

Editorial of the Day – 20.11.2025

Index

1. Breaking the rules – On the reversing of the Vanashakti ruling – (TH) -1

2. More than two decades later, at end of the red corridor, there is light (IE) -2

1. Breaking the rules – On the reversing of the Vanashakti ruling – (TH)

General Studies 3 – Environment **Topic** – Environmental Impact Assessment (Eia), Conservation, Environmental Pollution and Degradation.

Supreme Court on Post-Facto Environmental Clearances

1. Introduction

The Supreme Court of India has recently revisited the contentious issue of Post-Facto Environmental Clearances (EC)—permissions granted to industries or projects *after* they have already begun operations or construction. The Court's latest stance attempts to strike a balance – it reaffirms the fundamental principle that environmental clearance must be obtained *before* activity begins ("EC First"), but acknowledges a "narrowly defined space" for regularizing past violations under exceptional circumstances. This highlights the ongoing tension between strict environmental protection and the practicalities of managing regulatory non-compliance.

2. Background and Legal Framework

To understand the controversy, one must look at the statutory requirements –

Statutory Mandate – The Environment (Protection) Act, 1986 and the subsequent EIA Notifications (1994 & 2006) explicitly require *prior* Environmental Clearance (EC).

The "Ex Ante" Principle – The Indian legal framework is built on an "Ex Ante" (before the event) logic. Major construction or industrial work is legally prohibited until an impact assessment is conducted and clearance is granted.

3. Judicial Evolution – From Prohibition to "Exceptional" Regularisation

The judiciary's view on this matter has shifted over the years, creating a complex legal history.

Earlier Stringent Position

Common Cause (2017) & Alembic Pharmaceuticals (2020) – These landmark judgments established that post-facto ECs were fundamentally impermissible where prior EC was mandatory.

The Rationale – Allowing post-facto clearance derogates from the fundamental principles of environmental jurisprudence.

The Vanashakti Ruling (May 2025) – Interpreted previous judgments as a total prohibition on post-facto ECs. Struck down the 2017 notification that enabled such clearances.

The New Majority View (Current Verdict)

Reversal of Stay – The Court reversed its May 2025 stay.

Nuanced Interpretation – It clarified that while the "EC First" rule remains foundational, it does not completely outlaw post-facto regularisation.

Justification – Citing the *Alembic* and *D. Swamy* judgments, the Court argued for a pragmatic approach in cases where substantial public resources have already been invested. In such cases, closure might not be the only option; regularization with heavy penalties is a viable alternative.

4. Limitations & Critique of Post-Facto Clearances

The text highlights because post-facto clearances are conceptually flawed regarding environmental protection.

Defeats the Purpose of EIA – The core purpose of an Environmental Impact Assessment (EIA) is to predict and prevent harm *before* it happens. A clearance issued *after* construction cannot assess the impact on a pristine environment that has already been altered.

Building Bureaucrats Since 2006

Shift from Prevention to Mitigation – Post-facto ECs change the nature of governance from "preventive" to "punitive." Instead of stopping harm, authorities can only impose penalties, suggest mitigation measures, or order demolition.

Jurisprudential Conflict – This approach conflicts with the "Precautionary Principle" which has been central to Indian environmental law since the 1990s.

5. The "Discrimination" Argument

A specific legal point raised in the editorial concerns the issue of equality under the law.

The Issue – The *Vanashakti* judgment struck down the 2017 notification (stopping future post-facto ECs) but allowed *existing* post-facto ECs to remain valid.

Majority View – The current majority found this discriminatory. It argued that it created two classes of violators –

Past Violators – Who received leniency and retained their clearances.

Future Violators – Who would be punished strictly.

Counter-Argument – The text argues that "transitional inequality" is often necessary during regulatory clean-ups and should not be a justification for reviving a legally flawed process (post-facto ECs).

6. Way Forward

The editorial suggests a path for the Environment Ministry and the Judiciary to navigate this complex terrain.

Exception, Not the Norm – The Environment Ministry must treat post-facto ECs as rare, justified exceptions, not a standard administrative procedure.

Strict Oversight – The "open door" for regularization should not encourage industries to bypass the law. Oversight mechanisms must be strengthened.

Addressing Inequality – Concerns about discriminatory treatment (between old and new violators) should be resolved by strictly auditing and tightening legacy clearances, rather than expanding the scope for new post-facto approvals.

7. Conclusion

The Supreme Court's judgment preserves the primacy of the Prior EC regime while pragmatically accepting that total demolition of existing projects may not always be feasible. However, for sustainable ecological governance, the state must ensure that the "pollute and pay" model does not replace the "prevent and protect" model. Post-facto clearance must remain a stringent exception to avoid incentivizing environmental lawlessness.

Source – <https://www.thehindu.com/opinion/editorial/regulations-and-violations-on-the-reversing-of-the-vanashakti-ruling/article70298450.ece>

2. More than two decades later, at end of the red corridor, there is light – (IE)

General Studies 3 – Internal Security **Topic** – Linkages between development and spread of extremism.

Decline of Left-Wing Extremism (LWE) in India – A Strategic Analysis

1. Introduction

India is currently witnessing the "final phase" of its decades-long battle against Left-Wing Extremism (LWE), popularly known as the "Red Corridor." While LWE posed a severe internal security threat between 2000 and 2010—controlling vast tribal belts across Andhra Pradesh, Chhattisgarh, Odisha, Jharkhand, and Bihar—the landscape has shifted dramatically. Through a combination of hard security operations (neutralizing key leaders like Madvi Hidma) and soft development interventions, the state has successfully reclaimed authority.

2. Historical Evolution of LWE

The movement has deep historical roots and has evolved through consolidations

The Genesis (1967) – The movement traces its origins to the Naxalbari uprising led by Charu Majumdar.

Building Bureaucrats Since 2006

Formation of PWG (1980) – The People's War Group (PWG) was founded by Kondapalli Seetharamaiah, dominating insurgency operations in Andhra Pradesh and neighboring regions.

The Great Merger (2004) – A critical turning point occurred when the PWG merged with the Maoist Communist Centre (MCC) to form the CPI (Maoist). This consolidation significantly amplified insurgent strength.

The Peak Ambition – At its height, the Maoists envisioned a "Compact Revolutionary Zone"—a continuous corridor of influence stretching from Andhra Pradesh to Nepal.

3. Reasons for LWE Expansion (1990s–2010)

Several structural and policy failures allowed LWE to thrive during this period –

Policy Incoherence – The state frequently oscillated between peace talks and military operations. For instance, the 2004 ceasefire in Andhra Pradesh inadvertently gave Maoist's time to regroup and rearm.

Administrative Vacuum – A severe lack of civil administration and policing in remote tribal areas created a void filled by insurgents.

Socio-Economic Grievances

1. alienation of tribal land.
2. Violations of forest rights.
3. Absence of basic services (health, education, water).

State Capacity Gaps

"Punishment Postings" – Assignments in LWE areas were seen as penalties, leading to low troop morale.

Resource Crunch – Security forces faced shortages in training, modern equipment, and infrastructure.

Institutional Failures – While Gadchiroli police formed commando units (like C-60), broader institutional support was missing. Intelligence was weak due to a lack of local-language recruits and poor police station (thana) networks.

4. The Strategic Turning Point (Post-2014)

The editorial identifies 2014 as a watershed moment where the Centre adopted a structured, multi-pronged counter-LWE policy.

The Security Doctrine (SAMADHAN) The Ministry of Home Affairs (MHA) implemented the SAMADHAN strategy –

- S** – Smart Leadership
- A** – Aggressive Strategy
- M** – Motivation and Training
- A** – Actionable Intelligence
- D** – Dashboard Based KPIs (Key Performance Indicators) & Database
- H** – Harnessing Technology
- A** – Action plan for each theatre
- N** – No access to financing

B. Hard Power Measures (Security Upgradation Scheme – SUS)

Fortification – Construction of fortified police stations aimed at securing ground presence.

Modernization – Provision of modern weaponry and anti-landmine vehicles.

Tech-Surveillance – Extensive deployment of UAVs/drones and helicopters for aerial surveillance.

Coordination – Enhanced inter-state coordination mechanisms between Andhra Pradesh, Chhattisgarh, Maharashtra, Jharkhand, and Odisha to prevent Maoists from slipping across borders.

5. Role of Development & Governance (Soft Power)

Security gains were cemented by filling infrastructure and welfare gaps to erode the Maoist support base.

Special Central Assistance (SCA) – A specific scheme designed to fill critical infrastructure gaps in LWE-hit districts.

Connectivity Revolution

Building Bureaucrats Since 2006

Roads – Implementation of Road Connectivity Projects (RRP-I & II) to open up remote areas.

Telecom – Installation of Mobile Towers to improve connectivity and digital access.

Rights & Welfare Implementation – Effective implementation of the Forest Rights Act (FRA) and PESA Act. Leveraging MGNREGA for local employment.

Social Infrastructure – Construction of schools, healthcare centres, and skill training institutes to improve livelihoods and state legitimacy.

6. Outcomes & Current Situation

The combined security-development approach has yielded tangible results

Territorial Shrinkage – The number of LWE-affected districts plummeted from 126 (in 2010) to 38 (in 2024), and is estimated to be around 11 in 2025.

Decline in Violence – Violent incidents have dropped by over 80% compared to 2010 levels.

Operational Success – Neutralization of top commanders (e.g., Madvi Hidma). High rates of cadre surrender. Loss of "safe havens" and forest cover dominance for insurgents.

Intelligence – Improved community participation has led to better actionable intelligence.

7. Remaining Challenges & Conclusion

Despite the success, the battle is not fully over.

The Core Zone – The Bastar region remains a stronghold of resistance due to its dense topography and deep-seated tribal alienation.

Human Rights Concerns – Allegations of rights violations can undermine the trust rebuilt between the state and tribal communities.

Border Vulnerability – Inter-state border zones require constant vigilance to prevent Maoist regrouping.

Sustainability – Peace cannot be maintained by force alone; it requires sustainable development and rights-based governance.

Conclusion – India's two-decade struggle against LWE has entered a decisive stage. The reduction in violence and territory held by Maoists is a testament to the synergy between security operations and development. However, the "final mile" requires sensitive handling of tribal rights, continued strengthening of state capacity, and ensuring that development is inclusive to prevent any resurgence of extremism.

Source – https://indianexpress.com/article/opinion/columns/more-than-two-decades-later-at-end-of-the-red-corridor-there-is-light-10375033/?ref=top_opinion