels is easy to understand, but cannot by itself solve the affordability problem. A hospital room includes nursing, infection-control and emergency support that a hotel room does not. More importantly, if one component of the bill is capped, hospitals may increase charges elsewhere. India's experience with coronary stent price regulation showed that government intervention can reduce excessive mark-ups. But hospital care is more complex; what matters is the total cost of an episode. Package rates, transparent estimates, billing standards and audit mechanisms are therefore more useful than isolated caps on individual components. There is also an established approach to such payments: Diagnosis-Related Groups (DRG). A DRG is a patient-classification system that standardised hospital reimbursement by paying a fixed, predetermined amount for an inpatient stay based on the diagnosis and procedures, rather than reimbursing each service separately.

Focus on public health

There is a larger policy question. India cannot regulate its way out of weak public health care. If government hospitals remain overcrowded, understaffed or difficult to access, citizens will continue to depend heavily on private providers. Experience from OECD countries has shown that one effective form of regulation is a strong public health system that provides a credible alternative.

Public hospitals must therefore become a genuine option, not merely the last resort for those who cannot afford private care. Primary health care needs strengthening so that disease is prevented, detected and treated early. Insurance systems, including AB-PMJAY, should reward appropriate care rather than simply higher volumes of procedures. Clinical audits, evidence-based treatment protocols and transparent billing can protect both patients and doctors from commercial pressures.

The Parliamentary Committee is right to focus attention on affordability and to question whether the current pattern of investment in private health care aligns with public interest. Price caps and an FDI review are reasonable starting points, but India needs a wider conversation about the kind of health-care system it is building. Private investment will remain essential, and profit by itself is not the problem.

The problem begins when the pursuit of returns starts a key influence. A health-care system should attract capital, but its clinical priorities must still be set by medical need. The true measure of India's health-care progress will not be how much money flows into hospitals or what is the annual compounded growth rate in medical tourism, but whether Indian citizens can enter them with confidence that they will receive what they need. No more, no less.

GS 3: AGRICULTURE THE HINDU PAGE: 08

Making India's food system climate-proof cannot wait

India's food security journey is undoubtedly one of the most significant agricultural transformations in the world. From dependence on food aid in the 1960s, the country has emerged as a major food producer, built substantial buffer stocks, and created a legal entitlement to subsidise foodgrains for around 800 million people through the National Food Security Act (NFSA), 2013. This achievement rests on decades of public investment in improved seeds, irrigation, procurement, storage, price support and public distribution. The task now is to protect and strengthen that achievement amid a changing climate and increasingly frequent extreme weather events.

Climate change threatens food security globally. For India, the policy challenge has evolved beyond producing enough food to ensuring affordable, nutritious supply for 1.4 billion people despite rising temperatures, erratic rainfall, extreme weather, and water scarcity affecting production, storage, transport, and consumption.

The advantages

India has the initial advantage to address this challenge. Foodgrain production reached more than 350 million tonnes in 2024-25, including record output of rice and wheat. The Public Distribution System (PDS), supported by digitisation and the One Nation One Ration Card (ONORC), has expanded the reach and portability of food entitlements. These foundations provide the production capacity and administrative depth and expertise needed to support the transition towards a climate-resilient food-security framework.

India's evolving food-systems approach recognises that climate risks span the entire value chain. Heat reduces wheat yields, erratic monsoons cause floods and droughts within seasons, groundwater depletion weakens irrigation buffers, and extreme weather damages storage and transport infrastructure. These cascading effects create market volatility and limit household access to nutritious foods.

Elisabeth Faure

Country Director, UN World Food Programme in India

Purvi Mehta

International expert on nutrition-sensitive agriculture, food systems and climate-resilient development

India has built food security; now it must climate-proof it for a secure food future

The rice-wheat system has served India well, but national procurement remains concentrated in a few crops and geographies. Several of these areas also face serious groundwater stress. This model emerged as a rational response to the production constraints of an earlier era. The opportunity now is to build on its achievements by progressively diversifying procurement across crops and regions, while making the system more responsive to climate and natural-resource considerations. The procurement may gradually expand across geographies and commodities, with price support aligned to encourage crops suited to local water and climate conditions. Millets, pulses, oilseeds and other nutri-cereals can reduce risk concentration while strengthening dietary diversity. Cereals such as rice and wheat will remain essential, but a broader procurement base can create a more resilient national portfolio.

Along with the procurement, the PDS can progressively reinforce a diversified food basket. A carefully designed inclusion of locally appropriate millets and pulses would strengthen the connect between food security with nutrition, water conservation and climate adaptation.

On climate information

Forecasts from the India Meteorological Department may be linked more directly with procurement, buffer-stock and contingency decisions. The NFSA's monitoring framework can also include indicators for heat, water stress, storage exposure and supply-chain resilience, alongside coverage and offtake. Farmers require practical tools for managing risk. Climate-resilient seed varieties, micro-irrigation, watershed development, precision farming, digital advisories and weather-indexed insurance may reduce variability and support better decisions. Public-private collaboration would also help accelerate research, certification and last-mile delivery, while public safety nets can ensure that smallholders and climate-exposed regions are not left behind.

Along the entire food supply chain, flood-resilient warehouses, storage systems suited to higher temperatures, expanded cold chains and more robust transport links are necessary for protecting grain and perishables. This is particularly important if the food basket becomes more diverse. Adaptation incentives and standards can therefore cover procurement, storage, logistics and market stabilisation, not production alone.

Down the line

Financing climate-resilient food systems requires green bonds, adaptation finance, insurance, and investment in resilient agricultural value chains. Integrating food systems into India's net-zero pathway – with measurable emission reductions, carbon sequestration, and resilience targets – enables coordinated action across agriculture, water, energy, transport, and nutrition, while unlocking climate finance for sustainable transformation.

India's traditional buffer stock offers a useful principle for this transition. The country can explore building a broader 'climate buffer', combining diversified crops and procurement regions, resilient infrastructure, climate information, insurance and improved water management. Just as grain reserves reduced the risk of poor harvests, this portfolio may reduce the systemic risks created by a less predictable climate.

Climate-resilient food and nutrition security is not a departure from India's established approach. In fact, it is its logical next phase, and India already possesses many of the institutions, capabilities and policy setup needed to advance it. This may include shifting the national framing from "food security" to "sustainable food security", embedding climate risk management as a first-order design parameter in NFSA planning and monitoring, rather than an externality managed after the fact. The existing long-term vision and institutional commitment can now ensure that India's food systems remain nutritious and sustainable in the decades ahead.

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GS 3: CIENCE AND TECHNOLOGY THE HINDU PAGE:

Why India's R&D system needs a map of where funds really go

India does not have a system that can tell funders, researchers, or the public details like who is being funded, by whom, for what, and whether that funding has already been given elsewhere; while the NITI Aayog has proposed a unified streamlining system, it still fails to address a key problem

Moumita Koley

A recent report by the NITI Aayog, about 'Ease of Doing R&D in India' revealed some uncomfortable truths about the research and development ecosystem in the country. Together with a companion survey with inputs from more than 400 institutional leaders and 850 scientists, the report said that close to 80% of funding under the Anusandhan National Research Foundation (ANRF) – the flagship research funding body – is concentrated in the IITs. This is despite the ANRF's mandate to support a wider base of universities and research bodies than the traditional funding model has managed.

There are also concerns that multiple Central agencies are possibly funding similar research areas, resulting in overlap and what the report calls "inefficient" use of public money.

These findings point to a common underlying gap: India does not have a system that can tell funders, researchers, or the public who is being funded, by whom, for what, and whether that funding has already been given elsewhere.

The NITI Aayog's response to this gap is the Unified Project Management System (UPMS) – a system to streamline the planning, funding, monitoring, and evaluation of public R&D projects across Ministries and Departments.

This proposed solution sounds good; however, it does not directly address an important problem.

Currently, information about the use of public funding for research lies scattered across dozens of separate agency databases, in inconsistent formats, and often as free text rather than structured data. Representative image. TALHA HASSAN/UNSPLASH

PIDs and metadata

The technical term for what is missing is 'PIDs and metadata infrastructure'. In plain language, it means every research grant in India will need a permanent, unique, machine-readable identifier called a persistent digital identifier (PID). This is like how a PAN number identifies a taxpayer or an IMEI number identifies a mobile phone.

Each PID should then be attached to a standard set of details called the metadata: which agency gave the money, to which institution, to which named researcher, what amount, over what period, and in which field. Finally, there is a linking system that will allow officials to track these details using the PID.

So every time a scientist publishes a paper and includes the PID in it, the system can track and evaluate the outcome of public funding. At least this is the idea.

Right now, a lot of this information exists within Indian funding agencies – but it is scattered across dozens of separate agency databases, in inconsistent formats, and often as free text rather than structured data. A researcher's name might appear one way in a Department of Science and Technology (DST) record and slightly differently in a Council for Scientific and Industrial Research (CSIR) database – and this difference can be enough for an automated system to not tell that they are the same person. An institution might be listed as "IISc, Bangalore" in one dataset and "Indian Institute of Science, Bengaluru" in another, leading to a similar problem.

Multiply such inconsistencies across thousands of grants a year and one can see that the result is an information that does not provide a reliable picture of how research funding is being used.

Other countries' solutions

This is not a new problem and India does not have to solve it from scratch. A global, non-profit infrastructure setup called the Grant Linking System already exists to do exactly this. It was built by the open digital infrastructure organisation Crossref. Its registry is called 'Research Organisation Registry' (ROR), built by a different organisation.

The system works through a small number of PIDs, each solving one piece of the puzzle. First, a funder ID identifies the funding agency in detail – the division, department, and even ministry if required. A similar ROR ID identifies the institution receiving the funding. Finally, an 'ORCID' identifier – familiar to Indian researchers today since most scientific journals today ask for it – identifies the individual researcher, so that funding data can be aggregated per person.

Since 2020, Crossref has also extended its system to include a grant DOI: a permanent identifier for the grant itself, which can be linked to whatever comes out of it – papers, patents, data.

Taken together, these four identifiers plus the metadata allow a funder or an independent analyst to ask questions that are nearly impossible to answer in India today. For example, how many different agencies have funded near-identical proposals? Which fields are receiving disproportionate investments relative to the national priorities? Does a small number of institutions or researchers account for a large share of the total funding? This is why many research funders have adopted this system, with more than 2 lakh grants registered on it worldwide. The scale of the underlying problem this system solves is also well-documented. One 2013 analysis of U.S. funders used automated text-matching software to scan several lakh federal grant applications and estimated that duplicate or substantially overlapping funding may have cost the U.S. nearly $70 million. In a more recent analysis, in 2020, analysts checked nearly 20,000 competitive grants in Denmark and found that funds were getting concentrated among a small group of individual researchers and a narrow set of research topics.

This is similar to the pattern the NITI Aayog report flagged for Indian funding agencies – and painstakingly so.

Two ways forward

Policymakers considering how to act on NITI Aayog's findings face two broad options. One is to build an entirely new, India-specific system from the ground up – a sovereign national grant registry, developed and maintained independently. This has the appeal of full control: India will own the infrastructure outright and could tailor it precisely to its own agencies and federal structure, including State research schemes that a global system might not naturally prioritise. The second option is to plug into the existing global non-profit infrastructure, requiring India's funding agencies to become members of – and consistently deposit data with – the Crossref ecosystem that many research funders already use worldwide. This can be implemented faster since the technical standards and governance already exist, and are maintained by an international community rather than by a single Indian agency operating alone. It would also make India's publicly funded research immediately visible and comparable within the same global dataset used to study research funding everywhere.

There is also a practical middle path: using the technical infrastructure of PID generators and funders' own governance structure. Specifically, we can learn from systems that have worked elsewhere, such as the U.K. 'Gateway to Research' portal and the European Union's Community Research and Development Information Service (CORDIS) and Open Access Infrastructure for Research in Europe (OpenAIRE). They run their own government-owned portals as the single point of entry for funding agencies, and the portals generate identifiers fully compatible with the global Crossref/ROR/ORCID standards.

This gives national governments political ownership and the ability to require all domestic agencies to comply – while also ensuring that the resulting data speaks the same language as the rest of the world's research infrastructure.

For India, this hybrid model would mean a single national portal – one that the NITI Aayog has already proposed, called UPMS, and which Central and State funding agencies must use. The UPMS system can internally mint Crossref-compatible grant DOIs and link every record to ROR and ORCID identifiers. Then, it will be much easier to check for duplicate records, fund concentration, and so on.

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GS 2: POLITY
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Young found their voice. Opposition needs to find its language

THAROORTHINK
BY SHASHI THAROOR

AS COMMENTATORS analyse threadbare the significance of the Gen-Z revolt in Indian politics, the signals sent by the ensuing by-elections in Bankipur and Datia, and the unsettling indications that the seemingly invincible BJP cannot take its electoral assumptions for granted anymore, not even in the Hindi heartland, it's time to also examine the lessons the rest of us can learn from the events of recent weeks.

The Cockroach Janta Party movement emerged not from the traditional bastions of caste or communal solidarity, nor even from the more modern phenomenon of the laptops of established political strategists, but from a moment of condescension that struck a raw nerve across India. When Chief Justice of India Surya Kant seemingly dismissed unemployed youth and social media activists as "cockroaches and parasites" he unwittingly handed a frustrated generation its defining label.

Conceived as a satirical digital counter-offensive, the movement swiftly evolved into a nation-spanning political force. By channelling the deep-seated anguish of millions of young Indians over rampant exam paper leaks, arbitrary test cancellations, and chronic underemployment, the CJP achieved what mainstream political coalitions had struggled to accomplish for years: It seized the national narrative, ignited similar protests across the country, and forced a major government retreat, culminating in the resignation of the education minister.

For India's institutional opposition parties, this episode serves as a wake-up call for our current strategies to mobilise the young, offering us object lessons in modern civic mobilisation. We have all tried to seize the moment, and the stirring sight of Rahul Gandhi accompanying a pellet-gun victim to a police station to demand the filing of an FIR shows that he has heard the call. His current campaign among the youth has seized the national imagination.

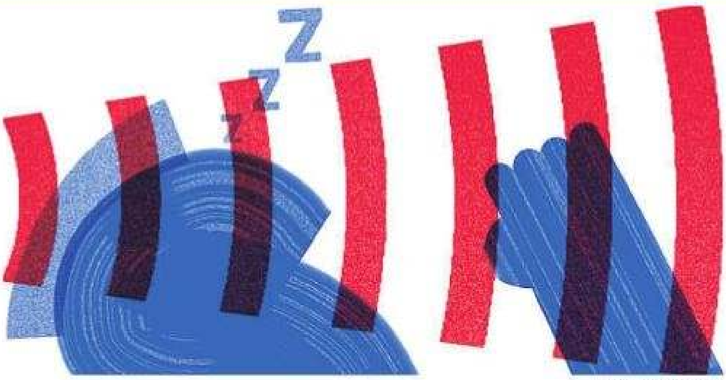

ILLUSTRATION: C R SASIKUMAR

The earlier slowness of mainstream opposition parties to tap into this groundswell reveals a persistent blind spot in traditional Indian politics. For over a decade, opposition rhetoric has oscillated primarily between caste-based electoral arithmetic and abstract defences of secular constitutionalism. While both remain crucial axes of political struggle, they missed the immediate, material anxieties of India's growing middle class and aspiring youth. The young people who filled protest spaces like Jantar Mantar and flooded digital platforms were not animated by high-level political posturing. Instead, they were anguished by a specific breakdown that touched their daily lives: Years of lost educational effort, the mounting financial strain placed on their families by a predatory coaching ecosystem, and a climate of official apathy that routinely dismissed their frustrations as lazy internet outpourings. When traditional leaders attempted to raise these issues, their critiques were largely discounted as standard partisan opportunism, whereas the CJP spoke not as a power-seeking party (in fact, despite its name, it is not a party at all), but as the authentic collective voice of the aggrieved.

At the root of the Opposition's inability to capture this energy lie severe institutional bottlenecks, particularly the gatekeeping inherent to top-down, quasi-feudal party hierarchies. For an ordinary, talented young person without a political lineage or financial resources, like most in Jantar Mantar, there is no clear path to entering mainstream politics via the Opposition, and even entry through established students' organisations or youth wings of such parties rarely offers meaningful agency. Young workers in established parties are frequently reduced to staging pre-approved photo opportunities in which they stand behind the entrenched leadership, amplify senior leaders on social media, or supply attendance numbers and logistical muscle for rallies. The top-down "high command" culture in all Opposition parties denies them any substantive role while they are still young and "junior".

> At the root of the Opposition's inability to capture this energy lie severe institutional bottlenecks, particularly the gatekeeping inherent to top-down, quasi-feudal party hierarchies

We also must acknowledge the psychological barrier for aspirational youth, who naturally assume their own talents will always be circumscribed by the advantages enjoyed by legacy heirs and entrenched leaders, bearing well-known names and commanding political patronage networks. The CJP bypassed these barriers entirely by lowering the entry threshold to zero, embracing satirical eligibility criteria that "gamified" civic participation, and allowing young citizens to feel like co-creators of a movement rather than mere foot-soldiers. Furthermore, while most opposition parties remained limited by their conventional approaches, public relations processes and hierarchical decision-making, the CJP operated with digital agility, reclaiming an insult and turning it into a badge of honour through cultural fluency and relentless, meme-driven irony.

If India's Opposition wishes to translate the widespread discontent exposed by this movement into effective political mobilisation, we must undergo fundamental structural and operational change. First, all parties must democratise their internal workings by establishing genuine pathways for young leaders, creating open talent incubators where young organisers and policy researchers are given real decision-making authority based on merit rather than political pedigree.

Second, the Opposition needs to switch from largely abstract slogans or those espousing specific sectoral interests (like caste), toward concrete governance issues that impact the everyday lives of all Indians, grounding our platforms in tangible demands such as strict criminal liability for paper leaks, statutory timelines for public job recruitment, and real economic security for gig workers and students. Congress came closest to this approach during the recent crisis.

Third, rather than attempting to hijack or disparage organic civil-society movements like the CJP, opposition parties should act as force multipliers, offering parliamentary questioning, legal aid, and logistical support without demanding that activists subordinate themselves to, or march under, a specific party banner.

Finally, opposition leaders must abandon over-familiar speeches in favour of a direct, authentic, and culturally resonant language that acknowledges systemic failures without resorting to outdated rhetoric. To their credit, leaders like Rahul Gandhi and Akhilesh Yadav have been doing this increasingly.

The CJP movement demonstrated that India's youth are far from politically indifferent; they possess an immense reservoir of democratic energy, waiting for outlets that respect their intelligence, reflect their culture, and address their aspirations. Unless established Opposition parties open up hierarchies and adapt to this new reality by providing channels for their energy, future waves of mobilisation will continue to pass us by. It cannot be our epitaph that we became irrelevant because we failed to listen.

The writer is a fourth-term Congress MP (Lok Sabha) from Thiruvananthapuram

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• GLOBAL

$100,000 fee for H-1B: The new legal route Trump is pursuing

Soumyarendra Barik
New Delhi, August 26

BARELY TWO months after a US court struck down a $100,000 charge on new H-1B visa petitions, the Donald Trump-led US administration is trying to impose it again. This time, through a formal rulemaking process and under a different provision of immigration law.

The Department of Homeland Security (DHS) has proposed an additional $103,265 fee on every H-1B petition subject to the annual visa cap. The amount would be paid by the sponsoring employer at the time of filing, on top of existing H-1B fees. The proposal is not yet in force — after seeking public comments for 30 days, the DHS would have to issue a final rule. US Vice President J D Vance has backed the move.

Indians, who are the biggest beneficiaries of the visa programme, stand to lose the most if the proposal goes through.

The proposal

The H-1B programme allows US employers to hire foreign workers in "specialty occupations", typically jobs requiring at least a bachelor's degree. The US Congress caps new H-1Bs at 65,000 a year, with another 20,000 available to people with a master's or higher degree from a US university.

The new $103,265 charge would apply to these cap-subject petitions, including the advanced-degree category. It would not apply to cap-exempt H-1B petitions, including many filed by universities, non-profit research institutions, and government research organisations.

DHS estimates the fee would raise about $8.8 billion annually, assuming 85,000 fee-paying petitions. Unlike a normal visa processing charge, the money is meant to support costs across the wider immigration system.

The proposal also makes clear that the policy has a labour-market objective. DHS says a six-figure charge would make employers less likely to choose an H-1B worker over a qualified American unless they genuinely need the foreign worker's specialised skills.

Why earlier fee was scrapped

Trump had imposed the earlier charge through a September 2025 presidential directive, relying on provisions of the Immigration and Nationality Act that allow the president to restrict the entry of foreigners deemed detrimental to US interests.

This June, a US federal court ruled that the $100,000 payment functioned as a tax, not merely an entry restriction. Since the Constitution gives Congress the power to levy taxes, the court held that the immigration provisions cited by Trump did not clearly authorise the President to impose such a charge. Upon appeal, the First Circuit Court of Appeals in July refused to pause the lower court's order.

The biggest difference in the new approach is the legal route. Instead of relying primarily on presidential authority to restrict entry, DHS is invoking its statutory power under Section 286 of the Immigration and Nationality Act to set fees that recover the costs of immigration adjudication and naturalisation services. It is also going through notice-and-comment rulemaking rather than imposing the fee directly by proclamation.

That does not necessarily insulate the policy from another lawsuit, however. DHS itself acknowledges that it has not historically charged one narrow class of immigration applicants to fund such broad costs across multiple agencies, including programmes with which H-1B employers may have no direct connection.

Impact on Indian workers

US Citizenship and Immigration Services (USCIS) data show that people born in India accounted for 71% of all approved H-1B petitions in FY2024. People born in China come a distant second, hovering at the 12-13% mark since 2018.

Between October 2022 and September 2023, 72% of the nearly 4 lakh H-1B visas issued went to Indian nationals. During the same period, top four Indian IT majors with a presence in the US — Infosys, TCS, HCL, and Wipro — got approval for around 20,000 employees to work on the H-1B visa, as per USCIS data.

Industry body Nasscom has urged Washington to weigh the programme's role in filling short-term skills gaps, while pointing out that Indian technology companies have expanded local hiring in the US and reduced their dependence on H-1B workers.

Under lens

- Critics question whether the H-1B programme is being used for its original purpose — allowing companies to fill specialised jobs for which sufficiently skilled American workers are unavailable — or as a route to access cheaper foreign labour.
- The Trump administration argues that some companies, particularly in tech, have continued to hire H-1B workers even while laying off American staffers.

GS 2: POLITY

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• LEGAL

OBC creamy layer: Why govt wants clarity from top court on 'rules of the game'

Amaal Sheikh
New Delhi, August 26

THE SUPREME Court Tuesday agreed to constitute a Special Bench to hear the Centre's plea seeking clarification on whether its March 2026 verdict on OBC creamy layer criteria applies to the Civil Services Examination (CSE) 2025, whose results were announced five days before the judgment. The dispute focuses on what happens when a court changes the legal position after an examination process has largely concluded.

The case

The case originated from a Department of Personnel and Training (DoPT) letter of October 14, 2004, clarifying an Official Memorandum (OM) of September 1993 on the creamy layer criterion for OBCs. The creamy layer refers to the economically, socially, and educationally advanced members of the OBC category who are excluded from government reservation benefits.

The 1993 OM had excluded income from salary and agricultural sources from the income/wealth test used to determine creamy layer status. The 2004 clarification, however, said the salary income of employees in PSUs and the private sector would be a criterion. This, however, began to be applied rigorously only from CSE-2015.

Since then, around 100 candidates who possessed caste certificates issued by competent authorities and cleared the CSE have found their OBC claims rejected by the DoPT on the creamy layer ground. Most of them are parties in different petitions before the SC and various High Courts. The petitioners argue that this was "hostile discrimination" between the wards of government servants and those of PSUs or private sector employees.

In its judgment on March 11, 2026, the SC ruled that income cannot be the sole criterion for determining the creamy layer among OBCs. The top court had set a six-month timeline (until September 11) for implementation of its verdict, which the Centre had appeared set to enforce until its plea on Tuesday.

If the judgment is implemented in full, its benefits would extend not only to candidates appearing in future examinations but also to those affected in earlier cycles. It could hence lead to revised ranks for some.

'Rules of the game'

One of the settled principles in service law is that the criteria governing a selection process cannot be changed midway through the process. The Supreme Court has described this as the "rules of the game" doctrine.

A Constitution Bench of the Supreme Court in Tej Prakash Pathak v. Rajasthan High Court (2024) held that "the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced".

The principle exists to protect candidates who enter a recruitment or admission process based on a particular set of rules. Once the process begins, courts have generally been reluctant to let authorities introduce new criteria or change existing ones midway.

Recent NEET matter

In January 2026, the Supreme Court applied the same principle to an admissions dispute in Divjot Sekhon v. State of Punjab. The case concerned admissions to MBBS and BDS courses under Punjab's sports quota. After the prospectus had been issued and candidates had applied, the state widened the eligibility criteria for the quota.

The court held that "it is well-settled that the rules of the game cannot be altered once the game has begun", adding that the principle was "just as applicable to admission processes to educational courses as it would be to recruitment processes".

Having found the revised criteria unlawful, the court then turned to the question of relief. Ordinarily, it noted, it could have directed the entire merit list to be redrawn. However, it declined to do so, observing that such an exercise would affect candidates who were not before it and would "unsettle settled matters".

The Centre's plea

In its application before the SC, the government has argued that the March 11 judgment "altering settled position" on creamy layer criteria was delivered five days after the final result of CSE-2025 had already been declared. It has said that CSE-2025 "stood substantially concluded prior to the pronouncement of the judgment" and is presently at the "terminal stage of service allocation".

The Centre further argued that a "mechanical or unqualified application of the ratio of the said judgment, with retrospective effect, to the already-concluded selection process of CSE-2025" would create "a peculiar and acute anomaly amounting to discrimination inter se candidates of the very examination cycle sought to be benefited".

According to the government, reopening category-wise merit lists at this stage would have a cascading effect on training schedules, batch strength, cadre allocation, seniority, and pay fixation.

Those concerns resemble the considerations that pushed the court in Divjot Sekhon not to redraw an entire admission list after finding the governing rule unlawful. But in that case, the court moulded the relief in a manner that avoided disrupting students who had already secured admissions and were not before the court.

The Centre's plea has asked the court to clarify that the March 11 judgment should not be applied "with retrospective effect" to the "already-concluded selection process of CSE-2025" so as to "unsettle completed admissions in higher educational institutions, completed academic sessions, degrees already conferred, or settled rights of students".