EDITORIAL HIGHLIGHTS

24-11-2026

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GS 2: POLITY & JUDICIARY
THE HINDU PAGE: 08

The Bilkis Bano order — justice deferred again



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"Justice is the first virtue of social institutions, as truth is of systems of thought," said John Rawls in *A Theory of Justice*. The American political philosopher's line is easy to admire yet hard to practice. When an institution cannot be trusted to hear a wronged person, the old maxim justice delayed is justice denied begins to sound less like a warning than a description.

Another trial for Ms. Bano

For nearly a quarter of a century, Bilkis Bano, a survivor of the 2002 Gujarat riots who was gang-raped by 11 men while pregnant and lost some members of her family, has had to prove over and over again what happened to her was real, that it was a crime, and that the law should answer it. Each time, she has done so with a defiant courage that has become a testament to the Republic's conscience. She now may have to do it again. On October 28, 2026, a Supreme Court Bench of Justices M.M. Sundresh and Prasanna B. Varale suspended the life sentences of two of the 11 men convicted of gang-raping her and murdering some members of her family, granting them bail pending their appeals. Ms. Bano told the media that she learnt of the order just a few days ago through the press. The counsel for the two men later issued a statement on November 21, rejecting Ms. Bano's allegation that she was kept in the dark about the proceedings but asserting that she was not party even in High Court.

"It is still baffling to me that for the second time after this order was passed, I have not been summoned to appear before the Supreme Court, nor has anything been heard from me," Ms. Bano said in a statement through her attorneys. It is a sentence that no citizen, for whatever reason he may have for taking the oath regardless of his opinion of the merits of the order, should find easy to read.

Every word counts here. This case is designed to elicit both outrage and defensive responses. No one is found "not guilty" in the order. The principles, which were upheld by the Bombay High Court in 2017, remain the same. What the Bench has done is that it has merely suspended the sentences of the two men, Bipinchand Kanhaiyalal Joshi and Pradip Ramanlal Modhiya, until their appeals are disposed of, by pointing out that both men have been in jail for over 17 years, one of them has a severe disability, and their appeals raise questions of fact and law that require examination. The Additional Solicitor General opposed the pleas. The convicts' appeals against the High Court's judgment are still to be decided.

There is no objection to the order in the context of not subscribing to retributive or deterrent theories of punishment. However, at a time when there is talk of making the criminal justice system victim-centric, why was victimology forgotten in this case? That is the central question which survives despite the November 23, 2026 order by the same Bench releasing Siraj Pada, one of the convicts of the Sabarmati Express coach fire on similar grounds.

In the normal course of the criminal justice system, such an order would not be extraordinary. On several occasions, the top court has ruled that a convict who has served a good portion of his sentence and whose appeal is unlikely to be heard in the near future, can be released on bail. The right to a speedy appeal is a part of Article 21. But it is no abstract case, and the Court is not a court in the abstract. The issue is not just whether the two men are legally qualified for relief. It is whether this specific relief, in this specific occasion, has been awarded in a way that honours the survivor in the middle of it, and history that comes before it.

The first and most serious objection is of a procedural nature. No information was given to Ms. Bano nor was she heard. True, in the criminal trial, it is the state which prosecutes and the Additional Solicitor-General did oppose release.

However, the Court, in its various judgments, has observed that a victim is not just a witness but also has a role to play. The victim has a voice at critical stages in the proceedings where sexual violence is of a serious magnitude. The case for giving a voice to the victim before a perpetrator walks free is strongest. Ms. Bano has been the most persistent litigant for a period of two decades and is far from being a distant complainant. It was she who took this prosecution to completion despite threats, relocation, transfer of the trial from Gujarat, and the attitude of the institutions which should have looked after her, and when she was hurt and harassed on a daily basis. The convicts were released twice without even hearing her.

Three rights, one constitutional test

Three constitutional ideas collide in this order: First, Article 21 protects life and personal liberty, and since *Hussainara Khatoon vs State of Bihar* (1979), the Court has read into it a right to a speedy trial – later extended to a reasonably prompt appeal. A convict is entitled to that protection, and the Bench was right to weigh it. Second, Article 21 also protects the dignity of the survivor. And third, Article 14, which guarantees equality before the law and the equal protection of the laws, bars the state from treating one side of a case with more care than the other.

Then there is a gap in the law itself. Section 389 of the Code of Criminal Procedure, 1973 – reproduced as Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 – lets an appellate court, for reasons recorded in writing, suspend a sentence pending appeal and release the convict on bail. Where the offence is punishable with death, life imprisonment or at least 10 years, the proviso requires that the Public Prosecutor be allowed to show cause in writing against release. Thus, it names the prosecutor, not the victim. Yet, Parliament, in 2009, defined "victim" in Section 2(wa) of the Code and, in the proviso to Section 372, gave victims a right of appeal, which the Court read generously in *Mallikarjun Kodagali vs State of Karnataka* (2018). In *Jagjeet Singh and Ors. vs Ashish Mishra @ Monu and Anr.* (2022), it held that a victim has a right to be heard at every stage of proceedings, bail included. A suspension of sentence under Section 389 is bail by another name.

Unending trauma

A disquieting order becomes a wound in the context. This is what makes it so serious. On March 3, 2002, a mob attacked and harassed Ms. Bano's group when they were travelling near Chapparwad village in Dahod district. She was assaulted, and seven of her family members were killed, including her daughter, who was three years old. They left Ms. Bano for dead. She was a very young woman then, and in an afternoon, lost everything. Everything was ripped away from her: her family, her house, her home, and her sense of security.

The prosecution that ensued failed to get moving from the state's machinery, over and over again. The inquiry was first closed. The Court and the Central Bureau of Investigation had to intervene to get it reopened. The trial was transferred to Maharashtra because Ms. Bano was not expected to get a fair trial in Gujarat. A special court in Mumbai had convicted the 11 men in 2008 and life imprisonment was upheld by the Bombay High Court in 2017. Later, the Court ordered her to be compensated for a house and government job to be provided, for her lack of protection by the state.

But in August 2022, the Gujarat government allowed the release of all 11 men, and they walked out on Independence Day to be greeted by others with garlands and sweets. But on January 8, 2024, the top court overturned the remission and upheld that Gujarat was not the competent government to initiate remission as the trial had been transferred to Maharashtra. Hence the convicts were directed to return to jail. The judgment briefly gave Ms. Bano hope that perseverance would be rewarded.

Suspension of a life sentence for rape and murder in a case involving mass violence is not bail in a routine matter.

The law on the subject holds that suspension of sentence after conviction should be the exception, with clear and compelling reasons for its imposition, and that the appellate court should consider the seriousness of the crime and an appeal's chances of success. The standard should be high in a case where two courts have already established the facts and found guilt. One wonders whether the Court's interest in the time the convicts spent in prison has also run in parallel with an interest in the time that the survivor has spent living life. So much for symmetry. Seventeen years in custody is a long time. But so is 24 years, of waiting for finality.

The views expressed are personal

The right to liberty cannot undermine a survivor's dignity, voice and difficult quest for justice

GS 2: EDUCATION & GOVERNANCE
THE HINDU PAGE: 09

Higher education needs to centre merit



Raghav Chandra

Former Secretary to the Government of India

In his seminal book *Universities in the Marketplace: The Commercialization of Higher Education*, Derek Bok, the former President of Harvard University, highlighted the danger of Higher Education Institutions (HEIs) getting transformed into entrepreneurial entities – aggressively pursuing market revenues that dilute and jeopardise educational excellence. Indian HEIs too, such as the IITs and IIMs, spurred by the exuberance of their freshly started peers, have championed and commenced new courses, begun expanding faculty and opened new centres. While this helps them to become more profitable in the short run, it also exposes them to operational risks when governance systems are weak. In an age of AI, even the slightest infraction can cause instant and even lasting reputational damage. In order to sustain HEIs' credentials, the government must ensure their governance systems stay decisively robust.

In recent months, there has been much discourse about tightening the entrance examination process in India. However, one mustn't forget that past examination and recruitment scams in India such as Vyapam, NEET-UG etc. occurred only because technological fail-safes were defeated by human subterfuge; key officials in control of the operational systems gamed them to their advantage. HEIs are complex bodies that deal with much more than examination processes. Are we sure that those charged with their governance are impeccable in their intent?

The most distinguishing feature of U.S. and Chinese universities is their relentlessness use of merit as the defining criterion at every stage of selection, be it the candidates who are selected, the faculty and researchers who are recruited, or the allocation of grants for higher research.

In many IITs and IIMs, directors lack solid teaching experience and baulk from conducting classes as they are chosen solely as administrators

One should be able to say the same for IITs and IIMs. The IIM Act, 2017 made the IIMs institutes of national importance and mandated that the director shall be appointed by the board. The IIM (Amendment) Act, 2023 changed that dynamic. It made the President of India the 'Visitor' of every IIM, giving the Central government stronger powers over board nominations, chairperson selections, and appointment of directors. Today it is the government that appoints directors – swinging from a position of de-facto influence to a *de jure* one. What safeguards should it build?

Need for safeguards

First, IIT/IIM boards should be selected with adequate emphasis on academic merit and intellectual diversity; people of high academic standing, with a mix of expertise in academia, industry, administration, and finance should be appointed.

Second, the recommendations of the boards should be heeded to ensure that people of merit are selected to helm these institutions. If the government were to injudiciously appoint directors, it can cause lasting damage to these institutions. In many IITs and IIMs, directors lack solid teaching experience and baulk from conducting classes as they are chosen solely as administrators. Globally, the deans of Business Schools such as Harvard, Wharton, and Stanford hold full tenured professorships at their institutions.

Third, it is important to ensure that the calibre of the faculty remains above reproach. Any compromise in their quality would adversely affect the quality of the institute, its research and global reputation. The Indian School of Business scores high in most major rankings mainly because of the strength of their faculty. A selection-based recruitment process for faculty should not be compromised – as is perhaps being considered by the newer IIMs – favouring expediency over process.

Fourth, vigilance systems are vital for autonomy and should not become its weakest link. The vigilance officer at an IIT or IIM should be like a compliance and audit officer. They should be appointed through the board and be answerable to them when there are allegations of financial or other irregularities involving the director or members of the director's team, senior faculty appointments etc. One must not forget the events that occurred in IIM Rohtak in 2019 when the educational credentials and arbitrary behaviour of the director were brought to question in the High Court.

The oversight role of the Board is crucial. The director should run the day-to-day governance of the institution and the Academic Council should control curricula, academic standards and academic selection.

Most importantly, the merit of all those helming these institutions will have to be beyond reproach. If the IIMs and IITs have to figure in the world's top 20 institutions, the integrity of their operating systems and their commitment to academic merit has to be zealously safeguarded.

GS 3: ENVIRONMENT & CLIMATE CHANGE
INDIAN EXPRESS PAGE: 10

There is a disconnect between climate diplomacy and lived reality



KAUSHIK DAS GUPTA

FROM PUNISHING heatwaves to devastating floods and cyclones, few parts of the world today remain untouched by the effects of climate change. But the burden of the crisis is not shared equally. Those who have contributed least to it, and have the fewest means to protect themselves, are paying the heaviest price. The floods in Nepal were a grim reminder of this injustice. The principle of common but differentiated responsibilities was conceived to address this imbalance. It recognised that climate change is a collective threat, but that countries must shoulder the burden of climate action in proportion to their historical contributions and capacity to respond. Enshrined in the UN Framework Convention on Climate Change (UNFCCC), adopted in 1992, it was meant to provide the foundation for an equitable global response. More than three decades and 31 Conferences of the Parties (COPs) later, that promise remains largely unfulfilled.

The latest COP in Antalya has once again exposed the divisions in climate diplomacy. The longest COP ended in a dispiriting deadlock on fossil fuels and climate finance. Its last deliberated draft made no explicit mention of hydrocarbons or the COP28 commitment to transition away from them. It also dropped the proposed target of $120 billion annually for adaptation finance by 2035, retaining only a call to at least treble such funding by that year, without specifying a baseline or a firm financial commitment. The petrostates were adamant on excluding references to fossil fuels. The EU formally objected to this, while Germany and other countries also expressed opposition.

Antalya is symptomatic of a larger malaise: The widening gap between what climate science and people's lived realities demand and what diplomacy is willing to deliver. For all their time-consuming and jargon-filled processes, COPs have remained insufficiently attentive to the communities confronting extreme heat, persistent flooding, failing harvests, water shortages and increasingly destructive weather. The semantics of climate diplomacy do not capture what years of underperforming COPs mean for people's well-being.

Make no mistake. The COP process remains indispensable. It has established climate change as an important concern of international diplomacy, framed the Paris Agreement's temperature goals, created a mechanism for national commitments and transparency, and, after years of resistance, secured recognition of the need to address loss and damage. The importance of multilateral climate diplomacy cannot be overstated. No bilateral arrangement or grouping of powerful economies can substitute for a forum in which vulnerable countries, major emitters and developing economies negotiate on an equal sovereign footing. Without the UNFCCC, the voices of the most vulnerable — whether those in Nepal, small island nations watching their coastlines disappear or fishing and farming communities in India's Sundarbans — risk being drowned out by the powerful.

> COPs have remained insufficiently attentive to the communities confronting extreme heat, persistent flooding, failing harvests, water shortages and increasingly destructive weather

The UNFCCC has also kept alive the principle of differentiated responsibilities in climate negotiations, but barely so, and largely because of the tenacity of developing countries. Their governments face a difficult challenge: Lifting millions out of poverty while shielding them from a worsening climate, without one imperative coming at the cost of the other. For many countries, this is impossible without adequate climate finance. But securing funds for climate action was contentious even when the global economy was on a more stable footing. In a world marked by economic uncertainty, competing fiscal priorities and geopolitical tensions, the task has become considerably harder. The irony is that, even as geopolitics divides the world, climate change is unfolding everywhere. Yet, the tendency to regard its consequences as someone else's problem has not abated. That was evident in the prevarication over loss and damage funds to Nepal — the country ultimately received only a fraction of what it needed to rebuild — after the August floods. The pretence that the suffering of the poor in the Global South has little in common with the upheavals that confronted Europe and America this summer continues to stand in the way of collective action on global warming. Worse still, it strikes at the very core of climate justice on which developing countries make demands for finance.

Private investment can help bridge financing gaps, particularly in clean energy and infrastructure. But it cannot be expected to meet the needs of adaptation and loss and damage, where financial returns are often uncertain or difficult to quantify. Nor can it substitute for the public finance obligations of developed countries. Greater emphasis must be placed on grants and concessional finance rather than loans that add to the debt burdens of vulnerable economies.

The UNFCCC works on the principle of consensus. That is essential to giving every country a voice. But COPs have only sporadically translated global participation into a genuinely collective response to global warming. Antalya was not the first COP where competition between rival blocks, driven by geopolitical and economic interests, created an impasse. The repeated watering down of decisions, often at the eleventh hour, in earlier meetings speaks of a process in which the interests of powerful countries and the fossil fuel industry can outweigh the urgency of protecting vulnerable populations.

COPs have, at best, paid lip service to the principle of climate justice. History bears witness that without steadfast adherence to this principle, there cannot be any effective climate action. After the Antalya fiasco, the credibility of the UNFCCC process will depend on its ability to translate principle into action and protect the people whose lives and livelihoods are already being devastated.

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GS 3: INDIAN ECONOMY & LABOUR
INDIAN EXPRESS PAGE: 10

Atmanirbhar Bharat can't be built by underpaying workers



RITURAJ SINHA

I HAVE given income tax relief up to Rs 12 lakh. But have you increased the salaries of your employees?" Prime Minister Narendra Modi's question to industry leaders at the Federation of Indian Chambers of Commerce and Industry (FICCI) annual general meeting on Thursday was blunt and long overdue. After a decade of tax cuts and ease-of-doing-business reforms, he asked: Where are the jobs and the pay rises? It is the right question, and the answer lies in how India has chosen to compete.

India Ratings and Research, drawing on successive Periodic Labour Force Surveys, finds that real wages at the national level grew by just 0.01 per cent between Q2 of FY20 and Q1 of FY25. In two of India's most industrialised states — Haryana and Uttar Pradesh — real wages actually contracted in the same period. SBI's Ecowrap series tells a longer story: Real wage growth of roughly 0.23 per cent a year between FY17 and FY26, a cumulative real increase of around 2.3 per cent across an entire decade. The Economic Survey 2025, drawing directly on PLFS, found that real monthly earnings for self-employed men fell from Rs 9,454 in 2017-18 to Rs 8,591 in 2023-24 — a 9.1 per cent decline. The Indian worker's "real wage" has effectively moved backwards.

The fundamental law of economics is simple: Your worker is also your customer. Household consumption accounts for roughly 60 per cent of India's GDP, yet we are witnessing a "K-shaped" recovery where the top 10 per cent drive luxury car sales while the bottom 60 per cent struggle to fulfil basic aspirations of an English-medium education for their children or an oil heater at the peak of winter. The Modi government's work for poverty alleviation over the last decade has set global benchmarks, but life in a modern republic cannot be sustained by the "oxygen mask" of government subsidies and lower taxes. Employers must fulfil their societal obligations.

A household's dignity and its ability to fulfil aspirations — be it a down payment on a scooter or the occasional indulgence of eating out — depends on disposable income. By keeping blue-collar wages at subsistence levels, we are effectively capping our own GDP growth. The worker who assembles a Rs 50,000 smartphone should, within a few years of skill-building, be able to afford one. If they cannot, our "Make in India" initiative is merely an export processing zone, not a national wealth creator. The government's consolidation of 29 labour laws into four streamlined codes is a necessary administrative cleanup. However, rules do not address the aspirations of the crores of youth that constitute India's labour force. Regulatory ease is a supply-side fix; the demand-side crisis requires a radical rethinking of pay scales. Employers often argue that higher wages will be a setback for manufacturing and services demand. This is an outdated policy construct, and something that the PM called out.

A Fair Wage model proves that workers who are paid above the bare subsistence level are more productive, less likely to quit, and more invested in quality. High-turnover manufacturing is expensive. When a Gujarat or Tamil Nadu factory loses 15 per cent of its staff every month because the wage doesn't cover the rent, "cheap labour" becomes the most expensive line item on the balance sheet. Better pay rates are not a burden; they are an investment in industrial peace and operational excellence. The Modi government is as committed to *shramdata* as it is to *annadata*.

PM Modi has created a reputation for taking on the bull by the horns. For decades, the Indian political centre of gravity has been the *kisan* (farmer). Policy, protests, and budgets have revolved around the farmer. While agriculture will always remain vital, the future of India's demographic dividend lies equally with non-farm workers — those who fuel the blue/grey collar and gig economies. PM Modi has spotted this. Government policy is shifting gears — from a "*kisan*-centric" policy to "*kaamgaar*-centric" economy building. The implementation of the labour codes is a testament to the Prime Minister's push for better wages and enhanced social security for crores of formal and informal workers.

To reach $10 trillion, India does not just need more factories; it first needs a blue-collar middle class with skin in the game and money in its pockets to live a respectable life and groom the next generation. The shift from farm to non-farm must be accompanied by a shift from survival to prosperity. Only then will the Indian growth story be truly *atmanirbhar*. It's time for Indian industry to step up and play its part.

To reach $10 trillion, India does not just need more factories; it first needs a blue-collar middle class with skin in the game and money in its pockets to live a respectable life and groom the next generation

The writer is a national office bearer of the BJP

GS 2: INDIAN POLITY
INDIAN EXPRESS PAGE: 11

On delimitation, Opposition must now prepare to respond to BJP's Plan B



DESHKAAL

BY YOGENDRA YADAV



ILLUSTRATION: C R SASIKUMAR

WHY IS the government so desperate for delimitation? The answer may be less obvious than we think. Probing this question may invite the Opposition to rethink its strategy in the coming session of Parliament.

The desperation is there for anyone to see. Smarting from its failure to push through a new delimitation under the garb of implementing women's reservation, the regime has been trying every trick to cobble up the two-thirds majority required for a constitutional amendment. "Sources" tell us every week that the Narendra Modi-Amit Shah duo is about to succeed, that a special session is round the corner. Public statements of opposition leaders like Supriya Sule confirm that it's not an empty boast. The extraordinary decision not to prorogue the Monsoon Session, the refusal to call an all-party meeting, and advancing the census in poll-bound states — all point in the same direction.

In the midst of nationwide protests against the Election Commission, rising inflation and unemployment, a particularly bad drought, rapidly shifting equations in the global balance of power and the breakdown of vital negotiations on climate change, the government's top priority remains the delimitation of electoral boundaries in time for the next Lok Sabha elections.

Why? Clearly, delimitation is crucial to the short-term and long-term political design of the ruling dispensation. So far, our delimitation debate has focused on the reapportioning of seats for different states in the Lok Sabha. But delimitation includes two other components as well: Redrawing constituency boundaries of both Lok Sabha and assembly seats and reassigning "reserved" constituencies for SCs/STs and now for women.

So far, opposition has coalesced around one single apprehension. There are fears that the BJP plans to alter the regional balance in Parliament to gain a permanent advantage. If Parliament were to amend the Constitution to allow the reallocation of seats as per population figures in the 2027 Census, it would help the BJP big time. The share of all the non-Hindi speaking states in the south and east would go down in comparison to those of the north Indian "Hindi heartland".

This apprehension is not unreal. This was the BJP's Plan A, attempted through the failed 131st Constitution Amendment Bill. The whole point of the proposal to increase the size of Lok Sabha to 850 or so was to camouflage the shrinking share of non-Hindi states in the Lok Sabha. Under that proposal, Kerala would retain its current number of seats but this would not be 20 out of the present 545. It would be 20 out of an expanded strength of 850. This fits in perfectly with the BJP's long-term quest for a permanent majority.

The April fiasco exposed the limits to this plan A. It was clear that the south Indian states, even those ruled by the BJP's allies, would not possibly agree to this formula. And having tasted some electoral success in the south, the BJP could not close its own doors permanently in this region.

> The second part of this plan would be to allocate reserved seats in such a way as to further disadvantage key opposition leaders. It should not surprise us if constituencies like Raebareli and Wayanad get shifted to the reserved category

So, the BJP seems to be falling back on Plan B. This plan involves rushing through with delimitation without disturbing the federal balance for the time being. The ruling party seems willing now to preserve the share of each state in an enlarged Lok Sabha. It may be willing to incorporate its earlier oral assurance into the new Delimitation Bill that provides for increasing the number of seats for each state by 50 per cent. So, Kerala could now be offered 30 seats. This reprieve may serve to check the Opposition in the south and allow the government to push through the original Constitution Amendment Bill and a revised Delimitation Bill.

This Plan B would allow the ruling party to meet three objectives. First of all, it would allow the government to rush through a fresh drawing of the entire electoral map of the country well in time for the 2029 elections. In Assam and Jammu and Kashmir, we have already had a glimpse of how this regime can use the hitherto routine exercise of redrawing electoral boundaries to gain massive electoral advantage ('America's gerrymandering comes to India. In Assam, it skews playing field', *IE*, March 4). It is fair to assume that a new electoral map, finely aligned to the religious and caste composition of the electorate, is already lying in some drawer in the BJP headquarters. The topmost priority of the present establishment would be to appoint a new Delimitation Commission that would put a legal stamp on that map. This could place 30-50 parliamentary seats in the BJP's pocket before the elections begin.

The second part of this plan would be to allocate seats reserved for SCs, STs and women in such a way as to further disadvantage key Opposition leaders. It should not surprise us if constituencies like Raebareli and Wayanad get shifted to the reserved category. So, towards the end of 2028, we could be looking at an entirely new and crooked electoral map of India. The Opposition could find itself playing on a freshly laid pitch, under new rules, all designed to favour the BJP.

Finally, if the BJP manages to push the same Constitution Amendment Bill that it tabled in the month of April, it would also secure a long-term advantage. Any future reallocation of the number of seats in the Lok Sabha would no longer be tied to a constitutional formula. In future, the government would be able to change the regional balance in the Lok Sabha through an ordinary law.

This is what the Opposition needs to contend with. So far, it has taken on Plan A and defeated it. INDIA bloc parties are again preparing to block it, should the government push the same proposal again. But that may not happen. The Opposition now needs to prepare to respond to Plan B. This is not going to be easy, since the government enjoys an upper hand at this juncture. The current freeze on delimitation will automatically expire as soon as the figures for Census 2027 are released. The government does not need a constitutional amendment to go for a fresh delimitation. It just requires a new Delimitation Act, on the same lines as past legislation, that can be passed by a simple majority to achieve the first two objectives of Plan B.

It would take political ingenuity, parliamentary tact and popular mobilisation to block this new assault on our electoral democracy.

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GS 2/GS 3: HEALTH & SCIENCE & TECH
INDIAN EXPRESS PAGE: 14

• HEALTH

Tackling AMR danger as common drugs lose punch

Infections are already becoming harder to treat. Managing antimicrobial resistance must be made a priority across the board



EXPERT EXPLAINS

KAMINI WALIA

SCIENTIST, HEAD OF DESCRIPTIVE RESEARCH DIVISION AT ICMR

IT HAS long been known that India faces a challenge from antimicrobial resistance (AMR), a condition where microbes evolve to resist drugs, often owing to the overuse of antibiotics.

But a new report from the Indian Council of Medical Research (ICMR) underlines how big that challenge really is, showing that several common bacteria responsible for both routine and serious infections are now no longer responding to antibiotics that doctors have regularly used for years.

The ICMR's Antimicrobial Resistance Surveillance and Research Network (AMRSN) Annual Report 2025 found particularly low effectiveness of several antibiotics against *E. coli* and *Klebsiella pneumoniae*, both responsible for pneumonia, urinary tract, and bloodstream infections. It also highlighted worrying resistance to powerful antibiotics such as carbapenems, particularly among bacteria associated with hospital-acquired infections.

For the first time, the report included data from 34 secondary-care hospitals, showing that resistance to commonly used antibiotics is also a concern beyond large, specialised hospitals. The findings are particularly worrying for critically ill patients and newborns, while underscoring the need for better diagnosis, responsible antibiotic use, and stronger infection prevention measures.

Dr Kamini Walia, Scientist G & Head, Descriptive Research Division, ICMR, discussed the implications of the findings and what India needs to do to contain the growing threat with **Rinku Ghosh.**

The report shows high resistance to commonly used antibiotics among some bacteria. What does this mean for patients?

Infections caused by *E. coli* and *Klebsiella* are very common in India, both among patients admitted to hospitals and those who are not hospitalised. The growing resistance of these two bacteria to important antibiotics is a matter of serious concern for the general public. This makes quicker diagnostics and preventive healthcare imperative.

We have already reached the point where routine infections are already becoming significantly harder to treat. It is high time antimicrobial resistance becomes a priority in healthcare discussions. Infections caused by drug-resistant bacteria are difficult to treat because commonly used antibiotics may no longer work. The alternative medicines, often referred to as last-resort antibiotics, are expensive, carry a higher risk of side effects and may not be as effective.

What are the main reasons behind the declining effectiveness of third-generation drugs like cephalosporins and fluoroquinolones?

The main driver of antimicrobial resistance is the misuse of antibiotics, particularly prescribing or taking them for illnesses that do not require these medicines. For instance, antibiotics do not work against viral infections, such as most cases of viral fever. Many diarrhoeal illnesses also do not require antibiotic treatment. Other important factors include poor infection prevention practices, such as inadequate handwashing and respiratory hygiene, as well as the use of antibiotics in animal farming.

Were any findings particularly surprising? What should district hospitals and smaller healthcare facilities do in response?

The new data show that resistance to third-generation cephalosporins is very high even in secondary-care hospitals. Carbapenem resistance, however, largely remains a problem in larger, specialised hospitals.

We expected to find better effectiveness of third-generation cephalosporins, but clearly that is not the case. It is high time district hospitals and smaller healthcare facilities set up hospital infection control committees and antimicrobial stewardship committees. They need to introduce measures to identify infections early and take the necessary steps to control antimicrobial resistance.

Why are hospital-acquired infections proving so difficult to treat?

The first-line and second-line antibiotics commonly used to treat infections often do not work against hospital-acquired infections caused by resistant bacteria. Doctors are then forced to use third-line antibiotics, which are often the last available treatment option. These medicines are expensive, may be less effective and are associated with a higher risk of side effects.

The report identifies Klebsiella pneumoniae as the leading bacterium found in newborns with bloodstream infections, with worrying resistance patterns. How serious is the threat to newborns?

Klebsiella pneumoniae is a common cause of infections in both adult and newborn intensive-care units. It is known to develop resistance to several drugs and can lead to high mortality. We are still analysing nationwide data from neonatal intensive-care units (NICUs) to get a clearer picture of antibiotic resistance patterns in newborns. Current treatment protocols may need to be adjusted according to what these findings reveal.

How can doctors make better antibiotic choices when resistance patterns vary across regions and hospitals?

Doctors need to be aware of local antibiotic resistance patterns, known as antibiograms. These show which antibiotics are working against common bacteria in that particular hospital. Resistance patterns can differ between a district hospital, a large referral hospital and an intensive-care unit. Knowing these local patterns can help doctors make better initial treatment choices.

Hospitals should also invest in diagnostic tests that can provide results quickly, helping doctors choose the right antibiotic. Doctors must distinguish between initial treatment and treatment based on confirmed laboratory results. When a patient is seriously ill, doctors may have to start antibiotics before knowing exactly which bacteria are responsible. This is called initial or empirical treatment. Once laboratory results become available, the treatment should be reviewed and changed if necessary, so that the patient receives the most appropriate antibiotic rather than a broader or stronger medicine without reason.

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• THE ANTIMICROBIAL RESISTANCE CHALLENGE



Antimicrobial susceptibility resistance test

GETTY

WHAT IS DRIVING AMR

MISUSE AND overuse of antibiotics, including for viral infections

USE OF antibiotics in animal farming

POOR INFECTION prevention practices in hospitals and elsewhere, such as inadequate handwashing and respiratory hygiene

AND WHAT NEEDS TO BE DONE

MAKE ANTIMICROBIAL stewardship programmes compulsory in hospitals.

ENCOURAGE ADULT vaccination against flu, typhoid and pneumococcal infections.

HIGH-QUALITY INFECTION prevention and control practices are equally important.

PRESCRIBE DRUGS reserved for serious infections judiciously, based on laboratory results.

THE SAME antibiotic may not work equally well in every region. Treatment decisions must take into account the type and seriousness of the infection, the bacteria likely to be responsible, local patterns, the patient's history, etc.

FINALLY, THE choice of antibiotic must depend on where the infection is located. A medicine that works for a simple urinary tract infection may not be suitable for a kidney infection.

New findings

The ICMR report included data from 34 secondary-care hospitals, showing that AMR is also a concern beyond large, specialised hospitals.

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The findings are particularly worrying for critically ill patients and newborns.

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LEGAL

Why Supreme Court issued notice to Centre, CJI over appointments of judges

Apurva Vishwanath
New Delhi, November 23

THE SUPREME Court last week issued notice to the Centre and the Chief Justice of India (CJI) in a public interest litigation by the NGO Lok Prahari seeking directions to finalise the revised Memorandum of Procedure (MoP) for appointing judges to the SC and the High Courts.

The plea argues that the revision has remained pending since December 2015, when a Constitution Bench left the task to the Centre after striking down the National Judicial Appointments Commission (NJAC).

The case

After a bench of Justices M M Sundresh and P B Varale issued notice, the SC in its administrative capacity must respond to the plea, which also seeks to bring Collegium decisions within the scope of the Right to Information (RTI) Act.

Justice Sundresh, a member of the SC Collegium, first asked the counsel if there were any objections to him hearing the case. Senior Advocate Sanjay Hegde, appearing for the petitioner, told the bench that many judges would be Collegium members and that the objection would always remain, after which the court issued notice.

Earlier, the case had first come up on November 2 before a bench of Justices P S Narasimha and Alok Aradhe. Justice Narasimha recused himself because he had earlier appeared as an Additional Solicitor General in the NJAC proceedings.

Memorandum of Procedure

The MoP is the document that sets out the steps for the appointment, elevation, and transfer of judges of the HCs and the SC. A set of mutually agreed-upon conventions, it was first drawn up on June 30, 1999, following the Second Judges case (1993) and the Third Judges case (1998), in which the SC gave the Collegium of senior judges primacy in appointments.

The CJI initiates proposals for SC appointments, while the Chief Justice of a HC, in consultation with the two senior-most puisne judges, initiates proposals for that HC. The timeline and the process are laid out in the MoP. As per the Law Ministry's responses to queries in Parliament, the process of appointment of judges continues to be governed by the 1999 MoP.

The NJAC case

On October 16, 2015, a five-judge Constitution Bench declared the 99th Constitutional Amendment seeking to replace the Collegium system with a six-member NJAC panel as unconstitutional. In the same order, it listed the case to consider measures for improving the working of the Collegium.

During the hearings, then Attorney General Mukul Rohatgi submitted that drafting the MoP was an executive function, and pointed to the Second Judges case, which had left the MoP's drafting to the government in consultation with the CJI. The bench accepted his submission and in its order of December 16, 2015, said the government "may finalise the existing Memorandum of Procedure by supplementing it in consultation with the Chief Justice of India", and that the CJI would decide based on the Collegium's unanimous view.

The order also set out the factors to be taken into account in terms of eligibility criteria, procedure, and a secretariat for the SC and each HC, among others. The court described these as "broad suggestions" and didn't fix a time limit.

What happened next

Until 2017, broad consultations continued between the government and the SC. Although the fine print of the draft was never made publicly available, it was reported that a draft MoP was first sent to the judiciary in March 2016. It is learnt that the SC didn't yield on two key aspects: that the Centre should have the power to reject a name on grounds of "national security", and a proposal for a permanent secretariat for the Collegium.

In 2023, then Union Law Minister Kiren Rijiju had written to then CJI D Y Chandrachud, suggesting that a search-cum-evaluation committee for SC judges and HC Chief Justices include a nominee of the Centre, and that committees for HC judges include nominees of both the Centre and the state government. The letter sparked controversy, following which the government said that the Collegium would retain the final decision to recommend judges.

Over the years, the SC seems to have accepted the suggestion of a secretariat. The Collegium has established a system looking at data and the performance of judges, with continuous logs being maintained.

On the "national security veto", there are several instances where the government has, in effect, exercised a veto or simply refused to make an appointment despite the SC Collegium reiterating its recommendation.

In October 2017, a bench of Justices A K Goel and U U Lalit sought the Centre's response on the delay in a petition by advocate K P Luthra, observing that although no time limit had been fixed, the issue could not remain pending indefinitely. The case was later listed before a bench headed by then CJI Dipak Misra, which recalled that order.

In RTI responses to the petitioner (Lok Prahari), it is learnt that the MoP as finalised by the Collegium was sent to the government in March 2017 and that the matter was "under consideration". The Department of Justice has declined other requests on the ground that the information is classified.

In February 2026, Law Minister Arjun Ram Meghwal told Rajya Sabha that "the process to revise the MoP was under consideration and that further steps would follow once it was complete".

The Centre and the Secretary General of the SC will file their responses before the matter is heard again.