

EDITORIALS – 31ST JUL 2026

1. CLEARANCE IN REVERSE

(GS Paper III Environment)

This editorial 'Clearance in reverse' was published in The Hindu on 31st Jul 2026, highlights how post facto environmental clearances undermine preventive appraisal and legitimise irreversible ecological harm.

Supreme Court's Ruling

- India's EIA regime requires project appraisal before construction, not after the project becomes operational.
- The Supreme Court's July 29 order quashed the 2021 Office Memorandum but allowed post facto clearances through a statutory notification.
- Distinguishing an administrative order from a statutory notification provides legal cover while weakening the same environmental safeguard.

Systemic and Ecological Concerns

- Weak State-level appraisal allows violations to surface only after large projects are built, turning exceptional retrospective clearance into routine practice.
- Completed projects become a fait accompli, with ecological damage weighed against the greater financial cost of demolition.
- Comparing environmental regularisation with tax amnesty is flawed because damage to forests, floodplains and interconnected ecosystems cannot be settled through fees.
- The public utility of hospitals or airports cannot automatically outweigh their environmental costs or justify prior violations.

Erosion of Environmental Deterrence

- Retrospective clearance converts environmental compliance into a monetary transaction, allowing proponents to budget penalties as a cost of doing business.
- The Jan Vishwas amendments removed imprisonment for environmental violations, leaving monetary penalties and further weakening deterrence.
- Treating ecological harm as a recoverable debt contradicts the precautionary principle, particularly where damage is irreversible.
- Infrastructure failures during severe monsoon activity reveal the consequences of permitting construction without rigorous prior appraisal.

Beyond Editorial

Strengthening Preventive Environmental Governance

- Independent appraisal: Establish an autonomous national regulator, as directed in the 2011 Lafarge judgment, to appraise projects and enforce clearance conditions without institutional conflicts.
- Cumulative assessment: Replicate the Chenab basin study, which assessed how 11 proposed hydropower projects would collectively alter 117.76 km of the river.
- Strategic assessment: India can adopt the EU model, where policies and programmes undergo environmental assessment, public consultation and monitoring before individual projects receive approval.
- Meaningful consultation: The Chenab basin assessment held consultations at Keylong, Udaipur and Killar, showing how local concerns can inform basin-level project planning.
- Digital monitoring: PARIVESH 2.0 enables online compliance reports and automated site-visit scheduling; linking it with satellite evidence can strengthen real-time violation detection.
- Restoration liability: The Vellore Citizens case applied the polluter-pays principle to tannery pollution, establishing that violators must compensate victims and restore damaged ecology.
- Graduated enforcement: CPCB's single-use plastic framework combines digital inspections with seizure, licence cancellation and environmental compensation, offering a model for proportionate enforcement.

2. THE BAY OF BENGAL AS INDIA'S SHANTI ANCHOR

(GS Paper III Security)

This editorial 'The Bay of Bengal as India's SHANTI anchor' was published in The Hindu on 31st Jul 2026, highlights the Bay of Bengal as a testing ground for India's norms-based and cooperative maritime security framework.

Strategic Importance of the Bay

- The Bay of Bengal, among the world's most disaster-prone regions, lacks coordinated responses to disasters, illegal fishing, cyber threats and supply-chain disruptions.
- Its cross-border ecosystems and infrastructure face shared risks involving coastal erosion, fisheries, port resilience, undersea cables and climate adaptation.

- The Bay connects India's Act East policy with ASEAN, the Malacca Strait and major global trade and energy routes.
- China's dependence on the Malacca Strait and regional infrastructure expansion have intensified geopolitical competition, making shared maritime norms essential.

Evolution of India's Maritime Vision

- Announced on July 13, SHANTI provides a normative framework for shared maritime spaces while supporting India's UNSC candidature for 2028-29.
- SAGAR, articulated in 2015, promoted equity in development, while MAHASAGAR, announced in 2025, widened maritime cooperation across the Indo-Pacific and Global South.
- SHANTI advances this vision through norms, trust and integrity, shifting maritime policy from competition to cooperation and crisis management to long-term resilience.
- SAGAR expressed intent, MAHASAGAR expanded reach and SHANTI supplies the method for India to act as a preferred security partner and first responder.

Regional Application

- The Bay's cooperative geography makes it a manageable maritime sub-region where SHANTI can be tested before wider application across the Indian Ocean.
- Regional weakness arises from institutional fragmentation, requiring a common framework to align existing mechanisms for security, disaster response, the blue economy and environmental resilience.
- India's role should emphasise regional stewardship, rules-based cooperation and mutual trust rather than maritime dominance.
- At the July 2026 BIMSTEC meeting, members adopted principles for maritime law enforcement and disaster relief, planned a November 2026 joint exercise and discussed white-shipping information sharing.

Beyond Editorial

Constraints on SHANTI's Operationalisation

- Consensus delays: The BIMSTEC Charter was signed in March 2022 but entered into force only in May 2024, reflecting the time required to secure consensus.
- Institutional weakness: BIMSTEC itself acknowledged in June 2026 that its Charter, sectoral mechanisms and institutional foundations require better resources and coordination.

- **Financing deficit:** Of 216 transport-infrastructure projects in BIMSTEC's Master Plan, about 60% remained at the planning stage and required financing to proceed.
- **Capacity disparities:** India and Thailand possess deeper financial markets, while Bhutan, Myanmar and Nepal have limited infrastructure-financing capacity, complicating equal regional burden-sharing.
- **Data sensitivity:** Indonesia placed a liaison officer at India's IFC-IOR, while Vietnam received an invitation in 2026, showing that maritime information-sharing still depends on bilateral consent.
- **Operational gaps:** The 2025 BIMSTEC disaster exercise remained a virtual tabletop simulation, highlighting the need for regular field exercises testing actual regional interoperability.
- **Regulatory harmonisation:** The 2025 Maritime Transport Cooperation Agreement seeks common port, customs and maritime procedures, but effective implementation requires alignment across seven national systems.

3. HAVE FAST-TRACK COURTS DELIVERED ON THE PROMISE OF SPEEDY JUSTICE?

(GS Paper II Governance)

This editorial 'Have fast-track courts delivered on the promise of speedy justice?' was published in The Hindu on 31st Jul 2026, highlights how limited judicial capacity, procedural delays and resource shortages restrict fast-track courts from ensuring speedy justice.

Performance and Structural Limits

- Fast-track courts expedite selected cases but usually redeploy existing judges instead of expanding overall judicial capacity, shifting delays to other cases.
- Effective functioning requires adequate judges, support staff, timely witness depositions, coordinated stakeholders and fewer avoidable adjournments.
- The Delhi High Court created a fast-track court for paper-leak cases under the Public Examinations Act, 2024, renewing debate over their effectiveness.

Pendency and Data Gaps

- Fast-Track Special Courts face nearly 2.45 lakh pending cases because annual disposal consistently remains below fresh institution.
- In 2025, around 1.4 lakh cases were instituted but only 66,000 disposed, keeping the case-clearance rate below 100%.

- The National Judicial Data Grid lacks comparable FTSC disposal-time data, preventing transparent assessment of whether these courts deliver faster justice.
- FTSC pendency reflects wider judicial stress, with trial courts carrying nearly 4.8 crore cases, about 74% of them criminal.

Timelines and Equal Access

- The proposed Public Examinations Amendment Bill, 2026 prescribes two-month investigations and three-month trials, but institutional capacity may not support such rigid deadlines.
- Mandatory timelines in complex criminal cases can compromise the right to fair trial by limiting defence preparation, evidence assessment and witness management.
- Timelines should balance expeditious justice with procedural fairness; aspirational targets may improve disposal, but rigid mandates can reduce judicial quality.
- Assigning cases to fast-track courts must follow a rational and equitable basis under Article 14, not public sentiment or selective policy priorities.

Resource Deficits and Reforms

- FTSCs created in 2019 for rape and POCSO cases remain constrained by shortages of judges, prosecutors and operational resources.
- Public prosecutors often cover multiple courts, while understaffed forensic laboratories delay digital evidence analysis and weaken complex prosecutions.
- Speedy justice requires credible investigations, trained personnel, timely forensic assistance, adequate prosecution support and filled judicial vacancies.
- Advance scheduling, prompt court directions and fewer adjournments can reduce procedural delays without disrupting hearings.

Beyond Editorial

Alternatives to Fast-Track Adjudication

- Case-flow management: The Commercial Courts framework mandates early case-management hearings and fixed schedules for evidence and arguments, offering a model for regular courts.
- Pre-litigation mediation: Section 5 of the Mediation Act, 2023 enables disputes to be settled before filing, while excluding matters unsuitable for mediation.
- Lok Adalats: NALSA's Lok Adalats settle pending and pre-litigation disputes amicably, with awards treated as final and binding civil-court decrees.

- Plea bargaining: Section 290 of the BNSS permits eligible accused persons to seek plea bargaining within 30 days of charge-framing, reducing unnecessary full trials.
- Virtual courts: By December 2024, 27 virtual courts across 21 States and Union Territories had handled over 6.36 crore traffic cases.
- Village-level justice: India had 338 operational Gram Nyayalayas, including 111 in Uttar Pradesh and 89 in Madhya Pradesh, bringing minor disputes closer to rural litigants.
- Judicial digitisation: e-Courts Phase III has a ₹7,210 crore outlay for paperless courts, record digitisation, video conferencing and wider online adjudication.