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No. 5, AKS Nagar, Near Gandhi Park, Coimbatore - 641 001

## GS Paper II – Polity

Date: 08.05.26

# Entertaining petitions on religious practices can have far-reaching consequences, says SC

**The Hindu Bureau**  
NEW DELHI

The Supreme Court on Thursday said a deluge of petitions complaining about religious practices and religion would follow if the courts start interfering in matters of faith.

"If everybody starts questioning religious practices or matters of religion before a constitutional court, then what will happen to this civilisation where religion is so intimately connected with the Indian society. There will be hundreds of petitions questioning this right, that right, opening of temple, closure of the temple," Jus-

stice B.V. Nagarathna observed during a nine-judge Bench hearing of the Sabarimala review case.

Justice Nagarathna said India's uniqueness lay in the fact that it was a "civilisation" in which the intimate relationship between people and religion has been a constant, despite pluralities and diversities.

### 'Can't break ties'

The judge asked whether the courts were the right forum to question, examine and intervene in this relationship. "We nine judges, what we lay down is for a civilisation, that is India. India must progress. Despite all its develop-



Justice Nagarathna asked whether courts were the right forum to intervene in the relationship between people and religion.

ment, economy, everything, there is a constant in us, we cannot break that constant. That is what is troubling us," Justice Nagarathna said.

Justice M.M. Sundresh, on the Bench headed by

Chief Justice of India Surya Kant, said entertaining petitions challenging religious practices and beliefs for violation of fundamental rights may open the flood gates with far-reaching consequences.

"Every religion will break, every constitutional court will have to be closed," the judge remarked.

### 'Governed by law'

Senior advocate Raju Ramachandran, for petitioners challenging the practice of excommunication in the Dawoodi Bohra community, pointed out that India was indeed a civilisation, but a civilisation governed by a Constitution.

"Therefore, nothing that goes against the grain of our Constitution can be countenanced in a civilised society governed by the Constitution," Mr. Ramachandran said.

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## GS Paper II – Polity

### Should the abortion law be amended for minor rape victims?

PARLEY

**W**hy are so many pregnant persons approaching the courts for terminations? Do we need to remove time limits on abortions? Do abortion laws need to be delinked from criminal laws? How can access to safe abortions for all be improved? Dipika Jain and Alka Barua discuss in a conversation moderated by Zubeda Hamid. Edited excerpts.

#### Can we start with an overview of abortion laws in India?

**Dipika Jain:** There are two sets of laws that regulate abortion in India. Sections 88 to 94 of the BNS and the Medical Termination of Pregnancy (MTP) Act, 1971. Abortion is criminalised under Section 88 of the BNS, which means that a woman who terminates her pregnancy with her consent and the doctor who terminates her pregnancy with her consent and his consent can be criminalised. In 1979, there was an exception created via the MTP Act, which created a framework for conditional rights. Abortion is legal in India based on certain circumstances and conditions. The 2022 Supreme Court judgement also elaborates on abortion rights as fundamental rights. There are three components: unmarried women are entitled to seek termination; transgender persons are also included within the legal framework; and the right to terminate a pregnancy in India is part of [the] decisional autonomy of a woman or a pregnant person.

**Alka Barua:** The law looks fairly liberal, but there isn't broad and progressive interpretation at the ground level. And there are reasons for it. One, the law places decision-making authority primarily with the doctors. So this gives scope for refusal based on personal beliefs or misunderstanding or unawareness of law. The law's implementation doesn't take into account the fact that we have a shortage of certified providers and adequately equipped facilities. And this is particularly more so now when the gestational limit has been increased and later gestational terminations are more complex and require greater skills, better facilities. As long as abortion remains linked to a criminal law, it is socially stigmatised. And many women delay care or seek unsafe pathways in such situations.

#### Is there a case to be made for the Supreme Court's asking for the removal of time limit



**On paper:** The Supreme Court, in 2022, has said that it recognises reproductive decisional autonomy as a fundamental right. GETTY IMAGES

#### on terminations of unwanted pregnancies in the case of minor rape victims?

**DJ:** The MTP Act sets out general outer limits of 24 weeks, with only two exceptions. One is substantial foetal anomalies, which has to be certified by a medical board, and the other is to save the life of the pregnant woman. In the past, the Supreme Court has, on multiple occasions, allowed termination up to 33 weeks of pregnancy in cases of foetal anomalies. [This] exposes a gap between legal categories that are rigid and real life, medical and social situations. So if it is safe, and it is with the consent of the pregnant person, and the termination is allowed in cases of foetal anomalies, why can't terminations be allowed in other cases where late-term termination becomes important? For example, sexual assault, rape, drastic life challenges, mental health crises. In my opinion, anyone whose pregnancy is safe to terminate should be allowed to terminate it.

**AB:** The law has not taken into account ground-level reality. There is no need for such rigid gestational limits for terminations, particularly in cases of sexual assault survivors, minors, or adolescents, etc. One reason is, they tend to come late: because of the trauma, the stigma, the lack of awareness about their entitlements under the MTP Act; in case of minors and adolescents, they often do not even know that they have conceived till late pregnancy. Then, most do not have access to resources; they have restricted mobility. Delayed access is not out of choice but because institutions, family structures, violence prevent them from timely access. We believe that risk should be assessed clinically. If it can be safely provided based on clinical judgment, then why this inflexible statutory cut-off? The intent of the

law has to be interpreted more broadly rather than using it as a barrier to provide services.

#### Do healthcare providers feel they may be at risk of criminal proceedings if they proceed with abortions?

**DJ:** Abortion is criminalised under law. But there is also an exception, which if followed, on the basis of certain conditions, termination can be offered. However, because it is conditional and the burden of proof is on the doctor, complications arise. This is not a rights-based framework and sets out very strict conditions. If you fail in any of these conditions, there can be chances of prosecution. We know that in 2021, a doctor in Meghalaya was put behind bars for a month on a termination he didn't even do. There are also other laws that complicate the criminal framework and liability, for example, the PCPNDT [and] POCSO. Why can't we move from a criminal framework to a rights-based reproductive justice healthcare framework?

**AB:** The reason for this is not only lack of awareness about what their obligations are, what the service seekers' entitlements are, but also lack of awareness among those who are enforcing the law at the ground level. Most service providers are worried about police involvement in cases of rape and minors. They are confused about documentation requirements. Then there are concerns about the uncertainty around pregnancies near the stipulated gestational limits. There are no clear protocols in place. All this, in addition to the fact that there is a social pressure, let's not forget that doctors belong to the same society as [that of] service-seekers. All this leads to a chilling effect. They don't want to provide services in such cases, particularly the later gestation cases.

#### Are there other countries that allow for abortion on a demand basis rather than on a conditional basis? Is that what a reproductive health rights framework looks like?

**DJ:** The Supreme Court in 2022 has said that it recognises reproductive decisional autonomy as a fundamental right. It means that the decision to terminate a pregnancy ultimately belongs to the pregnant person, not the doctor or the State. That's what the law is saying. Now, should that not also be the practice? If a pregnant person decides to terminate, why should the State impose so many conditions? Why can't it be

based on decisional autonomy and on demand? There are many countries that have at least early-term abortion on demand or on request, and that's exactly how our law should be.

**AB:** Irrespective of what the law is, our experience is [that] when a woman decides to terminate a pregnancy, she does get it terminated. If restrictions are there, you are literally pushing her towards unsafe service providers. The MTP Act came into existence to prevent unsafe abortions and maternal deaths because of that. And if that very law, because of the conditions it has included in it, is leading service seekers towards unsafe practices, then the point is lost. I [also] just wanted to distinguish between refusal on any grounds, be it ethical or professional, skill level, and denial of access. An individual service provider may decline to perform a procedure to which they have objections personally. The law says nothing against it right now. But then they should be made to refer the case, or ask someone else in the facility to provide the services.

#### Would a law that lifts all conditions and allows for abortion on request be in conflict with the POCSO law where the State has to look into sexual assault?

**DJ:** When the POCSO law was drafted, the focus was on child sexual abuse. Section 19 of the POCSO Act allows for mandatory reporting. What happens when it interacts with the MTP Act? In the MTP Act, when an adolescent or minor gets pregnant, they can seek termination. But when the adolescent walks into the hospital, the doctor has to report her mandatorily to the police. Now, what happens is, in case of a 16-year-old in a relationship with a 17-year-old boy, this 16-year-old girl will not go ahead and seek termination because she knows that the mandatory reporting will mean that the boy will be held for statutory rape. This is the problem. In 2022, the Supreme Court harmonised POCSO with the MTP Act. The court ruled that minors can access abortion services without their identities being disclosed. So to some extent, this has been addressed. However, it's not something that is working on the ground.



To listen to the full interview  
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## GS Paper II – Polity

# Was a 'proper debate' held in Parliament on CEC and ECs appointment law, asks SC

**Krishnadas Rajagopal**

NEW DELHI

The Supreme Court on Thursday asked if there had been a "proper debate" in Parliament about the "ethos" of its 2023 judgment that took the appointment of members of the Election Commission out of the exclusive hands of the political executive, namely, "the party which not unnaturally has an interest in perpetuating itself in power".

In a 2023 judgment in *Anoop Baranwal versus Union of India*, a Constitution Bench of the court had replaced the mechanism of the President appointing the Chief Election Commissioner (CEC) and Election Commissioners (ECs) on the sole advice of the Prime Minister with a more participatory appointment process involving a three-member selection committee of the Prime Minister,



the Opposition Leader in the Lok Sabha, and the Chief Justice of India. The court had said the committee would be in place till Parliament brought in a law to replace it.

The Union government had brought in a law which reverted to the dominant role of the executive in the appointments of the CEC and ECs. Under the Chief Election Commissioner and other Election Commissioners (Appointment, Conditions of Service, and Term of Office) Act of 2023, the CJI was replaced in the

selection committee by a Union Cabinet Minister nominated by the Prime Minister.

"But was there a proper debate in Parliament about the *Anoop Baranwal* judgment? Is the ethos voiced in the judgment reflected in the Parliamentary debates... That is not clear," said Justice Dipankar Datta, heading a Bench comprising himself and Justice Satish Chandra Sharma.

Senior advocate Shadan Farasat, appearing for an intervenor, said the passing of the law had been preceded by an *en masse* suspension of Opposition MPs. "There was no proper debate in the Parliament," he said.

"A majority of the Opposition was suspended. [AIMIM MP Asaduddin] Owaisi was the sole objector," advocate Prashant Bhushan, appearing for Association for Democratic Reforms, submitted.



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## GS Paper III – Environment

# How does Kerala plan to tackle oil spill hazards?

What prompted the drafting of the Oil Spill Contingency Plan? How will it help protect Kerala's coastline?

**G. Krishnakumar**

**The story so far:**

**K**erala had witnessed two shipwrecks off its coast involving two separate vessels - MSC Elsa 3 and MV Wan Hai 503 - on May 25, 2025 and June 9, 2025 respectively. The incidents had raised a serious threat to the State's marine ecosystem and coastal environment. The container ship MSC Elsa 3 went down with 640 containers, including 13 with hazardous cargo and 12 with calcium carbide. A large quantity of pellets, also called nurdles, had washed ashore on the southern coast following the incident. It prompted the authorities to step up efforts to formulate an Oil Spill Contingency Plan (OSCP). The Kerala State Pollution Control Board (KSPCB), which was entrusted by the government to initiate the required measures, had

awarded the work to a Bangalore-based firm. The agency submitted a report dated April 20, 2026 before the National Green Tribunal stating that the draft OSCP is ready.

Kerala has a coastal line of 590 km, and the entire coast is prone to oil spill disasters as one of the international oil transportation routes is adjacent to the State's coastal line. As per the terms of reference for preparing the OSCP, oil tankers and other ships visiting ports in the State pose a risk to the coastline areas, when they are involved in accidents. The proposal to prepare an OSCP was initiated in 2016 as part of a governmental review of the preparedness of major accident hazard units to handle chemical accidents. However, it got delayed due to various technical and financial hurdles. The scope of work included marine oil spills that occur within 12 nautical miles (24 km) of Kerala's coastline and riverine

systems extending 40 km inland or till tidal effect is evident, whichever is greater.

**What are the highlights of the OSCP?**

It includes mapping the Environmental Sensitive Index of oil spills along the coast of Kerala and preparing response-focussed contingency plans. The framework will elaborate on the oil spill contingency planning guidelines, wildlife response plans, ship board pollution emergency plans and tactical oil spill booming/site response plans. It will also include guidelines for crisis management and marine emergency response plans. The OSCP will highlight mitigation measures to be initiated in the wake of an emergency, the responsibilities of various departments, oil spill risks and protection priorities, shoreline response operations, and administrative action for clean-up. It will

identify areas involving operation of fishing boats and ships, and map environmentally vulnerable areas along the State's coast.

The OSCP will recommend a detailed response plan with chain of command, duties and responsibilities. It will have the contact details, list of all available resources to be pressed into service in an emergency, and the database of available machinery or equipment for clean-up operations. The Plan will highlight the steps to be taken before initiating the shoreline clean-up, including assessment of shoreline oil characteristics, on-site conditions, methods to be adopted and the scope of work required in each area as per the priorities. The KSPCB has stated that the OSCP will be prepared in accordance with the guidelines of the National Oil Disaster Contingency Plan (NOS-DCP) of 2015, 2018 and 2024.

**What steps precede the final OSCP?**

As per the KSPCB, the draft OSCP includes various aspects related to hydrodynamic, oil spill modelling, marine sensitivity index mapping and net environmental benefit analysis. It will be vetted by a committee of experts. The draft Plan will be submitted to the Indian Coast Guard – the central coordinating agency for combating oil pollution in the coastal and marine environment. The final OSCP will be published after receiving the required clearances.

### THE GIST

▼ Kerala had witnessed two shipwrecks off its coast last year, raising serious threats to the State's marine ecosystem and coastal environment. It prompted the authorities to step up efforts to formulate an Oil Spill Contingency Plan.

▼ The framework will elaborate on the oil spill contingency planning guidelines, wildlife response plans, ship board pollution emergency plans and tactical oil spill booming/site response plans.





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## GS Paper III – Environment

# Govt. plans to redesign Kalindi Kunj barrage to tackle Yamuna froth

Plans afoot to relocate dhobi ghats, stricter enforcement of norms at dyeing units to reduce pollution; govt. also mulling to build a new Chhath Ghat near the barrage at an estimated cost of ₹100 crore

**The Hindu Bureau**  
NEW DELHI

The Delhi government is looking at a possible revamp of the Kalindi Kunj barrage slope to solve the problem of froth in Yamuna river in the area, Water Minister Parvesh Sahib Singh's office said on Thursday.

The Minister recently visited the barrage along with experts from Indian Institute of Technology, Roorkee and officials of the Delhi Jal Board (DJB).

The Minister said the slope at the barrage is one of the major reasons for the froth formation and a study will be carried out by IIT Roorkee to find a solution to this and whether the slope can be redesigned to reduce its height.

The government also plans to relocate the dhobi ghats in the area and stricter enforcement of norms at dyeing units in the area to reduce the pollution load in the river.



People walking along the polluted Yamuna. For the past many years, DJB workers on boats spray de-foaming agent on the froth floating on the river to suppress it. FILE PHOTO

Every year during Chhath Puja, the pollution of the river returns to the headlines with national and international media publishing images of devotees standing in the pollut-

ed river covered with toxic froth at Kalindi Kunj.

For the past many years, DJB workers on boats spray de-foaming agent on the froth floating on the river to suppress it.

Froth is formed mainly due of the presence of surfactants such as phosphates in the effluents flowing into the river and when the surfactant-contaminated water falls from the barrage, it produces froth, the Minister's office said.

The Delhi government also plans to build a new Chhath Ghat near the barrage at an estimated cost of ₹100 crore, as per the Minister's office.

### '₹7,000-cr. fund'

Delhi, meanwhile, is also expected to receive Central funds to the tune of ₹7,000 crore in the current fiscal for works in priority areas, including road and infrastructure development, and Yamuna cleaning, officials said. Proposals worth ₹1,000 crore - especially for Public Works Department and DJB projects - have been sent for the Centre's approval, they said.

(With inputs from PTI)



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## GS Paper III – Environment

# Wastewater surveillance revealed hidden COVID surges in Bengaluru

Afshan Yasmeen

**W**astewater surveillance in Bengaluru closely tracked COVID-19 trends during the first Omicron wave, but later emerged as an important tool in identifying hidden surges that were not fully captured through routine clinical testing, according to researchers studying the city's sewage-based monitoring network.

A study published in *PLOS Global Public Health* by researchers from the Indian Institute of Science (IISc), International Centre for Theoretical Sciences (ICTS) which is a part of the Tata Institute of Fundamental Research (TIFR) and Tata Institute for Genetics and Society (TIGS) found that wastewater surveillance mirrored the rise in COVID-19 cases during the Omicron wave, though it did not provide an early warning of the surge. Researchers said viral loads detected in sewage and reported infections rose almost simultaneously during that phase, limiting its usefulness as a predictive tool. However, subsequent wastewater monitoring indicated that as clinical testing declined in later phases of the pandemic, sewage surveillance became

increasingly valuable in identifying fresh waves of infection that may otherwise have gone unreported.

### Four COVID-19 surges

Farah Ishtiaq, a researcher from TIGS who is one of the authors of the *PLOS* study, told *The Hindu* that Bengaluru experienced four distinct COVID-19 surges between December 2021 and April 2024. These included the BA.2.10 wave, followed by a mixed BA.2 lineage surge involving BA.4, BA.5 and BA.2.75 variants, then the XBB wave, and most recently the JN.1 surge.

"During the early phase, from December 2021 to June 2022, wastewater signals and reported clinical cases were closely aligned. That showed both surveillance systems were functioning effectively and capturing the spread of infection in the community," Dr. Ishtiaq said.

She said the situation changed from July 2022 to November 2023, when routine clinical testing declined substantially. Testing, she said, was often stepped up only after infections had already begun to rise. "That points to a reactive rather than proactive surveillance model. Wastewater monitoring, on the other hand, continued consistently and



**Close study:** Wastewater monitoring can become a dependable indicator of community transmission. FILE PHOTO

therefore became a more dependable indicator of community transmission," she said.

### Reflection of trends

According to Dr. Ishtiaq, these trends were also reflected in a separate study in *The Lancet*, which analysed weekly wastewater monitoring data from Bengaluru. The study found that during the early phase of the Omicron period, virus levels in sewage closely matched reported

clinical cases, but later diverged as testing levels dropped. Researchers said sewage data clearly detected a major surge associated with the XBB variant in April 2023, followed by another rise linked to the JN.1 variant beginning in late December 2023. Both these waves were visible in wastewater trends but were not proportionately reflected in clinical case reporting or genomic surveillance data.

The findings, they said, underline

the importance of maintaining multiple surveillance systems, especially once public testing intensity declines after major pandemic waves. Bengaluru was among the early Indian cities to establish systematic wastewater surveillance, beginning citywide monitoring in August 2021. Samples were collected from 26 sewage treatment plants (STPs), which together process a large share of the city's wastewater.

For the *PLOS* study, researchers mapped wastewater catchment areas to 198 administrative wards under the Bruhat Bengaluru Mahanagara Palike, allowing comparison of viral load data from individual STPs with ward-level case counts. The analysis focused on November 15, 2021, to January 31, 2022, covering the first Omicron wave. Using statistical tools such as Pearson correlation and change-point analysis, researchers found strong correlation – often above 0.8 – between wastewater viral loads and case counts across most treatment plants, indicating that sewage surveillance can reliably track infection trends in real time. However, the study found no robust lead time that would allow

authorities to anticipate outbreaks significantly before clinical cases increased. Apparent short leads were attributed to interpolation of weekly wastewater data rather than genuine advance warning signals.

### Complementary tool

Dr. Ishtiaq said wastewater surveillance should be viewed as a complementary public health tool rather than a replacement for clinical surveillance. "By the time a strong signal appears in wastewater, it often means that a substantial number of people in the community are already infected. That is why routine clinical testing at sentinel locations remains essential for early detection and timely response," she said. She added that maintaining consistent surveillance even between waves would help cities respond earlier, prepare hospitals and reduce the impact of future outbreaks. The findings underline that while wastewater monitoring cannot substitute clinical case detection, it offers a crucial window into community transmission – particularly when routine testing systems weaken or public participation in testing declines. (yasmeen.afshan@thehindu.co.in)

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