# Currently – 7 November 2026

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• LEGAL

# Arrest, detention and the 24-hr safeguard for liberty

**An accused must be produced before a magistrate within 24 hrs. SC ruled that this clock starts at detention, which is equivalent to arrest under Article 22**



AMAAL SHEIKH

UNDERLINING THAT "the Constitution does not recognize any detention *dehors* [outside] arrest," the Supreme Court on Thursday held that the 24-hour deadline to produce a person before a magistrate begins when the person is first detained and not when the investigating agency chooses to record a formal arrest.

A bench of Justices Ujjal Bhuyan and Atul S Chandurkar said that searches, seizures and questioning that follow an interception cannot be treated as a pause in a Constitutional safeguard. "There is no such thing called temporary disruption of liberty," the bench said, as it set aside the Tripura High Court's refusal of bail in a drug smuggling case.

The court directed the magistrates to record when an accused's liberty was first curtailed, and calculate the 24-hour deadline from that time. It said that if the person is produced before them after the deadline has passed, they must order their release.

Magistrates should also examine whether the detention was reasonable. Even if the accused was produced within 24 hours, they can refuse remand if they find that the person was kept in custody on unreasonable grounds.

The ruling comes amid large-scale detentions which police describe as preventive and can last up to 24 hours. While the case arose under the Narcotic Drugs and Psychotropic Substances (NDPS) Act, 1985, it demonstrates that the label an agency uses for restraint does not decide when the clock starts.

### *Legal framework*

The law governing the detention of a person during a criminal investigation is laid down in three provisions — in the Constitution, the Bharatiya Nagarik Suraksha Sanhita (BNSS) and the NDPS Act.

**ARTICLE 22 OF THE CONSTITUTION** says a person has the fundamental right to be informed about the grounds of arrest and to get legal representation. Clause (2) specifically states that a person "arrested and detained" shall be produced before a magistrate within 24 hours, excluding the travel time taken to reach the court. No person shall remain in custody for more than 24 hours without the approval of a magistrate.

**SECTION 58 OF THE BNSS** states that a person who has been arrested without a warrant cannot be detained for longer than "reasonable".

**THE NDPS ACT** gives officers the powers to search, seize and arrest people suspected of drug-related offences. Section 37 specifically places restrictions on cases involving certain serious drug offences. It governs the conditions of bail too and does not extend the time the police can keep an arrested person in custody.

### *Arrest vs detention*

In practice, the terms "arrest" and "detention" are often used interchangeably. "Arrest" is a formal act of police taking a person into custody in connection with an offence, marking the beginning of criminal proceedings. Once a person is arrested, a range of constitutional and statutory safeguards immediately come into play.

The BNSS does not define "detention" per se. Instead, it gives police a set of powers that allows them to stop, remove or temporarily hold people in certain situations, including when a crime has taken place.

At the heart of the latest judgment is the court's interpretation of Article 22(2). It said that the phrase "arrested and detained in custody" is "conjunctive and not disjunctive" — that is, the two words are joined by "and" not "or".

The court said that because both the terms are joined together, they are synonymous. The court held that the "sacrosanct" 24-hour countdown to produce the person before a magistrate would begin the moment their liberty is curtailed. The only time period that is excluded from the 24 hour limit is the journey to the magistrate.

It said: "The prescription of 24 hours time period would commence the moment a person is detained by the arresting authority suspecting him to have committed an offence, when his liberty is effectively curtailed... any attempt to draw an artificial distinction between 'arrest' and 'detention' would dilute or negate the fundamental protection guaranteed by the Constitution."

### *Buffer zones*

The bench in its 97-page judgment disapproved of the views taken by the Orissa High Court in the *Aryaman Pattnayak* case, the Madras High Court in the *Kannan* case, and the Kerala High Court in the *Arun K Thomas* case, saying these decisions "do not lay down the correct law".

The High Courts had attempted to carve out investigative procedures for law enforcement before recording a formal arrest while calculating the 24-hour deadline.

Rejecting the Orissa High Court's view that detention becomes arrest only after a "short investigatory hold", the Supreme Court called it "constitutionally unsustainable" and said it delved "into a realm of uncertainty".

It also rejected the Kerala High Court's view that the 24-hour clock remains suspended during search and seizure, saying that "creation or contemplation of such buffer zone is unconstitutional".

The bench said that the Constitution does not recognise the concept of "temporary disruption of liberty" and that High Courts cannot invent a statutory buffer zone that freezes or suspends the fundamental rights for executive convenience.

### *Informal custody*

The bench also said that even if the suspect is produced before a magistrate within 24 hours, Section 58 of the BNSS imposes a dual limit, that is, a 24-hour limit and that the detention within those 24 hours must be "reasonable".

The court said that "remand is never a mechanical exercise" and held that if there is an unexplained gap that exists within the 24-hour window, magistrates are allowed to decline the police remand on the ground of unreasonableness alone.

### *Fundamental rights*

The Tripura High Court had relied on the Supreme Court's ruling in *State of Punjab v. Sukhwinder Singh* (2026), which held that the restrictions on bail under Section 37 of the NDPS Act had to be satisfied before bail could be granted.

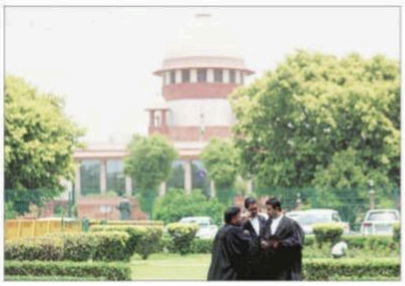
The Supreme Court expressed reservations about this observation, saying that fundamental rights cannot be exercised under the framework of Section 37. It said that where there is a violation of Article 21 — which guarantees the protection of life and personal liberty — the restrictions under Section 37 "would have to give way". It referred to the Supreme Court's ruling in *Union of India v. K A Najeeb* (2021), which recognised that Constitutional rights could prevail over statutory restrictions on bail.

## • IN PRACTICE: ARREST VS. DETENTION

**An arrest** is a formal act of taking a person into custody in connection with an offence. The act triggers safeguards such as the right to know the grounds of arrest and production before a magistrate within 24 hours.

**Detention is** understood as the temporary custody of a person in order to prevent a law and order problem. The police usually practice it during protests, especially when Section 163 of the BNSS is imposed. No case is registered against a detained person, and the person is usually let go within hours. These are usually described by the executive as preventive powers. Under Section 172 of the BNSS, police can 'detain or remove' a person who ignores a lawful direction, with release within 24 hours for petty offences.

**The label** of detention is sometimes used to avoid the scrutiny that follows an arrest. To the person in custody, it quite often feels the same.



**The Supreme Court** has now reiterated that when a person is held on suspicion for an offence and their liberty is restrained, the 24-hour clock starts then, and not when the police formally records their arrest.

### Custodial violence

The Supreme Court bench also linked the 24-hour limit to the need to prevent custodial violence.

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'The worst violations of human rights take place during the course of investigation,' it said.

# 1. ARREST, DETENTION AND THE 24-HOUR RULE

**GS Paper II:** Fundamental Rights | Judiciary | Criminal Justice System

## 1. Context

The Supreme Court clarified that the constitutional 24-hour limit for producing an arrested person before a magistrate begins from the **actual restriction of liberty**, not merely from the formal recording of arrest.

**2. Arrest vs Detention**

| Arrest | Detention |
|---|---|
| Formal legal act of taking a person into custody. | Actual restraint of a person's freedom. |
| Recorded through official arrest procedures. | May begin even before formal arrest is recorded. |

**Core principle:** Constitutional safeguards apply from the moment liberty is effectively curtailed.

**3. Constitutional and Legal Safeguards**

1. **Article 21:** Protection of life and personal liberty.
2. **Article 22(1):** Right to know the grounds of arrest and consult a lawyer.
3. **Article 22(2):** Production before a magistrate within 24 hours, excluding journey time.
4. **BNSS, 2023:** Sections 58 and 187 regulate detention and judicial authorisation of custody.

**4. Supreme Court's Key Observations**

1. The 24-hour period begins from the actual curtailment of liberty.

2. Police cannot delay constitutional safeguards by postponing formal arrest documentation.
3. Magistrates must examine the actual time and legality of detention before authorising further custody.

#### 5. Significance of the Observation

1. **Prevents arbitrary detention:** Stops authorities from keeping individuals in informal custody without triggering constitutional safeguards.
2. **Strengthens accountability:** Makes police conduct and the actual timeline of custody subject to judicial scrutiny.
3. **Protects personal liberty:** Prevents procedural loopholes from weakening Article 21 and Article 22 protections.
4. **Reinforces rule of law:** Ensures that executive power remains subject to constitutional and judicial oversight.

#### 6. UPSC Prelims PYQ

**UPSC CSE Prelims 2021 – General Studies Paper I**

With reference to India, consider the following statements:

1. Judicial custody means an accused is in the custody of the concerned magistrate and such accused is locked up in a police station, not in jail.
2. During judicial custody, the police officer in charge of the case is not allowed to interrogate the suspect without the approval of the court.

Which of the statements given above is/are correct?

(a) 1 only
(b) 2 only
(c) Both 1 and 2
(d) Neither 1 nor 2

**Answer: (b) 2 only**

# Tackling air pollution requires science-based plan, not just GRAP



GUFRAN BEIG

IT IS heartening to note the seriousness with which authorities have planned a slew of measures under Delhi's Winter Action Plan, which commenced on November 1. These include restrictions on the entry of Delhi vehicles that do not comply with BS-IV standards, the "No PUCC, No Fuel" policy and construction curbs. However, the first day of the Action Plan brought a dose of despair: The air turned "Very Poor" after a prolonged pause, reminding us that something vital is still missing. While authorities appear prepared to implement the Action Plan, experts must do more to ensure that it is firmly grounded in science.

Two major concerns demand serious attention: An immediate shift towards airshed-based mitigation and a decisive move away from quick fixes and removing the illusion that GRAP, by itself, can deliver meaningful and sustained reductions in air pollution. I shall elaborate on these shortly.

Weather vagaries are increasingly emerging as formidable factors that influence air quality under rapidly changing climate conditions. This year, the onset of Delhi's peak pollution season has been delayed by almost two weeks, with Super El Niño potentially playing a leading role. Let us understand why. Cyclone Arnab and its associated unexpected rainfall further delayed its onset. At the heart of this unusual delay was a climatic tug-of-war between sluggish wind speeds and the delayed onset of a milder winter. While slow winds favour pollution accumulation, a delayed and milder winter tends to keep pollution levels relatively lower. Both phenomena are possible footprints of the unprecedented Super El Niño — they are consistent with recent NIAS research which demonstrates a strong connection between ENSO and air pollution. The delayed winter appears to have won the first round, keeping pollution in check and pushing back the onset of the poor air season.

Paddy harvesting in neighbouring Punjab and Haryana was also delayed because of the uncertainty caused by rainfall deficits. NASA's MODIS sensors aboard Terra and Aqua may continue to miss many stubble-burning fires because the satellites pass over Punjab and Haryana at times when the fires are not yet burning or have already died down. This mismatch has become much more pronounced since 2023, making NASA fire counts increasingly unreliable. According to reliable reports, more than 90 per cent of stubble-burning events in Punjab during 2024 and 2025 occurred after 3 PM, compared with less than 3 per cent in 2021. South Korea's Korea Multi-Purpose Satellite-2A (KOMPSAT-2A) is beginning to reveal a substantially different picture through its Advanced Meteorological Imager (AMI), which, being geostationary, maps areas continuously. It is detecting abundant agricultural fires in Punjab, with fire counts orders of magnitude higher than those indicated by official estimates. NIAS air-quality modelling further reinforces this concern. When realistic additional stubble-burning emissions are incorporated, the model reproduces the abrupt rise in measured PM2.5 levels observed on November 1, attributing approximately 20 per cent of Delhi's PM2.5 burden to stubble burning. Such a magnitude of pollution cannot be adequately predicted using historical averages of recent years' fire data or NASA's conventional fire counts. After all, any model can deliver realistic predictions only when supplied with realistic real-world inputs. The sooner authorities recognise this changing ground reality and subscribe to appropriate satellite data, the sooner we can improve emissions estimates and air-quality forecasts. Proper diagnosis is the prerequisite for effective treatment, and air-pollution management is no exception.

Two concerns demand serious attention: An immediate shift towards airshed-based mitigation and a decisive move away from quick fixes

On the policy front, unless Delhi adopts an airshed-based approach, it would effectively address only 50-70 per cent of the emission sources impacting the city, even before accounting for the additional contribution from stubble burning. A recent NIAS study, undertaken under a project of the Office of the Principal Scientific Adviser to the Government of India, proposes a paradigm shift in India's air-quality management through an indigenous framework, "AIRSHEDEM". It demonstrates how airshed-based master planning can potentially bring mitigation planning closer to a near-100 per cent source coverage. This approach focuses on a pragmatic middle ground that is neither the entire NCR nor restricted to Delhi NCT. This could provide a scientifically sound and administratively feasible framework for effective mitigation.

The second issue is GRAP. I see a compelling clinical analogy here: GRAP is akin to an ICU intervention for a chronic patient. Emergency treatment is essential to stabilise the patient and provide immediate relief, but it cannot cure the underlying disease. It also comes at the cost of repeated public inconvenience. A science-based action plan requires focused, sustained treatment of the diagnosed causes. Similarly, GRAP's emergency restrictions are necessary when pollution peaks, but they cannot substitute for structural, long-term emission reduction. That is the key.

The next 30-40 days are likely to be particularly challenging. Stubble burning, unstable early-winter meteorology and intermittent high-emission episodes could continue to haunt Delhi's air quality. The prospect of these factors converging in the second week of November is high. The next two months may prove even more difficult as deeper winter brings local fog as well as fog carried into Delhi from the Indo-Gangetic Plain, potentially worsened by an ENSO-related decline in western disturbances — the weather systems that periodically bring rain and atmospheric relief. Combined with significantly slower winds, these conditions could leave Delhi's atmosphere choked. Of course, year-round priorities must not be lost sight of amid the seasonal crisis. Traffic congestion at junctions, poorly maintained roads, ineffective traffic management and open waste burning remain persistent sources of pollution that demand sustained attention. Delhi needs to move beyond repeatedly managing pollution episodes towards addressing their underlying causes through comprehensive airshed-based planning, sustained emission reduction and science-based policy implementation.

*The writer is chair professor, National Institute of Advanced Studies, IISc Campus, and founder project director, SAFAR*

## 2. Delhi Air Pollution: Need for Science-Based Regional Management

**GS Paper III – Environment:** Air Pollution and Environmental Governance.

**Context:** Recurring winter pollution in Delhi requires scientific monitoring, regional coordination and sustained emission reduction rather than dependence on temporary emergency restrictions.

### 1. Major Causes of Winter Pollution

1. **Meteorological conditions:** Low wind speed and temperature inversion trap pollutants near the ground.

2. **Stubble burning:** Agricultural fires in Punjab and Haryana contribute to regional PM2.5 pollution.
3. **Urban emissions:** Vehicular exhaust, industrial emissions, construction dust and waste burning.

#### 2. Scientific Monitoring Gap

1. **NASA-MODIS:** Polar-orbiting satellites have limited observation windows and may miss short-duration agricultural fires.
2. **KOMPSAT-2A (South Korea):** Geostationary observation enables more frequent monitoring of fire activity.
3. Improved monitoring helps identify pollution sources and estimate their contribution more accurately.

#### 3. GRAP: Four Stages of Emergency Pollution Control

**Graded Response Action Plan (GRAP):** Emergency pollution-control framework implemented across Delhi-NCR by the Commission for Air Quality Management (CAQM). Restrictions become progressively stricter as air quality deteriorates.

| Stage | AQI range | Category | Major interventions |
|---|---|---|---|
| I | 201–300 | Poor | Dust suppression, road cleaning and construction dust control. |

| | | | |
|---|---|---|---|
| II | 301–400 | Very Poor | Intensified cleaning, water sprinkling and restrictions on polluting activities. |
| III | 401–450 | Severe | Restrictions on construction, specified vehicles and industrial operations. |
| IV | Above 450 | Severe+ | Strictest emergency restrictions, including additional vehicle curbs and construction bans. |

**Important:** GRAP stages are cumulative, with earlier restrictions continuing when a higher stage is imposed. Forecast-based action can also be taken before AQI reaches the threshold.

**Limitations of GRAP**

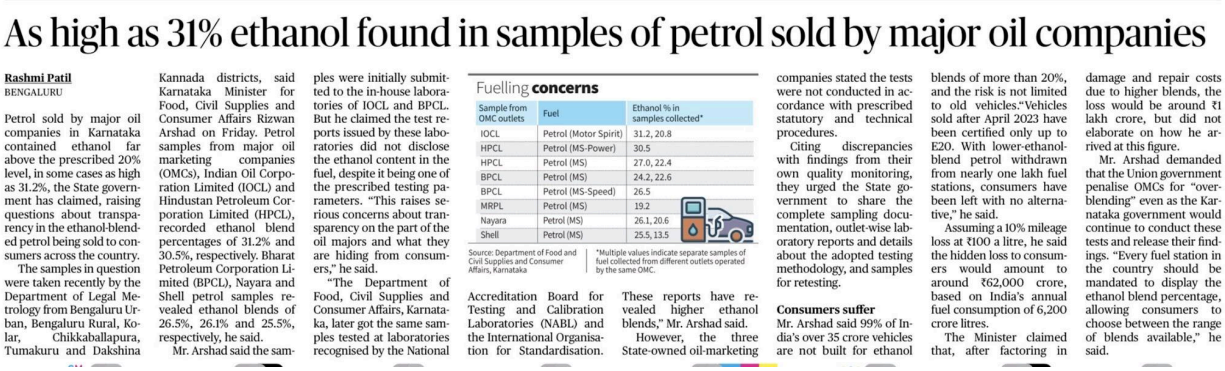
1. **Reactive approach:** Restrictions intensify after pollution rises rather than preventing emissions throughout the year.
2. **Temporary relief:** Curbs on construction and vehicles do not eliminate persistent emission sources.
3. **Limited geographical approach:** Delhi-NCR measures cannot independently control pollution originating across the wider Indo-Gangetic region.
4. **Weak structural correction:** Stubble burning, industrial emissions, road dust and vehicular pollution require permanent source-specific solutions.
5. **Implementation gaps:** Enforcement and inter-State coordination remain difficult.

#### 4. Way Forward: Integrated Airshed-Based Management

**Airshed:** A geographical region within which air pollutants move and disperse through atmospheric processes.

| Existing limitation | Required intervention |
|---|---|
| City-centric planning | Regional airshed-based management |
| Inadequate fire detection | Improved satellite monitoring |
| Seasonal restrictions | Year-round emission reduction |

| | |
|---|---|
| Fragmented governance | Inter-State coordination through CAQM |
| Reactive pollution control | Preventive, source-specific action |



As high as 31% ethanol found in samples of petrol sold by major oil companies

Rashmi Patil
BENGALURU

Petrol sold by major oil companies in Karnataka contained ethanol far above the prescribed 20% level, in some cases as high as 31.2%, the State government has claimed, raising questions about transparency in the ethanol-blended petrol being sold to consumers across the country.

The samples in question were taken recently by the Department of Legal Metrology from Bengaluru Urban, Bengaluru Rural, Kolar, Chikkaballapura, Tumakuru and Dakshina Kannada districts, said Karnataka Minister for Food, Civil Supplies and Consumer Affairs Rizwan Arshad on Friday. Petrol samples from major oil marketing companies (OMCs), Indian Oil Corporation Limited (IOCL) and Hindustan Petroleum Corporation Limited (HPCL), recorded ethanol blend percentages of 31.2% and 30.5%, respectively. Bharat Petroleum Corporation Limited (BPCL), Nayara and Shell petrol samples revealed ethanol blends of 26.5%, 26.1% and 25.5%, respectively, he said.

Mr. Arshad said the samples were initially submitted to the in-house laboratories of IOCL and BPCL. But he claimed the test reports issued by these laboratories did not disclose the ethanol content in the fuel, despite it being one of the prescribed testing parameters. "This raises serious concerns about transparency on the part of the oil majors and what they are hiding from consumers," he said.

"The Department of Food, Civil Supplies and Consumer Affairs, Karnataka, later got the same samples tested at laboratories recognised by the National Accreditation Board for Testing and Calibration Laboratories (NABL) and the International Organisation for Standardisation. These reports have revealed higher ethanol blends," Mr. Arshad said.

However, the three State-owned oil-marketing companies stated the tests were not conducted in accordance with prescribed statutory and technical procedures.

Citing discrepancies with findings from their own quality monitoring, they urged the State government to share the complete sampling documentation, outlet-wise laboratory reports and details about the adopted testing methodology, and samples for retesting.

**Consumers suffer**

Mr. Arshad said 99% of India's over 35 crore vehicles are not built for ethanol blends of more than 20%, and the risk is not limited to old vehicles."Vehicles sold after April 2023 have been certified only up to E20. With lower-ethanol-blend petrol withdrawn from nearly one lakh fuel stations, consumers have been left with no alternative," he said.

Assuming a 10% mileage loss at ₹100 a litre, he said the hidden loss to consumers would amount to around ₹62,000 crore, based on India's annual fuel consumption of 6,200 crore litres.

The Minister claimed that, after factoring in damage and repair costs due to higher blends, the loss would be around ₹1 lakh crore, but did not elaborate on how he arrived at this figure.

Mr. Arshad demanded that the Union government penalise OMCs for "over-blending" even as the Karnataka government would continue to conduct these tests and release their findings. "Every fuel station in the country should be mandated to display the ethanol blend percentage, allowing consumers to choose between the range of blends available," he said.

Fuelling **concerns**

| Sample from OMC outlets | Fuel | Ethanol % in samples collected* |
|---|---|---|
| IOCL | Petrol (Motor Spirit) | 31.2, 20.8 |
| HPCL | Petrol (MS-Power) | 30.5 |
| HPCL | Petrol (MS) | 27.0, 22.4 |
| BPCL | Petrol (MS) | 24.2, 22.6 |
| BPCL | Petrol (MS-Speed) | 26.5 |
| MRPL | Petrol (MS) | 19.2 |
| Nayara | Petrol (MS) | 26.1, 20.6 |
| Shell | Petrol (MS) | 25.5, 13.5 |

Source: Department of Food and Civil Supplies and Consumer Affairs, Karnataka

*Multiple values indicate separate samples of fuel collected from different outlets operated by the same OMC.

# 3. Ethanol Blending in Petrol: Fuel Quality, Vehicle Compatibility and Consumer Protection

**GS Paper III – Economy and Environment:** Energy Security, Biofuels and Sustainable Development.

**Context:** Karnataka's fuel testing reportedly detected ethanol concentrations of up to 31.2% in petrol against the E20 blending target, triggering concerns over fuel quality, vehicle compatibility and consumer rights.

### 1. Background and Recent Development

1. **E20:** Petrol containing 20% ethanol and 80% petrol by volume.
2. Karnataka tested petrol samples collected from seven districts and reported ethanol concentrations exceeding 20%, with the highest reading at 31.2%.

3. Oil Marketing Companies (OMCs) disputed the findings, questioning the sampling and testing procedures and maintaining that their fuel complies with prescribed standards.
4. The controversy highlights the need for transparent fuel-quality testing and regulatory accountability.

**2. Why Does Excessive Ethanol Blending Matter?**

1. **Mileage:** Ethanol has lower energy content than petrol, potentially reducing fuel efficiency.
2. **Vehicle compatibility:** Vehicles designed for lower ethanol blends may not be suitable for higher concentrations.
3. **Engine components:** Excessive blending beyond vehicle specifications may affect fuel lines, seals and other components.
4. **Maintenance costs:** Compatibility problems can increase repair and servicing expenditure.
5. **Consumer rights:** Consumers must receive fuel conforming to prescribed standards, with transparent information about its composition.

**3. Objectives of Ethanol Blending**

1. Reduce dependence on imported crude oil.
2. Strengthen domestic energy security.
3. Provide additional markets for agricultural feedstock and support farmers.
4. Promote domestic biofuel production and reduce fossil-fuel consumption.

**4. Way Forward**

1. Standardised sampling and testing through accredited laboratories.
2. Strict enforcement of prescribed fuel-quality standards.

3. Transparent disclosure of ethanol content and vehicle compatibility.
4. Coordination between regulators, oil companies and automobile manufacturers.

## UPSC Prelims PYQs

### 1. UPSC CSE 2025 – General Studies Paper I

Consider the following statements:

Statement-I: Of the two major ethanol producers in the world, i.e., Brazil and the United States of America, the former produces more ethanol than the latter.

Statement-II: Unlike in the United States of America where corn is the principal feedstock for ethanol production, sugarcane is the principal feedstock for ethanol production in Brazil.

Which one of the following is correct in respect of the above statements?

(a) Both Statement-I and Statement-II are correct and Statement-II explains Statement-I.

(b) Both Statement-I and Statement-II are correct but Statement-II does not explain Statement-I.

(c) Statement-I is correct but Statement-II is not correct.

(d) Statement-I is not correct but Statement-II is correct.

**Answer: (d)**

Explanation: The United States is the world's largest ethanol producer, while Brazil is the second largest. Corn is the principal feedstock in the United States and sugarcane in Brazil.

**2. UPSC CSE 2020 – General Studies Paper I**

According to India's National Policy on Biofuels, which of the following can be used as raw materials for the production of biofuels?

1. Cassava
2. Damaged wheat grains
3. Groundnut seeds
4. Horse gram
5. Rotten potatoes
6. Sugar beet

Select the correct answer using the code given below:

(a) 1, 2, 5 and 6 only

(b) 1, 3, 4 and 6 only

(c) 2, 3, 4 and 5 only

(d) 1, 2, 3, 4, 5 and 6

**Answer: (a) 1, 2, 5 and 6 only.**

Explanation: Cassava, damaged wheat grains, rotten potatoes and sugar beet are eligible feedstocks under the National Policy on Biofuels, 2018. Groundnut seeds and horse gram are not included in the listed feedstocks.

# REACH becomes first Indian civil society group to get Kochon Prize

**The Hindu Bureau**
CHENNAI

Resource group for Education and Advocacy for Community Health (REACH), a not-for-profit organisation working to strengthen the tuberculosis (TB) response in India, has been awarded the Kochon Prize 2026, becoming the first civil society, non-profit organisation from India to receive this prestigious global recognition for its contributions to combating TB, a press release said.

Presented by the Kochon Foundation, an independent Korean non-profit foundation, in partnership with the Stop TB Partnership, the Kochon Prize recognises individuals and organisations that have made significant contributions to the fight against TB.

The 2026 Kochon Prize is shared by REACH, the Centre for Health Solutions, Kenya, and the Marshall Islands TB Control Program.



REACH has been honoured for its contributions to fighting tuberculosis. SPECIAL ARRANGEMENT

"Treat the person, not the disease - our journey with TB communities has been just that. We realised early on that overcoming barriers to care means addressing more than clinical needs - it means recognising social, community, family, mental health and situational challenges. That is the essence of integrated care: seeing the whole person, understanding their realities, and doing whatever it takes to ensure that no one is left behind," said Nalini Krishnan, chairperson and co-founder, REACH.

"REACH is a remarkable and rare organisation that has been consistently ahead of the curve in terms of public health action, and particularly in the field of TB. A women-led organisation, they genuinely care about the people they're supporting, beyond the numbers, data and reports to donor. However, they combine this with a robust scientific and technical approach and a shrewd understanding of the public health landscape in the country," said Soumya Swaminathan, chairperson, M. S. Swaminathan Research Foundation and former chief scientist, WHO, who nominated REACH for the award.

"This recognition is testimony to the dedication of the community health workers, TB Nanbans and TB Champions who work alongside us, and to the families who have placed their trust in us. We are deeply grateful to their unwavering commitment and fortitude, " said Ramya Ananthakrishnan, director, REACH.

# 4. Asian Political Parties Call for Respect for Sovereignty and International Law

### GS Paper II – International Relations: Regional Cooperation, Multilateralism and Global Governance

**Context:** The 13th General Assembly of the International Conference of Asian Political Parties (ICAPP) adopted the Seoul Declaration,

calling for respect for sovereignty, territorial integrity and international law amid growing geopolitical tensions.

### 1. 13th General Assembly of ICAPP

1. **Venue:** Seoul, South Korea (4–6 November 2026).
2. **Participation:** Representatives from 83 political parties across Asia.
3. **Outcome:** Unanimous adoption of the Seoul Declaration.
4. **Major concerns discussed:** Geopolitical rivalries, conflicts involving Palestine and Iran, and weakening international cooperation.

### 2. International Conference of Asian Political Parties (ICAPP)

| Feature | Details |
|---|---|
| Established | 2000 |
| First meeting | Manila, Philippines |
| Secretariat | Seoul, South Korea |
| Nature | Regional forum of political parties |
| Representation | Ruling and opposition parties across Asia |

## Core Objectives

1. Create a common platform for political parties across ideological and political differences.
2. Promote dialogue, mutual understanding and regional cooperation.
3. Encourage peaceful resolution of disputes and strengthen peace and stability in Asia.

**Important:** ICAPP is not an intergovernmental organisation. Its declarations are political statements and are not legally binding on governments.

#### 3. Seoul Declaration: Key Commitments

1. **Respect for sovereignty:** No unilateral action should undermine the independence or territorial integrity of another state.
2. **Non-interference:** States should respect each other's internal affairs.
3. **International law:** Reaffirm commitment to the principles of the United Nations Charter.
4. **Peaceful conflict resolution:** Disputes should be settled through dialogue and diplomacy rather than threats or use of force.
5. **Sovereign equality:** All countries must be treated as equal under international law, irrespective of their military or economic power.

#### 4. Broader Significance

1. **Regional stability:** Promotes dialogue and confidence-building amid geopolitical tensions.
2. **Multilateralism:** Reinforces the importance of international institutions and rules-based cooperation.

3. **Political diplomacy:** Extends regional engagement beyond formal government-to-government channels.
4. **Peaceful coexistence:** Encourages consensus-building across countries with different political systems and ideologies.

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REACH has been honoured for its contributions to fighting tuberculosis. SPECIAL ARRANGEMENT

"Treat the person, not the disease - our journey with TB communities has been just that. We realised early on that overcoming barriers to care means addressing more than clinical needs - it means recognising social, community, family, mental health and situational challenges. That is the essence of integrated care: seeing the whole person, understanding their realities, and doing whatever it takes to ensure that no one is left behind," said Nalini Krishnan, chairperson and co-founder, REACH.

"REACH is a remarkable and rare organisation that has been consistently ahead of the curve in terms of public health action, and particularly in the field of TB. A women-led organisation, they genuinely care about the people they're supporting, beyond the numbers, data and reports to donor. However, they combine this with a robust scientific and technical approach and a shrewd understanding of the public health landscape in the country," said Soumya Swaminathan, chairperson, M. S. Swaminathan Research Foundation and former chief scientist, WHO, who nominated REACH for the award.

"This recognition is testimony to the dedication of the community health workers, TB Nanbans and TB Champions who work alongside us, and to the families who have placed their trust in us. We are deeply grateful to their unwavering commitment and fortitude, " said Ramya Ananthakrishnan, director, REACH.

## 5. REACH Becomes First Indian Civil Society Organisation to Receive the Kochon Prize

## GS Paper II – Social Justice: Health, Public Health Delivery and Civil Society Organisations

**Context:** REACH, an Indian non-profit working to strengthen the tuberculosis (TB) response, received the 2026 Kochon Prize for its contribution to community-centred TB care.

### 1. Kochon Prize 2026

1. **Awarded by:** Kochon Foundation, an independent South Korean non-profit foundation, in partnership with the Stop TB Partnership.
2. **Recognition:** Honours individuals and organisations making significant contributions to the global fight against tuberculosis.
3. **Significance:** REACH became the first Indian civil society organisation to receive this recognition.
4. **Shared by:** REACH, Centre for Health Solutions (Kenya) and the Marshall Islands TB Control Program.

### 2. About REACH

**Resource Group for Education and Advocacy for Community Health (REACH)** is a not-for-profit, women-led organisation working to strengthen India's tuberculosis response.

Its approach combines:

1. **Community engagement:** Working with TB-affected individuals, families and communities.
2. **Patient-centred care:** Addressing the needs of the person, not merely treating the disease.
3. **Community participation:** Involving community health workers and TB Champions in supporting patients.
4. **Public health advocacy:** Combining scientific and technical knowledge with an understanding of local social realities.

### 3. Why a Community-Centred Approach Matters

TB treatment requires more than clinical intervention because patients may face multiple barriers:

| Dimension | Challenges requiring attention |
|---|---|
| Social | Stigma and discrimination |
| Economic | Poverty and loss of income |
| Family | Lack of support and care |
| Mental health | Psychological stress |
| Community | Limited awareness and access to services |

Effective TB control requires integrated care that addresses medical, social, economic and psychological needs.

### 4. Significance for India's TB Response

1. **Community-led healthcare:** Strengthens the role of civil society in public health delivery.
2. **Patient-centred approach:** Encourages treatment support beyond diagnosis and medication.

3. **Last-mile outreach:** Connects vulnerable communities with healthcare services.
4. **Collaborative governance:** Demonstrates the importance of partnerships among government, civil society, health workers and affected communities.

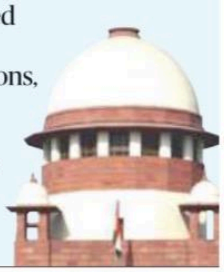
# OBC creamy layer verdict will not alter past allocations, says top court

**Krishnadas Rajagopal**
NEW DELHI

The Supreme Court on Friday clarified that its March 11, 2026 judgment, upholding a 1993 Office Memorandum that excluded parental salary and agricultural income from the income/wealth test for determining OBC non-creamy layer status, did not call for a sweeping revision of service allocations or seniority across successive recruitment years.

A Bench of Justices P.S. Narasimha and R. Mahadevan, in its order, said the Union government, represented by Solicitor General Tushar Mehta, had erred in assuming that a "retrospective implementation of the March 11 judgment would have far-reaching consequences for recruitment, service and cadre allocation, seniority and admissions to Higher Educational Institutions".

> No direction was issued for the retrospective reopening of concluded selections, appointments or service allocations so as to affect the rights of persons who were not parties to the proceedings
>
> SUPREME COURT



In a series of applications, the Centre had expressed apprehensions that a retrospective application of the court's verdict on the assessment of creamy-layer status would unsettle the completed selection process and prejudice candidates. Mr. Mehta had taken the case of the Civil Service Examination (CSE) 2025, of which the results had been announced five days prior to the judgment on March 6.

The government had argued the "potential impact" of the judgment on more than 6.69 lakh reserved vacancies, including 3.7 lakh OBC vacancies, filled over the preceding 10 years across various government departments and public institutions, as well as the consequential effects on seniority, pay, promotional prospects and the Foundation Course for CSE-2025 candidates.

Addressing these apprehensions, the court made it clear that the judgment "cannot be construed as directing a general revision of service allocations or seniority across successive recruitment years, nor does it confer individual relief upon persons who were not parties to the original proceedings".

The court clarified that although the result of the Civil Service Examination 2025 was declared on March 6, services had still not been allocated to the successful candidates. It said that since the process of allocation was pending, there would be no reasonable justification to defer the implementation of the March 11 judgment. It said the creamy layer principle, as interpreted in the judgment, would govern the allocation of services of OBC candidates selected through the Civil Service Examination 2025.

Justice Mahadevan clarified that the March 11 judgment had determined only the rights of the parties (candidates) who approached the Supreme Court.

The order said the Centre was at liberty to formulate policy concerning reservation and the creamy layer in accordance with the Constitution.

# 6. Supreme Court Clarifies OBC Creamy-Layer Criteria; Protects Past Allocations

**GS Paper II – Polity and Governance: Reservation, Equality and Social Justice**

**Context:** The Supreme Court clarified that its March 11, 2026 judgment on OBC creamy-layer criteria will not automatically reopen completed appointments, while its interpretation will apply to pending service allocations.

#### 1. March 11, 2026 Judgment: Key Issue

The judgment concerned the treatment of parental salary while determining OBC creamy-layer status, particularly for employees of PSUs and private organisations.

**Income distinction:**

1. **Status-based test:** Exclusion may depend on the category and status of the parent's post, subject to prescribed conditions.
2. **Income/wealth test:** Under Category VI of the 1993 Office Memorandum, salary and agricultural income are excluded from the calculation of income from other sources. The prescribed ceiling is ₹8 lakh per annum.
3. **Key ruling:** Parental salary cannot be mechanically treated as the sole basis for creamy-layer exclusion, particularly where PSU/private-sector posts have not been equated with government posts.

#### 2. Why Did the Government Seek Clarification?

- Retrospective application could affect over **6.69 lakh reserved vacancies**, including approximately 3.7 lakh OBC vacancies.
- It could disturb completed appointments, seniority, promotions and service allocations.
- CSE 2025 service allocation was still pending.

#### 3. Supreme Court's Clarification – November 6, 2026

1. **Past appointments:** Completed selections and service allocations will not automatically be reopened.
2. **Pending allocation:** The March 11 interpretation will apply to OBC service allocation in CSE 2025.
3. **Pending claims:** Similar claims may be considered on their individual merits.
4. **Future recruitment:** The clarified creamy-layer criteria will guide subsequent selections.

#### 4. Constitutional Significance

- **Articles 14 and 16:** Promote equality and non-discrimination in reservation.
- **Social justice:** Prevent arbitrary exclusion of eligible OBC candidates.
- **Legal certainty:** Balance candidates' rights with the stability of completed appointments.

# Visa mandatory for migrants from six non-Muslim communities: MHA

**Vijaita Singh**
NEW DELHI

The Ministry of Home Affairs (MHA) has amended the Immigration and Foreigners (Exemption) Order, 2025, making it mandatory for members of six non-Muslim communities from Afghanistan, Bangladesh and Pakistan who, fearing "religious persecution", entered India on or before December 31, 2024, without valid travel documents, or whose documents have since expired, to obtain an "appropriate visa" for their continued stay in the country.

The amendment, notified on November 4 through the Immigration and Foreigners (Exemption) (Amendment) Order, 2026, retains the exemption granted through a September 2, 2025 notification to Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from the three countries from the requirement of possessing valid passports or visas at the time of entry and stay in India.



Sri Lankan Tamil refugees who came to India before 2015 will not be penalised if found without travel documents. FILE PHOTO

The 2025 exemption order had been issued under the Immigration and Foreigners Act, 2025, consolidating several earlier notifications that exempted members of these minority communities from prosecution under passport and foreigners laws.

The latest amendment aligns the exempted categories with the Citizenship (Amendment) Act (CAA), 2019 which fast-tracked Indian citizenship for the six non-Muslim minorities from the three neighbouring countries who entered India before December 31, 2014.

**Visa Manual**

The amendment also revises provisions governing travel by Indian, Nepali and Bhutanese citizens, and reorganises several categories of exemptions covering Tibetan refugees, registered Sri Lankan Tamil refugees and certain other foreign nationals.

The notification also introduced a formal definition of the "Visa Manual", describing it as the manual issued by the Central government containing instructions relating to visas, immigration and associated matters.

Indian citizens travelling to Nepal or Bhutan and Nepali and Bhutanese citizens entering or exiting India will now be required to produce identity documents specified in the Visa Manual before immigration authorities.

The amendment also reorganises several categories of exempted persons in other sections of the Order.

The status of registered Sri Lankan Tamil refugees who took shelter in India up to January 9, 2015, exempting them from penal provisions if found to be without valid passports, travel documents or visa, remains the same.

# 7. Visa Now Mandatory for Six Non-Muslim Migrant Communities: MHA

## GS Paper II – Polity and Governance: Citizenship, Immigration and Refugee Policy

**Context**: The Ministry of Home Affairs (MHA) amended the Immigration and Foreigners (Exemption) Order, 2025, introducing visa

requirements for specified migrants from three neighbouring countries who entered India without valid travel documents.

### 1. Key Provisions of the 2026 Amendment

1. **Six communities:** Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan.
2. **Eligibility:** Those who entered India on or before December 31, 2024, due to religious persecution or fear of religious persecution.
3. **New requirement:** Migrants without valid passports or visas, or whose documents have expired, must obtain an appropriate visa for their continued stay in India.
4. **Legal framework:** Amendment to the Immigration and Foreigners (Exemption) Order, 2025, notified on November 4, 2026.

### 2. Link with the Citizenship (Amendment) Act, 2019

- The Citizenship (Amendment) Act (CAA), 2019 provides an expedited route to Indian citizenship for eligible members of these six communities from the three neighbouring countries.
- The CAA applies to eligible persons who entered India on or before **December 31, 2014**.
- The 2026 amendment concerns immigration and visa requirements; it does not extend the CAA eligibility cut-off.

### 3. Other Important Changes

1. **Visa Manual:** Formally defined as the Central Government's manual containing instructions on visas, immigration and related matters.
2. **Nepal and Bhutan:** Revises travel-document requirements for Indian citizens travelling to these countries and for Nepali and Bhutanese citizens entering or leaving India.

3. **Sri Lankan Tamil refugees:** Those who took shelter in India up to January 9, 2015, retain exemption from penal provisions for lacking valid passports, travel documents or visas.
4. **Other exemptions:** Reorganises provisions relating to exempted categories, including Tibetan refugees.

**4. Important Distinction**

| CAA, 2019 | 2026 Immigration Amendment |
|---|---|
| Concerns acquisition of Indian citizenship | Concerns visa and immigration requirements |
| Cut-off: December 31, 2014 | Entry cut-off: December 31, 2024 |
| Provides an expedited citizenship route to eligible communities | Regulates continued stay in India for specified migrants |