

EDITORIALS - 14TH AUG 2026

1. Transparency as the foundation of trust in medicine (GS Paper II Governance)

This editorial 'Transparency as the foundation of trust in medicine' was published in **The Hindu** on 14th Aug 2026, highlights how transparency across **regulation, care systems** and **clinical communication** can strengthen public trust in medicine.

Institutional foundations of trust

- **Medical trust** arises not only within consultations but through institutions regulating care, delivery systems and the **transparency** connecting them.
- The **TNMC portal** requires registration details not readily available publicly, making basic **credential verification** unnecessarily difficult.
- The U.K.'s **General Medical Council** provides searchable qualifications, registration status and restrictions, while **Canadian regulators** permit verification using minimal identification.
- Although the **National Medical Commission** has improved education and professional standards, public-facing transparency across **State Medical Councils** remains uneven.
- User-friendly digital registers can enable **public scrutiny**, demonstrate enforcement of professional standards and reinforce **institutional confidence**.

System-level accountability

- Hospital workflows shape **patient satisfaction** and perceived **procedural fairness** even before the final clinical outcome.
- **System transparency** requires clear costs, operational procedures, grievance channels and medical audits, alongside analysis of design flaws instead of **individual blame**.
- Following **WHO guidelines**, modern health systems examine process failures that enable mistakes rather than attributing every adverse outcome solely to practitioners.
- Formal **Open Disclosure** requires honest acknowledgment of adverse incidents, explanation of causes and clear steps to prevent **recurrence**.
- Institutional support for disclosing uncertainties and complications can reduce doctors' emotional burden and **family conflict**, whereas **information opacity** breeds suspicion even after appropriate care.
- Over 75% of doctors have reportedly faced workplace violence; although causes are multifactorial, **systemic mistrust** can escalate tensions, making **transparent communication** protective.

Clinical communication

- Patients increasingly expect **plain-language diagnoses**, reasons for investigations, therapeutic alternatives, likely costs, complications and regular **clinical updates**.
- **Shared decision-making** treats transparency as a relationship-based practice that must be embedded in medical training and modelled by **senior doctors**.
- Many conflicts arise from poorly communicated decisions rather than treatment itself; feeling **heard and informed** strengthens trust, while **communication gaps** can make appropriate care appear inadequate.
- Doctors' need for safe, dignified workplaces and patients' demand for ethical, competent care are mutually reinforcing foundations of **professional trust** and **patient confidence**.

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Protecting Patient Confidentiality

- **Constitutional protection:** In K.S. Puttaswamy (2017), the Supreme Court recognised privacy under Article 21, placing medical information within constitutionally protected personal autonomy.
- **Statutory confidentiality:** The HIV and AIDS Act, 2017 generally prohibits disclosure of a person's HIV status without recorded informed consent, subject to specified exceptions.
- **Data minimisation:** The DPDP Act, 2023 illustrates that a telemedicine application cannot process a patient's contact list because it is unnecessary for providing medical consultation.
- **Patient control:** The ABDM framework enables patients to access, correct, share or withdraw access to digital health records through consent-based mechanisms.
- **Clinical consent:** The DGHS Hospital Manual, 2025 requires separate informed consent for surgery, anaesthesia, transfusion, invasive procedures and participation in medical research.
- **Cybersecurity risk:** The 2022 AIIMS cyberattack encrypted about 1.3 terabytes of data across five servers and disrupted critical applications due to improper network segmentation.
- **Public-interest exception:** In Mr X v. Hospital Z (1998), the Supreme Court upheld limited disclosure of HIV status to protect a prospective spouse, showing that confidentiality is not absolute.

2. Monsoon Session was arid, Parliament fell short (GS Paper II Polity)

This editorial '**Monsoon Session was arid, Parliament fell short**' was published in **The Indian Express** on 14th Aug 2026, highlights Parliament's failure to deliberate on **student grievances** and respond meaningfully to deeper education and **employment concerns**."

Legislative and deliberative failure

- The **Monsoon Session** followed nationwide student protests, a Union minister's resignation and a **police crackdown** on students marching towards Parliament.
- The Lok Sabha passed **11 Bills**, but nine saw no participation from any MP except the concerned minister, according to **PRS Legislative Research**.
- Only the **Public Examinations Amendment Bill, 2026** received detailed debate, lasting nearly 11 hours with **48 MPs** participating.
- Although the Bill strengthens the **2024 law** against examination irregularities, it inadequately addresses structural problems shaping students' **future prospects**.
- By neglecting deeper student concerns, Parliament missed an opportunity to bridge the widening divide between **sadak and sansad**, weakening **democratic responsiveness**.

Political responsibility and unresolved concerns

- Both sides share responsibility for the disruption, but the **government** bears greater responsibility for ensuring parliamentary functioning and **legislative debate**.
- An arithmetic majority should not replace deliberation through **voice votes**; effective House management requires political accommodation and **constructive engagement**.
- The Prime Minister and Home Minister remained absent, Amit Shah's offer for discussion came late, and rival MPs engaged in **placard protests** outside **Parliament**.
- Undebated concerns persist, including accountability for **excessive police force**, alleged theft of Ayodhya temple donations and long-term **education and employment crises**.

- Parliament's democratic promise rests not merely on representation or **delimitation numbers**, but on representatives remaining responsible, responsive and willing to **listen**.

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Reforming Parliamentary Deliberation

- **Public consultation:** The Pre-Legislative Consultation Policy, 2014 provides for publishing draft Bills for 30 days with their rationale, financial implications and expected impact.
- **Committee scrutiny:** The three criminal law Bills introduced in 2023 underwent Standing Committee examination, stakeholder consultations and Reports 246, 247 and 248 before enactment.
- **Consensus building:** The three farm laws enacted in 2020 were repealed in November 2021, demonstrating the political costs of major reforms lacking durable stakeholder acceptance.
- **Debate safeguards:** The 2021 Bill repealing the farm laws passed the Lok Sabha without discussion and the Rajya Sabha after only a brief intervention, weakening legislative scrutiny.
- **Opposition space:** The British House of Commons reserves 20 Opposition Days per session, offering a comparative model for guaranteed debate on non-government priorities.
- **Legislative freedom:** The Law Commission's 170th Report recommended limiting party whips to votes threatening government stability, allowing legislators greater independence on ordinary Bills.
- **Disruption accountability:** During the 2023 Winter Session, 146 MPs were suspended and major criminal laws passed afterward, underlining the need for proportionate discipline without disabling scrutiny.

3. SC has nurtured environmental law. Do its decisions look distant today?

(GS Paper III Environment)

This editorial 'SC has nurtured environmental law. Do its decisions look distant today?' was published in **The Indian Express** on 14th Aug 2026, highlights the Supreme Court's foundational role in **environmental jurisprudence** and the need for consistent judicial scrutiny of **development projects**.

Constitutional foundations

- India initially lacked a precise environmental policy, but the **Stockholm Conference** shaped the country's emerging **environmental philosophy**.
- The **42nd Constitutional Amendment, 1976** inserted Article 48A, directing the State to protect the environment, and **Article 51A(g)**, imposing a corresponding fundamental duty on citizens.

Evolution of environmental jurisprudence

- The **Bhopal gas tragedy** galvanised judicial intervention, with the Supreme Court developing **absolute liability** for inherently hazardous enterprises causing harm.
- The **polluter pays principle**, introduced internationally at the 1992 Rio Summit, was first applied in India in **Indian Council for Enviro-Legal Action v. Union of India**.
- In **Vellore Citizens' Welfare Forum**, the Court held that the precautionary principle requires anticipating and preventing environmental degradation at its **source**.
- The same judgment recognised the **precautionary principle** and polluter pays principle as essential elements of sustainable development and **customary international law**.
- In the **Vanashakti review judgment**, precaution was placed above monetary reparation because preventing ecological damage is preferable to applying **polluter pays** afterward.

- In **M.C. Mehta v. Kamal Nath**, the Court developed the public trust doctrine, imposed polluter-pays liability and affirmed **inter-generational equity**.
- These judgments established the Supreme Court as the principal institution nurturing India's **environmental jurisprudence** through doctrines supporting **sustainable development**.

Contemporary judicial inconsistency

- Justice Gautam Patel observed that the Court generally supported environmental challenges by NGOs but showed greater **judicial reluctance** when petitions questioned **infrastructure projects**.
- Inconsistent decisions contradict the Court's own environmental principles and may intensify existing **ecological threats** and weaken **legal certainty**.
- Environment and development are not inherently opposed; **Vellore Citizens' Welfare Forum** recognised their reconciliation through **sustainable development** three decades ago.
- Courts should reject genuinely frivolous petitions without treating every environmental challenge as abusive, since closing judicial access leaves committed **environmentalists** without an effective **remedy**.
- Judicial scrutiny should focus on whether projects comply with **environmental norms**, ensuring that all development activities, regardless of scale, meet **legal safeguards**.

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Limits of Court-led Environmental Governance

- **Legislative mandate:** The Environment Protection Act, 1986 and CAQM Act, 2021 show that elected institutions must create enforceable standards and specialised regulatory bodies.
- **Judicial dependence:** The M.C. Mehta Delhi pollution case required four decades of continuing supervision before its closure in 2026, reflecting persistent administrative dependence on judicial directions.
- **Specialised adjudication:** The Supreme Court affirmed the NGT's suo motu powers in *Municipal Corporation of Greater Mumbai v. Ankita Sinha* (2021), strengthening specialised environmental enforcement.
- **Scientific assessment:** In the Char Dham project litigation, the Supreme Court-directed High-Powered Committee examined the cumulative and independent impacts of road construction across Himalayan valleys.
- **Community participation:** In the Niyamgiri case, the Supreme Court referred tribal cultural and forest-right claims to Gram Sabhas, with all 12 consulted villages rejecting bauxite mining.
- **Regulatory enforcement:** CPCB identified 351 polluted river stretches in 2018, illustrating why continuous monitoring and State-level enforcement are indispensable after courts pronounce environmental principles.
- **Preventive coordination:** CAQM invoked Stage III of GRAP in January 2026 when Delhi's AQI was 354 but forecast to become severe, demonstrating forecast-based administrative action.