EDITORIALS - 14TH NOV 2026

1. TO STRENGTHEN THE SUPREME COURT, DIVIDE IT (GS PAPER II POLITY)

This editorial '**To strengthen the Supreme Court, divide it**' was published in **The Hindu** on 14th Nov 2026, highlights restructuring the Supreme Court into a **dedicated Constitutional Court** and **regional appellate courts** to restore constitutional adjudication and improve access to justice.

Institutional Drift and Rising Pendency

- A **2016 reference** raising 11 questions about the Supreme Court's institutional role remains unheard, reflecting the displacement of **constitutional adjudication** by ordinary appeals.
- **Pendency** reached 92,318 cases by end-2025, nearly 10,000 above the previous year; 75,410 fresh matters exceeded **disposals** of 65,615.
- **Constitution Bench** decisions fell from an annual average of 134 in the early 1960s to fewer than 10 over the last decade; **Special Leave Petitions** constituted 84.6% of the admission docket in 2011.
- Discretionary appeals under **Article 136**, intended as a rare safeguard, have made the court a routine appellate forum; **Bihar Legal Support Society (1986)** affirmed that it was never intended as an ordinary appeal court.

Proposed Structure and Supporting Experience

- Establish a Delhi-based **Constitutional Court** of about 11 judges for constitutional cases and substantial legal questions, alongside four or five **regional Courts of Appeal** for ordinary appeals.
- **Specialisation** would enable full constitutional Benches to deliver consistent, predictable rulings, while regional courts improve **access to justice** and accelerate ordinary appeals.
- The **229th Law Commission Report (2009)** proposed a Delhi Constitution Bench and four regional Cassation Benches; a **Parliamentary Standing Committee** recommended regional Benches in 2023, subsequently accepted by the Union Law Ministry.
- **Comparative models** separate apex constitutional work from ordinary appeals: the U.S. has 13 federal appellate courts; South Africa has separate constitutional and appellate courts; Germany combines a constitutional court with **specialised federal courts**.
- **Brazil's 1988 Constitution** transferred ordinary federal appeals to a separate Superior Tribunal of Justice, but backlog eased only after introducing **case filtering**, demonstrating that structural separation alone is insufficient.
- **Admission filters** restrict the U.S. Supreme Court to roughly 1% of 7,000 annual petitions; Brazil's 2004 reform requires constitutional appeals to demonstrate **general repercussion** beyond the parties.

- The Law Commission argued that **Article 130** may permit regional Benches without a **constitutional amendment**, allowing initial court-led steps without parliamentary approval.

Institutional Unity and Reform Limits

- Opponents fear separation would weaken **apex authority**, reduce regional courts to lesser forums and encourage appeals to Delhi; institutional **indivisibility** derives strength from one final judicial voice.
- Existing small Benches already produce conflicting rulings, weakening **judicial coherence**; separation could restore the constitutional core, while **judge expansion** alone—from 34 in 2019 to 38 in 2026—leaves the workload unsorted.

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Strengthening the Foundations of Judicial Delivery

- **Subordinate-court capacity:** India's Centrally Sponsored Scheme funds district-court buildings, accommodation and digital facilities, strengthening justice delivery at its foundation.
- **Timely appointments:** The Supreme Court's *Malik Mazhar Sultan* directions prescribe recruitment timelines to prevent persistent vacancies in the subordinate judiciary.
- **Government litigation:** The Union's 2025 litigation-management directive seeks to prevent unnecessary litigation and minimise unwarranted appeals, reducing avoidable judicial workload.
- **Case management:** The Commercial Courts Act provides schedules for evidence, submissions and oral arguments, helping contain procedural delays.
- **Alternative dispute resolution:** National Lok Adalats settle pending and pre-litigation disputes through negotiated settlements, reducing reliance on prolonged court proceedings.
- **Legal assistance:** Tele-Law provides early legal advice through Common Service Centres; Nyaya Bandhu facilitates pro bono representation for eligible beneficiaries.
- **Digital services:** The eCourts programme integrates electronic filing, virtual courts and the National Judicial Data Grid to improve access and case tracking.

2. CRITICAL BAN (GS PAPER III ECONOMY)

This editorial '**Critical ban**' was published in **The Hindu** on 14th Nov 2026, highlights the need to complement the **lithium-ion battery** black-mass **export ban** with a comprehensive domestic recycling ecosystem.

Export Ban and Processing Capacity

- On November 10, the **Directorate General of Foreign Trade** moved lithium-ion battery **black mass** exports from "free" to "prohibited" to secure domestic feedstock, improve refinery utilisation and attract investment.

- **Black mass**, produced by shredding spent batteries and factory scrap, contains lithium, nickel, cobalt, manganese and graphite; its **downstream refining** requires specialised chemical processing and substantial investment.
- Unlike established lead-acid recycling, **lithium-ion recycling** has only a few dozen licensed operators despite EV-driven potential; export restrictions without a **domestic market** risk diverting batteries to landfills.
- Operational **downstream units**, supported by investment and policy, could supply indigenous **battery manufacturing** and reduce dependence on imported critical minerals.

Recycling Incentives and Recovery Gaps

- Under the **Battery Waste Management Rules, 2022**, producers purchase **EPR certificates** from recyclers; undervalued certificates reward paper compliance over investment in high-yield recovery plants.
- A **floor price** covering full recovery costs, combined with **digital tracking**, could address weak recycling incentives.
- Smartphone **neodymium-iron-boron magnets** can constitute up to 1% of device weight, yielding roughly 3,000 ppm **rare-earth content**, comparable to India's monazite beach sands; extraction requires less energy than mining.
- **Hard-drive magnets** constitute up to 3% of drive weight and contain about 30% rare earths; recovery generally requires removal before **data-destruction shredding**, yet e-waste rules do not mandate separation.
- **Rare earths** require a separate **EPR category**, as weight-based payments are unsuitable for incentivising their recovery.

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Environmental Justice in Battery Recycling

- **Worker safety:** WHO's *Children and Digital Dumpsites* report identifies toxic exposure from unsafe e-waste processing, underscoring protective equipment, training and safeguards.
- **Informal-sector inclusion:** Ghana's Electronic Waste Management Programme trains informal collectors, dismantlers and recyclers, offering a model for safer livelihoods.
- **Community protection:** WHO reported dioxin contamination in chicken eggs at Ghana's Agbogbloshie waste site, illustrating pollution entering local food chains.
- **Safe collection:** The U.S. EPA recommends insulating lithium-ion battery terminals and keeping batteries outside ordinary household recycling bins to prevent fires.
- **Residual-waste management:** UK Environment Agency guidance recognises hazardous residues from battery treatment, requiring safe handling and storage beyond mineral recovery.
- **Producer responsibility:** The EU Batteries Regulation requires producer-organised take-back and separate collection, placing end-of-life responsibilities within the battery value chain.

- **Public accountability:** The EU battery-passport framework enables access to battery characteristics and repair, reuse and recycling information, supporting lifecycle transparency.

3. MISSING IN FERTILITY INDUSTRY: SAFEGUARDS THAT WORK (GS PAPER I SOCIETY, GS PAPER II GOVERNANCE)

This editorial '**Missing in fertility industry: Safeguards that work**' was published in **The Indian Express** on 14th Nov 2026, highlights enforcement failures in **egg-donation regulation** and the need for institutional accountability and donor protection.

Exploitation and Regulatory Gaps

- Hyderabad police reportedly rescued **43 women** from an alleged egg-donation trafficking network linked to **23 IVF centres**; recruits from several states were promised ₹20,000–30,000 per cycle.
- Erode's 2022 case involved alleged forced, repeated egg retrieval from a minor; Varanasi's 2023 case involved a minor's altered Aadhaar, exposing **broker-led recruitment**, economic vulnerability and **document falsification**.
- A possible **demand–supply gap** sustains intermediaries; the National Registry listed 4,726 clinics and 940 banks on October 31, against an academic estimate of around **40,000 clinics** operating.

Legal Safeguards and Enforcement Failures

- Under the **ART (Regulation) Act, 2021**, Section 27 reserves donor screening and supply to registered ART banks; **Section 21(b)** requires clinics to source gametes exclusively from them.
- **Donor eligibility** is restricted to women aged 23–35, with donation permitted **once in a lifetime** and retrieval capped at seven eggs.
- **Section 33** prohibits practitioners from using intermediaries; penalties comprise ₹5–10 lakh for a first offence and **three–eight years' imprisonment** plus ₹10–20 lakh for repeat offences.
- The **DHR annual report, 2025–26** records forms and permissions but omits inspections, violations and prosecutions; the **donor-information collection system** remains at the pilot stage.
- ART banks must update the **National Registry** to prevent repeat retrievals, but its functioning, update frequency and **pre-procedure verification** remain publicly unclear.
- Under **Section 35**, courts can take cognisance only upon complaints from National/State Boards or authorised officers; despite **Rule 5's annual-report requirement**, the DHR report includes no National Board report.

Accountability and Donor Protection

- The **Union Health Ministry** should publish Board reports; states should disclose inspections, suspensions, complaints and violations, enabling scrutiny of **regulatory enforcement**.
- Recruited women should receive **witness protection from prosecution**, independent care for hormone-related complications and the **12-month health insurance** required under Section 22(1)(b).

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Ethical Foundations of Reproductive Autonomy

- **Informed consent:** UK fertility regulation requires clinics to offer egg donors counselling and relevant information before treatment, supporting informed participation.
- **Economic vulnerability:** ASRM warns that excessive compensation can induce donors to discount medical risks, compromising voluntary decision-making.
- **Bodily autonomy:** *Suchita Srivastava v. Chandigarh Administration* recognised reproductive choice under Article 21, protecting women's privacy, dignity and bodily integrity.
- **Reproductive labour:** ASRM supports compensation for donors' time, inconvenience and discomfort, rejecting payment linked to egg quantity or quality.
- **Withdrawal rights:** UK rules permit donors to withdraw consent until embryos created using their eggs are transferred, making consent an ongoing process.
- **Privacy protection:** HFEA warns that consumer DNA testing can reveal donor identities outside regulated disclosure, requiring realistic counselling about anonymity.
- **Independent decisions:** ASRM recommends independent legal advice for intrafamilial donation, recognising that family relationships can involve manipulation or undue influence.