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1. Chandrayaan-2 identifies ‘possible presence’ of ice in lunar south pole

Why in the News?

Scientists from the Physical Research Laboratory (PRL), using data from the Chandrayaan-2 Orbiter, have detected the possible presence of sub-surface water-ice in doubly shadowed craters in the Lunar South Polar Region.

Background: The Hunt for Lunar Water

- **Chandrayaan-1 (2008):** Credited with the first definitive discovery of water molecules on the lunar surface (via Moon Impact Probe & NASA’s M3 instrument).
- **Chandrayaan-2 (2019-Present):** Despite the Vikram lander's failure, the Orbiter continues to map the Moon using 8 advanced payloads.
    - Key Instrument: Dual Frequency Synthetic Aperture Radar (DFSAR) – An advanced radar that probes the surface and sub-surface, a first for an Indian lunar mission.
- **Scientific Context:** The focus has shifted from finding water molecules to locating stable reservoirs of water-ice in Permanently Shadowed Regions (PSRs) near the poles.

Feature: The "Double-Shadowed Crater" Study

- **Definition:** These are small craters located on the floors of larger Permanently Shadowed Regions (PSRs). They receive neither direct sunlight nor secondary reflected/thermal radiation.
- **Extreme Conditions:** This creates a "cold trap" with temperatures as low as -25 Kelvin (-248°C), ideal for preserving ice over geological timescales.
- **The Finding:** Scientists used radar polarimetry to identify signatures consistent with subsurface ice in four such craters.
- **Strongest Evidence:** A 1.1 km diameter crater inside the Faustini crater showed the most compelling evidence, with the radar data corroborated by distinct lobate-rim morphological features on the surface.

Challenge

- **Conclusive Proof**: Radar signatures can be ambiguous. Volatile-rich ice must be distinguished from similar scattering caused by rough, rocky terrain.
- **Sub-surface Ambiguity:** The exact depth, purity, and quantity of the ice deposit cannot be determined from orbit alone.
- **Accessibility:** The very nature of these double-shadowed, ultra-cold craters makes them technologically challenging targets for future landers and rovers for in-situ verification.

Way Forward

- **LUPEX Mission:** The finding provides high-priority targets for the Lunar Polar Exploration Mission (LUPEX), a joint ISRO-JAXA (Japan) mission. LUPEX features a lander and a rover specifically designed to drill into the surface and conduct in-situ analysis of water ice quantity and quality.
- **In-Situ Resource Utilisation (ISRU):** The study is a step towards mapping lunar resources. Confirming accessible ice is critical for the long-term vision of a sustainable lunar habitat, where ice can be split into hydrogen for fuel and oxygen for life support.
- **Technological Push:** This drives the need for indigenous development of technologies for survival in extreme cold and dark, including autonomous drilling and radioisotope heater units.

Conclusion

The Chandrayaan-2 finding marks a shift from detecting "water molecules" to localising "water-ice reservoirs." By identifying doubly shadowed craters as the most favourable thermodynamic traps, the study provides a high-resolution "treasure map." It significantly strengthens the scientific case for the upcoming LUPEX mission and directly contributes to the global goal of using lunar water as a strategic resource for deep space exploration, cementing India's role in this frontier.

2. Contradictions within India's cow protection regime

Why in the News?

The issue has resurfaced following:

- The discovery of hundreds of cow carcasses at a dumping site in Jaisalmer, Rajasthan.
- The Calcutta High Court's approval of the West Bengal government's 2026 notification imposing stricter conditions on animal slaughter, including mandatory fitness certificates before slaughter.

Background

- Cow protection has been a politically and culturally sensitive issue in India for decades.
- **Article 48 of the Constitution** directs the State to prohibit the slaughter of cows and other milch and draught cattle.
- More than 20 States have enacted laws prohibiting or restricting cow slaughter, while States such as **Kerala, Meghalaya, Nagaland, Mizoram, Manipur, Tripura, Sikkim, and Arunachal Pradesh** do not have blanket prohibitions.

- The Supreme Court in the 1958 Mohd. Hanif Quareshi vs State of Bihar case held that **cow slaughter on Bakr-Eid is not an essential Islamic practice.**

Contradictions within India's cow protection regime

The recent discovery of hundreds of cow carcasses at a dumping site in Jaisalmer, Rajasthan, rightly triggered an outrage on social media. A few years ago, a similar incident involving the mass starvation deaths of cows was reported from Chhattisgarh. The new Bharatiya Janata Party (BJP) government in West Bengal issued a public notice on May 13, 2026, laying down stringent conditions for the slaughter of animals under the West Bengal Animal Slaughter Control Act, 1950.

Last week, a two-judge Bench of the Calcutta High Court upheld the notice, observing that the conditions mentioned in the impugned order were issued in compliance with the High Court's order of August 16, 2018. Consequently, no cow, bull, bullock or even buffalo can be slaughtered without first obtaining a "certificate of fitness" from government officials. Despite all the rhetoric, the notification permitted the slaughter of cows older than 14 years, which justifiably annoyed Hindutva supporters.

Over 20 States in India have laws prohibiting cow slaughter. Only Arunachal Pradesh, Meghalaya, Nagaland, Sikkim, Tripura, Manipur, Mizoram and Kerala do not have such laws. But what is the efficacy of these laws? Have the stringent provisions and enhanced punishments introduced over the last 12 years helped preserve cows, or could such laws ultimately contribute to their decline? Whether cow reverence constitutes an essential Hindu practice and whether such laws violate the right to privacy are issues that require a ruthlessly objective assessment.

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Politics and sentiment continue to overshadow realities of cattle preservation in India

Politics, faith and cows

Cow protection has long been a central Hindutva issue and which explains the contents of the Bengal notice. Yet, the Congress too has historically benefited from cow protection campaigns. Viceroy Lord Lansdowne famously observed that the cow protection movement had transformed the Indian National Congress from "a foolish debating society into a real political power". The cow and calf were the Congress's symbols for decades. Whenever the BJP comes to power in a State, amending cow slaughter prohibition laws to make them more stringent – by enhancing punishments, criminalising possession of beef, and restricting the transport of cattle within or outside the State – becomes a priority. The Gujarat law of 2017 even provides for life imprisonment, and in 2025, three persons were reportedly sentenced to this extreme punishment, ordinarily reserved for heinous offences such as murder, terrorist acts and dacoity. True, cow reverence among Hindus is ancient and enjoys near-unanimous acceptance, though scholars such as D.N. Jha have disputed this assertion citing scriptural material. He pointed to instances in *Dharmashastric* traditions where Yajnavalkya appears to endorse the consumption of beef, and highlighted the inconsistencies and polymorphic nature of Indian dietary practices. He also argued that the "holy" status accorded to the cow was largely a much later development, and noted that several prescriptive Hindu texts classified cow slaughter as a minor sin (*upapataka*) rather than a major offence (*mahapataka*). Strikingly, even the prominent Hindutva ideologue Vinayak Damodar Savarkar held views that differed significantly from those of many present-day Hindutva activists. Consequently, cow reverence may not satisfy the parameters of the essential religious practices test which requires practice to be mandatory from the time of origin of a religion.

In *Mohd. Hanif Quareshi vs State of Bihar* (1958), the Supreme Court of India rightly held that cow slaughter on Bakr-Eid is not an essential Islamic practice either. Several Muslim rulers had also restricted cow slaughter. Babur advised Humayun to do so in his will, Jahangir's Edict No. 10 too prohibited animal slaughter on certain days out of respect for Hindu and Jain sentiments. The influential Deoband Islamic seminary too issued multiple fatwas discouraging cow slaughter. Even in the Constituent Assembly debates on November 24, 1948, Muslim members such as Z.H. Lari and Mohammad Saadullah insisted that "it is better to come forward and incorporate a clause in fundamental rights that cow slaughter is henceforth prohibited, rather than it being left vague in the directive principles...."

What cattle census data reveal

Dr. B.R. Ambedkar eventually placed cow protection within the non-justiciable Directive Principles under Article 48 of the Constitution, following which several States enacted laws after Independence prohibiting cow slaughter. Yet, cattle census data suggest that the objective of preserving and increasing the cow population has not been achieved. West Bengal, for instance, was among the few States where culling and sale of cows and bulls were not entirely prohibited. By conventional logic, its cow population should therefore have been far lower than that of States such as Gujarat, Uttar Pradesh and Maharashtra. However, since 1951, the cow population in the country has grown by only 49.63%, while the buffalo population has risen by 153.8% and the female buffalo population by 161.9%. The figures speak for themselves: cows face the risk of decline.

Ironically, the unprotected buffalo population has grown far more rapidly, especially in the so-called cow-belt States. A comparison of cattle growth rates shows that West Bengal, despite lacking stringent cow slaughter laws, has performed better than States with strict prohibitions. Even though male cattle are protected in these States, their population has declined sharply – by 38.3% in Gujarat, 31.4% in Maharashtra and 58.27% in Uttar Pradesh. In contrast, the decline in male cattle population in West Bengal was only 22.8%. The data also suggest that stringent prohibition laws may be pushing farmers in these States towards buffalo rearing, reflected in the declining cattle-to-buffalo ratio between 2012 and 2019. In West Bengal, by contrast, buffaloes remain insignificant in number and their population sharply declined in 2019. In 1997, the cattle to buffalo ratio was 144:1 but in 2019 it became 295:10. In Uttar Pradesh, the cattle-to-buffalo ratio fell from 105:100 in 1997 to 56:100 in 2019. West Bengal, despite lacking stringent prohibitions, witnessed a comparatively stronger growth in cow population and, therefore, mere laws will not protect cows.

Cattle populations grow in a compounded manner because, unlike humans, a cow gives birth to its first calf at around three years and, to remain productive, must calve every 14-16 months. Calves born during a census period also mature and begin reproducing within a few years. According to growth forecasting models, if no cattle were culled or slaughtered and all calves survived except for natural deaths, the cattle population would increase by 2.5 to three times within five years – something that has never occurred in any State. Such growth is economically unsustainable, as farmers cannot support such numbers due to fodder scarcity.

Undermining the farmer

When farmers are legally allowed to exercise their judgment in culling unproductive cattle, they earn additional income to meet expenses such as weddings, children's education and health care. According to simulation models, farmers in West Bengal earned nearly ₹35,000 crore between 2012 and 2019 from the lawful sale of cattle for slaughter, apart from their dairy income. Farmers in States with strict prohibition laws also appear to have sold cattle for slaughter as is reflected in declining cattle populations, but likely to have earned far less because of the illegality of such sales and the possibility of bribery and middlemen. In effect, these laws do not penalise butchers or beef consumers, but farmers themselves. West Bengal appears to have recognised this reality with Muslim refusal to purchase cows for Eid slaughter. In India's agrosilvopastoral economy, livestock remains a vital component of rural livelihoods.

In the privacy judgment of *K.S. Puttaswamy* (2017), Justice J. Chelameswar had observed "I do not think that anybody would like to be told by the State as to what they should eat or how they should dress or whom they should be associated with either in their personal, social or political life." Justice Chandrachud said that what one eats is one's personal affair and it is a part of privacy under Article 21, i.e., right to life and personal liberty In view of the politicisation of the issue, Muslims in Bengal prudently refrained from cow slaughter during Eid. One hopes that this will promote social harmony and counter communal hate campaigns. Maulana Arshad Madani, president of the Jamiat Ulama-e-Hind (Arshad Madani faction), has also called for the cow to be declared the national animal. The first writer of this article, though not a veterinary expert, believes that Muslims across India should support a central law banning cow slaughter and imposing stringent punishment, especially on those who sell cows for slaughter.

The views expressed are personal

Features

Political Significance of Cow Protection

- Cow protection has historically been associated with Hindu nationalist politics.
- Successive governments have frequently strengthened anti-cow slaughter laws through harsher punishments and restrictions on cattle transport and beef possession.

Religious Justification

- The article argues that cow reverence, while culturally important, may not necessarily satisfy the constitutional test of an "essential religious practice."
- Historical and scriptural interpretations of cow slaughter have varied across time and communities.

Cattle Census Evidence

- Since 1951, India's cow population has increased by only about 49.6%, whereas the buffalo population has grown by over 150%.
- States with stringent cow slaughter bans have often witnessed sharper declines in male cattle populations compared to West Bengal, which historically allowed regulated slaughter.

Economic Role of Livestock

- Livestock is a crucial component of rural livelihoods.
- The article argues that allowing farmers to sell unproductive cattle provides an important source of supplementary income.

Privacy and Individual Choice

- The article invokes the Supreme Court's privacy judgment in K.S. Puttaswamy (2017), suggesting that food choices fall within the sphere of personal liberty under Article 21.

Challenges

Ineffective Preservation Outcomes

- Despite stringent laws, cattle populations have not grown proportionately, raising questions about policy effectiveness.

Rising Burden on Farmers

- Maintaining unproductive cattle increases fodder, healthcare, and shelter costs.
- Restrictions reduce farmers' ability to monetise ageing livestock.

Growth of Illegal Markets

- Strict prohibitions may encourage informal cattle trade, middlemen, and corruption.

Constitutional and Rights Concerns

- Tension exists between Directive Principles (Article 48) and individual freedoms under Article 21.
- The issue often triggers debates on privacy, food choice, and federalism.

Politicisation of the Issue

- Public discourse is frequently driven by identity politics and religious sentiments rather than evidence-based livestock management.

Way Forward

Adopt Evidence-Based Livestock Policies

- Use cattle census data and scientific livestock management rather than purely political considerations.

Strengthen Cow Welfare Infrastructure

- Improve gaushalas, veterinary services, fodder availability, and cattle insurance schemes.

Support Farmers

- Provide financial assistance for maintaining unproductive cattle and compensate farmers for compliance costs.

Promote Sustainable Cattle Management

- Encourage breeding programmes, cattle productivity enhancement, and scientific population management.

Balance Constitutional Values

- Harmonise Article 48 objectives with rights relating to livelihood, privacy, and personal liberty.

Reduce Political Polarisation

- Foster dialogue among communities and stakeholders to ensure that cattle welfare is separated from communal tensions.

Conclusion

The article argues that stringent cow slaughter laws alone have not necessarily resulted in better cattle preservation. Census data, economic realities, and constitutional concerns suggest that a balanced approach that combines animal welfare, farmers' interests, scientific livestock management, and social harmony may be more effective than relying solely on prohibitory legislation. Politics and sentiment should not overshadow the practical realities of cattle conservation and rural livelihoods.

3. Brinkmanship in the age of growing conflict

Why in the News?

The concept of brinkmanship has gained renewed relevance amid escalating geopolitical tensions, particularly following:

- Iran's closure of the Strait of Hormuz.
- The United States' blockade of Iranian ports.
- Continuing conflicts involving Russia-Ukraine, Israel-Hamas, China in the South China Sea, and North Korea's nuclear posturing. These developments highlight the growing use of coercive strategies short of full-scale war.

Brinkmanship in the age of growing conflict

Arjun Subramaniam
Military historian and a strategic analyst

Iran's closure of the Strait of Hormuz and the blockade by the United States of Iranian ports are among several recent acts of brinkmanship. A legacy of the Cold War era, brinkmanship refers to single action or a series of actions during a conflict or a short-of-war situation that forces a perilous climb up the escalation ladder to force the adversary to back down, make concessions, negotiate or even do something irrational that would justify the use of uncalibrated or widespread use of force. Coined by western political scientists in the 1950s and 1960s while analysing crises such as the Berlin Blockade (1948-49) and the Cuban Missile Crisis (1962), the term also warned of the risk of escalation spiralling out of control, particularly in the nuclear context (Armageddon).

The return of brinkmanship

With the vast spread of the spectrum of conflict in the post-Cold War era without the disappearance of the nuclear overhang, brinkmanship has once again assumed dangerous proportions and merits some examination in a contemporary context. Terrorism has emerged as a principal instrument of brinkmanship, frequently used by non-state actors to provoke disproportionate state responses and gain international attention and sympathy in pursuit of larger goals. Without debating the dilemma posed by the proposition that argues, 'One man's terrorist is another man's freedom fighter', globally proscribed terrorist movements have rarely achieved their stated aims through brinkmanship – al Qaeda and the Islamic State being among them. A few such as the Irish Republican Army (IRA) and the FLN (National Liberation Front) in Algeria did force the more powerful adversary to make concessions.

Another flavour of brinkmanship that has emerged in recent decades is proxy brinkmanship of the kind that Pakistan and Iran have engaged in for the last four decades against stronger powers. Using proxies largely designated as global terrorist outfits, this brand of asymmetric brinkmanship seeks to erode the resolve and power of stronger powers and force them to make concessions over long-festering issues of statehood and sovereignty. The attacks by Hamas on Israel on October 23, 2023, are an example of this kind of brinkmanship. Israel's disproportionate counter-brinkmanship in Gaza in pursuit of destroying Hamas is testimony to the breakdown of deterrence and the propensity to climb the escalation ladder at breakneck speed to achieve difficult strategic outcomes.

The growing reliance on brinkmanship threatens an already fragile global order

Rising geopolitical tensions

Among the larger powers today, the U.S. has seldom resorted to brinkmanship and prefers instead to achieve its geopolitical objectives through the brute and direct application of force or economic coercion. Frustrated at its inability to drag Iran to the negotiating table, the U.S. has resorted to brinkmanship by imposing a blockade on Iran, hoping to squeeze it economically and make it come to the negotiating table. Iran, on the other hand, has resorted to its own brand of asymmetric counter-brinkmanship that has yielded disproportionate strategic outcomes by blocking the Strait of Hormuz. Where this will go is anybody's guess until both the parties agree to meet mid-way – such are the complications of the brinkmanship game.

Russia's brinkmanship, driven by frustration over its inability to halt the North Atlantic Treaty Organization's eastward expansion despite Moscow's takeover of Crimea in 2014, and by expectations that Ukraine would capitulate after the advance on Kyiv in February 2022, has instead resulted in a prolonged war. Russia's periodic sabre-rattling over nuclear restraint is also a legacy of the Cold War that Russian President Vladmir Putin wants to keep alive. The indiscriminate use of hypersonic and other area weapons against population centres such as Kiev by the Russians triggers a brinkmanship chain that is hard to control and infuse any semblance of restraint in the four-year-long conflict.

Ever since China upped its maritime game since 2006 and laid claims to vast expanses of the South China Sea and parts of the East China Sea, it has mastered the art of controlled brinkmanship against weaker neighbours, daring them to push back against its attempts to establish maritime hegemony in the region. Except for Japan which has pushed back strongly against Chinese coercion over claims on the Senkaku Islands, and Taiwan which continues to stare the People's Republic of China in the eye, all other countries with shores along the South China Sea have been mute to Chinese reclamation of Islands and claims on territorial waters.

If there is one nation that has perfected the art of brinkmanship in the 21st century, it is North Korea. This largely underdeveloped and opaque country, with its demonstrated missile and nuclear prowess and nuclear proliferation, has kept the most powerful power in the world from forcing it into a 'rules based world order', while also keeping the region on edge.

The displacement of diplomacy

India's strategic DNA of restraint and responsibility and its calibrated use of force eschews any inclination to resort to brinkmanship even under the gravest provocation. The fragile global geopolitical system is now fraught with danger, and diplomacy no longer seems to be the preferred choice for conflict resolution. With global institutions such as the United Nations increasingly marginalised, coercion, brinkmanship and the uncalibrated use of force seem to be emerging as preferred options in settling conflicts of various genres. The world needs to seriously introspect this.

Background

- **What is Brinkmanship?** A Cold War-era term. It means taking risky actions that push a conflict close to the edge of war, forcing the opponent to back down, negotiate, or make concessions.
- **Origin:** Coined by Western political scientists in the 1950s-60s while analysing the Berlin Blockade (1948-49) and Cuban Missile Crisis (1962).
- **Nuclear Danger:** The term warned that escalation could spiral out of control, leading to "Armageddon" (nuclear destruction).
- Classic Example: During the Cuban Missile Crisis, the US and USSR came dangerously close to nuclear war before backing down.

Feature

The article identifies different types of brinkmanship in the modern era:
Terrorism as Brinkmanship

- Non-state actors (like al Qaeda, ISIS, Hamas) use terrorism to provoke disproportionate state responses.
- Goal: Gain international attention and sympathy for their cause.
- Example: Hamas attack on Israel (Oct 23, 2023) – Israel responded with massive counter-brinkmanship in Gaza.

Proxy Brinkmanship

- Used by weaker nations like Pakistan and Iran against stronger powers.
- They use proxy groups (designated as terrorist outfits) to erode the resolve of stronger powers.
- Goal: Force concessions on long-standing issues of statehood and sovereignty.

US Brinkmanship

- The US rarely uses brinkmanship; it prefers direct force or economic coercion.
- Recently, frustrated with Iran, the US imposed a blockade on Iranian ports to force negotiations.

Iran's Counter-Brinkmanship

- Iran blocked the Strait of Hormuz (a key oil route) as asymmetric counter-brinkmanship.
- This has yielded disproportionate strategic outcomes for Iran.

Russia's Brinkmanship

- Driven by frustration over NATO's eastward expansion.
- Expected Ukraine to capitulate quickly, but instead got a prolonged war.
- Uses periodic nuclear sabre-rattling (a Cold War legacy).
- Indiscriminate use of hypersonic missiles against population centres triggers uncontrollable escalation.

China's Controlled Brinkmanship

- Since 2006, China has mastered controlled brinkmanship against weaker neighbours in the South China Sea and East China Sea.
- Dares them to push back against its island reclamation and territorial claims.
- Only Japan and Taiwan have pushed back strongly; others remain silent.

North Korea's Brinkmanship

- North Korea has perfected 21st-century brinkmanship.
- Despite being underdeveloped, its nuclear and missile prowess keeps even the US from forcing it into a "rules-based order."

India's Position

- India's strategic DNA is of restraint and responsibility.
- India eschews brinkmanship even under grave provocation.
- India prefers calibrated use of force.

Challenge

- **Escalation Spiral:** Brinkmanship can easily spiral out of control, leading to full-scale war, especially when nuclear weapons are involved.
- **Breakdown of Deterrence:** Israel's disproportionate response to Hamas shows that deterrence is breaking down.

- **Diplomacy is Sidelined:** Global institutions like the UN are increasingly marginalised. Coercion and brinkmanship are replacing dialogue.
- **Fragile Global Order:** The growing reliance on brinkmanship threatens an already unstable world order.
- **Asymmetric Outcomes:** Weaker actors (Iran, North Korea) use asymmetric brinkmanship to achieve disproportionate strategic outcomes against stronger powers.
- **No Midway Meeting:** In brinkmanship, it's hard to predict when parties will agree to meet midway. Complications are high.
- **Nuclear Overhang Still Exists:** The nuclear threat has not disappeared. Sabre-rattling by Russia and North Korea keeps the risk of Armageddon alive.

Way Forward

- **Re-strengthen Diplomacy:** Diplomacy must become the preferred choice again for conflict resolution, not brinkmanship.
- **Revitalise Global Institutions:** The UN and other global bodies need to be made more effective and relevant.
- **Restraint by Major Powers:** Major powers like the US, Russia, and China must exercise restraint and avoid uncalibrated use of force.
- Learn from India: India's model of strategic restraint and calibrated force is worth emulating.
- **Avoid Nuclear Sabre-Rattling:** Nuclear threats must be taken off the table to prevent catastrophic escalation.
- **Address Root Causes:** The international community must address long-festering issues of statehood and sovereignty that drive proxy brinkmanship.
- **Global Introspection:** The world needs to seriously introspect on why coercion and brinkmanship are becoming preferred options over peaceful dialogue

Conclusion

Brinkmanship has re-emerged as a prominent feature of contemporary international relations, driven by geopolitical rivalry, proxy conflicts, economic coercion, and nuclear signalling. While it may offer short-term strategic advantages, its growing use increases the risk of miscalculation, regional instability, and global conflict. In an increasingly interconnected world, diplomacy, restraint, and multilateral cooperation remain the most sustainable means of preserving international peace and security.

4. Will Increasing the Strength of the Supreme Court Solve the Pendency Problem?

Why in the News?

The President recently promulgated an ordinance increasing the sanctioned strength of the Supreme Court from 34 to 38 judges. The move followed the Union Cabinet's approval of the Supreme Court (Number of Judges) Amendment Bill, 2026, with the stated objective of facilitating "speedy justice" amid a pendency of nearly 94,000 cases before the apex court.

Background

- The Supreme Court currently faces a significant backlog of cases, with pendency standing at approximately 93,966 cases.
- Article 124 of the Constitution empowers Parliament to determine the number of Supreme Court judges.
- Over the decades, the sanctioned strength of the Court has been periodically increased to cope with rising litigation.
- The latest ordinance raises questions about whether merely increasing the number of judges can effectively address systemic judicial delays.

Feature

Increase in Judicial Strength

- The sanctioned strength has been increased from 34 to 38 judges.
- The government argues that more judges will help dispose of cases faster.

Growing Burden of Special Leave Petitions (SLPs)

- Article 136 grants the Supreme Court wide discretionary powers to hear appeals through SLPs.
- A large portion of the Court's docket is now occupied by SLPs, many of which may not involve substantial constitutional or legal questions.

Will increasing the strength of the SC solve the pendency problem?

PARLEY

Prashant Reddy T. — Legal Academic and co-author of 'Tareekh Pe Justice: Reforms for India's District Courts'

Swapnil Tripathi — leads Chakra, the constitutional law centre at Vidhi Centre for Legal Policy

On May 17, the President promulgated an ordinance increasing the sanctioned strength of the Supreme Court from 34 to 38 judges. The move came just days after the Union Cabinet approved the Supreme Court (Number of Judges) Amendment Bill, 2026, stating that the addition of four judges would enable the top court to facilitate "speedy justice". On May 27, the Supreme Court Collegium recommended the elevation of four High Court Chief Justices and senior advocate V. Mohana as judges of the top court. According to the National Judicial Data Grid, pendency before the SC currently stands at 93,966 cases. Is increasing the top court's strength an effective way to reduce pendency? Prashant Reddy T. and Swapnil Tripathi discuss the question in a conversation moderated by **Aaratrika Bhaumik**.

Was the ordinance route necessary to increase the top court's sanctioned strength?

Prashant Reddy: No. With Parliament set to convene within weeks, the government could easily have introduced the proposal through the ordinary legislative process. In any event, previous Bills increasing the sanctioned strength of the top court have often passed with minimal debate. In fact, in 2009, the government reportedly introduced a similar measure through a money Bill owing to its numerical disadvantage in the Rajya Sabha. Resorting to an ordinance for a measure of this nature deepens institutional scepticism and fuels unnecessary speculation about the motives of the move.

Does the Supreme Court's willingness to entertain a large number of Special Leave Petitions (SLPs) contribute to the pendency?

Swapnil Tripathi: Yes. The Constituent Assembly envisaged that the Supreme Court would exercise considerable restraint, particularly in invoking its extraordinary jurisdiction under Article 136 of the Constitution. SLPs were conceived as a remedy to be exercised sparingly. Over time, however, a substantial portion of the Supreme Court's docket has come to be dominated by SLPs. What is even more concerning is the court's persistent reluctance to formulate clear guidelines governing the exercise of this jurisdiction. The absence of any meaningful guidelines has contributed to the very accumulation of arrears the institution is now struggling to manage.

PR: The difficulty with Article 136 is that there has never been a clear consensus, even within the Constituent Assembly, on the precise role this jurisdiction was intended to perform. In most other common law jurisdictions, top courts have evolved institutional filters to regulate discretionary appeals, mindful of the finite judicial time available to them. They generally confine themselves to the most contentious or jurisprudentially significant cases. By contrast, as recently as 2016, a Constitution Bench of the Supreme Court declined to narrow the scope of Article 136, observing that no effort should be made to restrict the court's powers under the provision. The result is an increasingly unpredictable system in which outcomes often appear contingent on the Bench before which a matter is listed. This, in turn, fuels allegations of Bench fixing and corrupt listing practices, eroding the court's legitimacy in the eyes of the public.

The Supreme Court of India.

Should the Court confine itself primarily to constitutional cases to reduce backlog?

PR: No. Last year, in *Vijaya Bank & Anr. versus Prashant B. Narnaware*, a Division Bench of the Supreme Court was called upon to interpret Section 27 of the Indian Contract Act. The case was about the validity of a bond clause; allowing a public sector bank to recover damages from an employee who resigned before completing a mandatory three-year service period. Although framed as a contract law dispute, the issue went to the heart of the right to work and carried significant implications for labour mobility and market competition. Questions of law with such far-reaching consequences must engage the top court's attention. The real concern is not that the Court hears such cases, but how it hears them. Matters involving substantial questions of law ought to be decided by larger Benches to ensure doctrinal consistency.

ST: I agree. The Supreme Court was never envisaged as a constitutional court alone. It was also designed to function as the country's final court of appeal. Over time, however, its appellate jurisdiction has increasingly overshadowed its role in deciding constitutional questions. At the same time, the court must ensure that the inflow of routine appeals is reduced and that intervention is reserved for cases where it is genuinely warranted. I would, however, add an important caveat. Where courts are called upon to decide substantial questions of law, such matters ought ideally to be heard by larger Benches to minimise inconsistencies in interpretation among coordinate Benches.

> The pendency crisis cannot truly be addressed unless the Supreme Court develops a more robust mechanism to filter out frivolous litigation
>
> SWAPNIL TRIPATHI

Will increasing the Supreme Court's sanctioned strength lead to more conflicting rulings by coordinate Benches?

PR: Yes. An increase in the court's sanctioned strength is likely to result in greater doctrinal inconsistency, particularly when most judges sit in Division Benches of two. A larger number of Benches will inevitably result in a greater number of cases being entertained and, consequently, more conflicting rulings by coordinate Benches. Further, once divergent views emerge among coordinate Benches and matters require reference to larger Benches for authoritative resolution, delays are likely to become even more pronounced.

ST: I think the polyvocality of the Supreme Court is one of its strengths, but it works as a strength only when accompanied by judicial discipline. The two must complement each other. Judges may arrive at different conclusions on facts, but the application of legal principles must remain consistent.

Does the government need a more consistent litigation policy?

PR: The government was initially expected to introduce a National Litigation Policy (NLP) to reduce the overwhelming volume of cases involving the Union, State governments, and public sector undertakings that continue to clog the judicial system. The government eventually withdrew its assurance to introduce it, leaving unanswered questions about how decisions relating to government litigation are actually taken. There are numerous instances where similar cases remain pending before different High Courts, and instead of allowing at least one High Court to conclusively adjudicate the issue, the government files transfer petitions before the Supreme Court. The result is that these cases often remain pending before the top court for several more years.

ST: The government's litigation strategy often appears to be driven by a highly result-oriented, case-to-case approach rather than any coherent policy. Courts have repeatedly questioned why the government continues to pursue virtually every dispute up to the Supreme Court, even in cases where its position is clearly unsustainable. There is also a striking lack of institutional consistency. Changes in law officers often lead to shifts in legal strategy, with successive counsels sometimes advancing positions entirely contrary to those taken earlier. Ultimately, it is the individual litigant, lacking the State's resources and institutional capacity, who suffers the most.

What are the institutional reforms required?

ST: The pendency crisis cannot truly be addressed unless the Supreme Court develops a more robust mechanism to filter out frivolous litigation. This is particularly important in the context of Public Interest Litigations (PIL). The court must strictly apply the guidelines laid down in *State of Uttaranchal versus Balwant Singh Chaufal* (2010), including ensuring that a PIL is filed for a genuine public cause and not driven by personal or political interests. As for cases already pending before the court, stricter time allocation for oral arguments is essential. Greater reliance should also be placed on written submissions so that judicial time is not consumed by prolonged hearings.

Is this an opportunity to improve gender representation on the Bench?

PR: Yes. In my view, these four additional positions ought ideally to be filled by women. There must also be greater transparency in the appointments process.

ST: A common justification offered for not appointing more women judges is that there are not enough senior women judges in the High Courts. But the convention of seniority has often been relaxed when it comes to appointing male judges to the Supreme Court.

To listen to the full interview
Scan the code or go to the link
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Expanding Appellate Jurisdiction

- The Supreme Court functions both as a constitutional court and the country's final court of appeal.
- Routine appeals often overshadow their constitutional role.

Government as the Largest Litigant

- The Union and State governments contribute substantially to judicial pendency through frequent appeals and transfer petitions.

Challenges

Pendency Not Solely a Numbers Problem

- Increasing judges may increase disposal rates, but it does not address the causes of excessive case inflow.
- Without structural reforms, more judges could simply lead to more cases being admitted.

Excessive Use of Article 136
- Lack of clear guidelines for entertaining SLPs has led to a large and unpredictable docket.
- The Court spends significant time on matters that may not warrant the apex court's intervention.

Conflicting Judgments
- More Division Benches may produce greater doctrinal inconsistency and conflicting rulings.
- References to larger Benches can further delay adjudication.

Absence of a National Litigation Policy
- Governments continue to pursue litigation aggressively, often appealing matters unnecessarily.
- This adds significantly to the burden on courts.

Frivolous PILs and Appeals
- Public Interest Litigations and routine appeals consume substantial judicial time.
- Weak filtering mechanisms contribute to case accumulation.

Limited Diversity on the Bench
- Women remain underrepresented in the higher judiciary despite growing demand for inclusive representation.

Way Forward
Establish Stronger Admission Filters
- Develop clear guidelines for entertaining SLPs under Article 136.
- Restrict intervention to cases involving substantial questions of law or constitutional importance.

Implement a National Litigation Policy
- Reduce unnecessary government litigation.
- Encourage settlement, mediation, and departmental dispute resolution mechanisms.

Strengthen Bench Discipline
- Ensure consistency in legal interpretation across coordinate benches.
- Refer important legal questions to larger benches at an early stage.

Improve Case Management
- Impose stricter timelines for oral arguments.
- Increase reliance on written submissions and technology-enabled case management.

Discourage Frivolous Litigation
- Strictly enforce guidelines for PILs.
- Impose costs on vexatious litigants to deter abuse of judicial processes.

Enhance Transparency in Appointments

SHARMA

- Improve transparency in judicial appointments.
- Use the expansion opportunity to improve gender and social diversity on the Bench.

Strengthen the Entire Judicial Pyramid

- Focus not only on the Supreme Court but also on High Courts and subordinate courts where most pendency originates.

Conclusion

Increasing the sanctioned strength of the Supreme Court may provide temporary relief by enhancing disposal capacity, but it is unlikely to solve the pendency crisis by itself. The root causes lie in unrestricted appellate jurisdiction, excessive government litigation, inadequate case-filtering mechanisms, and systemic inefficiencies. Sustainable judicial reform requires a comprehensive approach combining institutional restructuring, better case management, litigation reform, and strengthening of the entire judicial system rather than relying solely on an increase in the number of judges.

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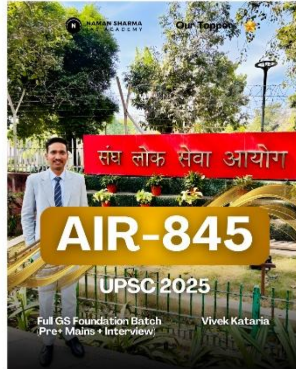

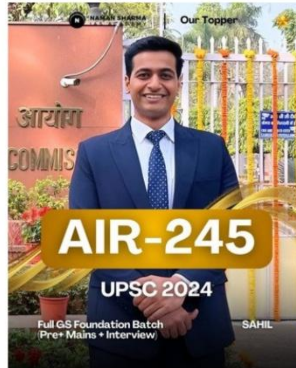

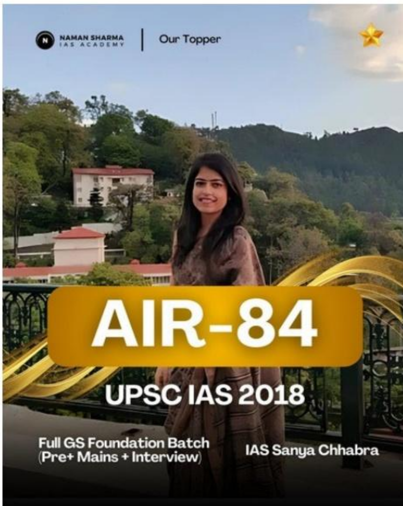

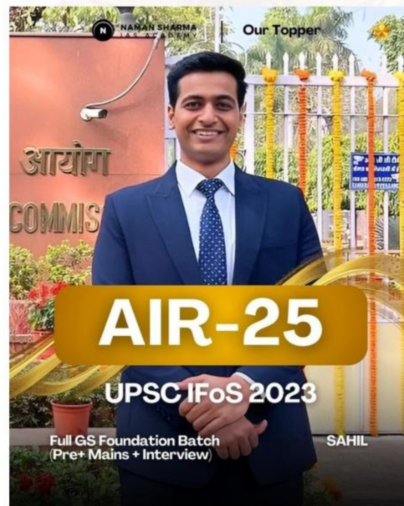

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