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EXAMINATION**

From

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## 1.1. POLITY & GOVERNANCE

### 1.1.1. VISA AND RIGHT OF ENTRY: SOVEREIGNTY VERSUS CONSTITUTIONAL SAFEGUARDS

#### Context

The Delhi High Court's September 30, 2026 ruling clarifies an important distinction in Indian immigration law: **a visa permits a foreigner to seek admission, but does not create an unconditional right to enter India.**



#### Introduction

India's immigration regime reflects the State's sovereign authority to regulate foreigners' entry while remaining subject to statutory limits, constitutional safeguards and judicial review, particularly where national security and public order are invoked.

#### Relevance of the News

1. The Delhi High Court recently dismissed a Turkmenistan citizen's plea after she was denied entry at the Indira Gandhi International Airport despite possessing a valid business visa.
2. The ruling is significant because the **Immigration and Foreigners Act, 2025**, which came into force on September 1, 2025, has consolidated the legal framework governing passports, visas, entry, stay and exit of foreigners.
3. The case therefore provides an important UPSC linkage between **sovereignty, immigration governance, national security, fundamental rights, administrative discretion and judicial review.**

#### Why is Visa Not A Guarantee of Entry

1. A **visa and immigration clearance are legally distinct stages**, because a **visa authorises a foreigner to travel to India** and seek admission but does **not create an absolute entitlement to admission.**
2. Immigration officers retain authority to examine the foreigner's passport, travel documents, visa and other relevant circumstances at the point of entry.
3. Consequently, a foreigner possessing a valid visa may still be refused entry where statutory grounds or security considerations arise.
4. This distinction reflects the principle that **territorial entry is fundamentally a sovereign function of the State.**

#### Immigration and Foreigners Act, 2025: Key legal framework

##### 1. Requirement of travel documents and visa

- The Act regulates the requirement of passports/travel documents and visas for foreigners entering India.

- Immigration functions include **visa issuance and regulation of entry, transit, stay, movement within India and exit from India.**

## 2. Regulation of entry

- The statutory framework permits the State to regulate or restrict the entry of foreigners where legally specified grounds exist.
- These include considerations involving **national security, sovereignty and integrity of India, relations with foreign States and public health**, besides other grounds provided by law.

## 3. Immigration Officer's role

- The Immigration Officer can examine the passport, travel document and visa and seek information considered necessary and appropriate before permitting entry.
- Therefore, **possession of a valid visa does not end the immigration scrutiny process.**

## 4. Section 7

- Section 7 empowers the Central Government to make provisions for **prohibiting, regulating or restricting the entry, departure, presence or continued presence of foreigners** in India.

**Why is this power important for national security?**

### 1. Preventing security threats

- Immigration screening enables authorities to prevent the entry of persons who may pose threats to **national security or public order.**

### 2. Countering transnational crime

- Effective immigration checks can help identify individuals potentially associated with **terrorism, human trafficking, organised crime, espionage and illicit financial networks.**

### 3. Protecting sovereignty

- Every sovereign State possesses the authority to determine **who may enter, reside in and leave its territory**, subject to its own constitutional and statutory framework.

### 4. Foreign-policy considerations

- Entry restrictions may also become relevant during diplomatic tensions, sanctions, security disputes or sensitive international circumstances.

### 5. Public health

- Immigration controls can serve as an additional mechanism for addressing cross-border public-health risks.

## Supreme Court Jurisprudence on Foreigners

### 1. Hans Muller of Nuremburg v. Superintendent, Presidency Jail (1955)

- The Supreme Court recognised extensive governmental authority over foreigners under the Foreigners Act, 1946.
- It upheld the State's power concerning the **expulsion of foreigners**, reflecting the sovereign character of immigration control.

## 2. Louis De Raedt v. Union of India (1991)

- The Supreme Court held that foreigners enjoy protection of **life and personal liberty under Article 21**.
- However, the **right to reside and settle in India under Article 19(1)(e) is available only to citizens**.

### Constitutional Provisions in this Context

#### 1. Article 14 dimension: Why did the Court reject the discrimination argument?

- **Article 14 permits reasonable classification**, and unequal treatment becomes constitutionally problematic when similarly situated persons are treated differently without a rational basis.
- The Court found that merely travelling together and holding visas of the same category did not establish that the two individuals were **identically situated in all relevant respects**.
- The authorities had specifically cited adverse inputs relating to the petitioner herself.
- Therefore, the husband's admission did not automatically establish discriminatory treatment against the petitioner.

#### 2. Article 21 dimension: Important constitutional distinction

- Foreigners are not outside the protection of the Indian Constitution.
- However, the extent of their constitutional rights differs from that of citizens.
- **Article 21—protection of life and personal liberty—extends to foreigners**, whereas certain rights under Article 19 are specifically available to citizens.
- Thus, a foreigner cannot claim the citizen-specific right under **Article 19(1)(e) to reside and settle anywhere in India**.

### Challenges Associated with the Issue

#### 1. Excessive administrative discretion

- Broad immigration powers can create a risk of inconsistent decision-making if clear standards and accountability mechanisms are absent.

#### 2. Transparency versus national security

- Authorities may legitimately withhold sensitive intelligence inputs, but excessive secrecy can make it difficult for an affected foreigner to effectively challenge the decision.

#### 3. Natural justice concerns

- Denial of entry without communicating adequate reasons can raise concerns regarding **procedural fairness**, particularly where adverse consequences are significant.

#### 4. Risk of arbitrariness

- Immigration decisions based on vague or inadequately documented "adverse inputs" may create concerns about arbitrary exercise of power.

#### 5. Article 14 concerns

- Different treatment of similarly placed foreigners may generate allegations of discrimination unless authorities can demonstrate a rational basis for the distinction.

## Way Forward

### 1. Establish transparent immigration protocols

- The government should develop clear operational guidelines specifying the circumstances in which a valid visa may nevertheless result in denial of entry.

### 2. Maintain security-sensitive confidentiality

- Sensitive intelligence should remain protected, but authorities should communicate **non-sensitive reasons** wherever possible so that the affected individual understands the broad basis of the decision.

### 3. Strengthen procedural safeguards

- Immigration decisions should be supported by proper documentation, authorised decision-making and internal review mechanisms to reduce arbitrary action.

### 4. Institutionalise risk-based immigration screening

- Technology and intelligence should be used for **risk-based rather than indiscriminate screening**, while ensuring safeguards against inaccurate databases and profiling.

### 5. Ensure judicial review

- Courts should preserve limited but meaningful review to examine **legality, mala fides, procedural fairness and manifest arbitrariness**, without substituting judicial assessment for legitimate national-security decisions.

## Conclusion

The judgment reinforces India's sovereign authority over immigration, but such authority should operate within constitutional discipline. A credible immigration regime must combine **national security, procedural fairness, transparency and limited judicial review** to prevent arbitrariness.

*Q. "Possession of a valid visa does not confer an absolute right of entry into India upon a foreign national." In light of the Immigration and Foreigners Act, 2025 and recent judicial pronouncements, examine the constitutional and security dimensions of this principle. 10 Marks*

## 1.1.2. MMDR AMENDMENT ACT, 2026: BALANCING MINERAL SECURITY AND FISCAL FEDERALISM

### Context

The passage of the Mines and Minerals (Development and Regulation) Amendment Act, 2026 establishes federal regulatory oversight over State-level taxation on mining operations and mineral-bearing lands. By restricting State governments from levying independent taxes on mineral rights and invalidating uncollected past tax arrears, the legislation has sparked concerns over sub-national fiscal autonomy.



## Introduction

The MMDR Amendment Act, 2026 highlights the friction in Indian federalism between national economic standardization and sub-national financial independence. The legislation centralizes the tax framework to stabilize domestic mineral prices and prevent fragmented tax rates, fundamentally altering the fiscal dynamics between the Union and the States.

## Regulation of Mines and Minerals in India

- **Union Regulation:** Parliament holds the authority to regulate mines and mineral development in the public interest under Entry 54 of the Union List.
- **State Authority:** States possess the primary administrative authority to grant mining leases and regulate minor minerals under Entry 23 of the State List, subject to the Central framework established under Entry 54.
- **Fiscal Powers of States:** The Constitution grants States the power to tax mineral rights (Entry 50 of the State List) and mineral-bearing lands (Entry 49 of the State List).
- **Judicial Validation:** The Supreme Court's 2024 ruling in the *MADA v. SAIL* case affirmed the States' sovereign authority to recover past tax dues and clarified their taxation powers.
- **Minor Minerals Exemption:** The 2026 amendment does not alter State control over minor minerals; nearly 50 minor minerals remain entirely under the regulatory and fiscal control of State Governments.

## Fiscal Stakes and Sub-national Vulnerabilities

- **High Revenue Dependence:** Mineral receipts form a critical pillar of sub-national finances, accounting for up to 85% of non-tax revenue in states like Jharkhand and 80% in Odisha.
- **Erosion of Fiscal Space:** Capping independent levies restricts the budgetary space of mineral-rich regions, increasing structural reliance on Union tax devolution and external borrowing.
- **Impact on Social Security:** A narrowing revenue base limits the capacity of State governments to fund welfare initiatives, social security schemes, and local infrastructure projects in mining-affected districts.
- **Federal Pushback:** Non-NDA-ruled states, including Karnataka, Telangana, Himachal Pradesh, and Kerala, intend to legally challenge the legislation, citing the erosion of fiscal federalism and potential overreach of the Union into local jurisdictions.

## Need for the MMDR Amendment Act, 2026

- **Fragmented Tax Regime:** Widely differing State levies caused mineral costs to vary sharply across regions, obstructing supply chains and pushing up logistics costs.
- **High Domestic Production Costs:** A levy at the mining stage is added directly to the mineral's price, increasing costs for downstream industries like steel, cement, and electricity, and ultimately affecting ordinary consumers.
- **Investment Uncertainty:** Retrospective tax demands and sudden changes discouraged investment and slowed technological expansion.

- **Import Reliance Mitigation:** The amendment aims to prevent domestic mineral taxation from making Indian raw materials more expensive than imports, safeguarding critical industries.
- **Strategic Mineral Security:** Ensuring a stable fiscal regime is vital to secure critical minerals essential for manufacturing, defense, and renewable energy transitions under the *Viksit Bharat* vision.

### Key Features of MMDR Amendment Act, 2026

- **Regulatory Expansion:** The amendment expands the scope of the MMDR Act to cover mineral-bearing lands, creating a standardized national baseline.
- **Conditional Taxation:** States are barred from imposing taxes, cesses, or levies on mineral rights or mineral-bearing lands except in compliance with conditions set by the Central Government.
- **Consolidated Base:** The restriction applies uniformly whether a levy is calculated on mineral quantity, value, or royalty, eliminating redundant taxation on a single mining activity.
- **Retrospective Management:** The Act invalidates all pending retrospective dues imposed by States while protecting taxes already deposited or recovered.

### Key Concerns

- **Constitutional Friction:** Restricting States from taxing mineral-bearing lands raises concerns about encroachment on State powers under Entry 49 of the State List.
- **Judicial Overreach Apprehensions:** The Act invalidates certain unpaid past levies, which seeks to alter the legal consequences of the Supreme Court's 2024 ruling, raising concerns over the separation of powers.
- **Article 14 Violations:** Denying refunds to companies that paid their levies while invalidating the unpaid dues of others could result in unequal treatment, potentially raising Article 14 concerns.
- **Excessive Executive Delegation:** The legislation leaves the conditions and restrictions on State taxation entirely to the Central Government instead of Parliament laying down clear legislative principles.

### Way Forward

- **Institutionalize Consultation:** Implement major restrictions on sub-national taxation powers through formalized, sustained Centre-State dialogue to preserve the federal balance.
- **Protect Regional Revenues:** The Union must guarantee predictable revenues for mineral-rich States to prevent a collapse in their developmental and welfare expenditure.
- **Formulate Transparent Rules:** The Central Government must notify predictable, objective conditions for levies to minimize arbitrary executive discretion.
- **Promote Sustainable Frameworks:** Economic efficiency and increased private investment must be legally tethered to robust environmental restoration and equitable benefit-sharing with local communities.

## Conclusion

The MMDR Amendment Act, 2026 marks a critical pivot in India's asymmetric federal structure. While streamlining the fiscal regime is economically imperative to stimulate the domestic ecosystem and lower input costs for manufacturing, achieving long-term national mineral security requires an institutional consensus that balances centralized economic integration with the legitimate financial viability of resource-rich States.

**Q.** *Critically examine how the MMDR Amendment Act, 2026, impacts the fiscal autonomy of mineral-rich States in India. 10 Marks*

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## 2.1. ENVIRONMENT

### 2.1.1. STUBBLE BURNING: STRUCTURAL CAUSES AND SUSTAINABLE SOLUTIONS

#### Context

Recurring stubble-burning incidents in Punjab and Haryana highlight the limitations of punitive enforcement and technology-centric interventions. The issue reflects deeper structural problems involving groundwater conservation laws, the paddy-wheat cropping cycle, assured procurement, farm economics and gaps in fire monitoring.



#### Introduction

Stubble burning is the deliberate burning of crop residue after harvesting, particularly paddy straw in northwestern India. It contributes to seasonal air pollution, damages soil health and exposes the structural weaknesses of India's agricultural and environmental governance.

#### Significance

Developments relevant to the 2025–26 stubble-burning cycle and the upcoming 2026 harvest season.

#### 1. Officially reported decline in farm fires

The Commission for Air Quality Management (CAQM) reported that Punjab recorded 5,114 fire incidents in 2025, a 90% decline from 2022, while Haryana recorded 662 incidents, a decline of 81% over the same period. These are encouraging official figures, but they must be interpreted alongside the limitations of satellite-based detection.

#### 2. Measurement gaps have become a major concern

A September 2026 report highlighted discrepancies between satellite-based assessments and ground verification, prompting CAQM and the National Remote Sensing Centre (NRSC) of ISRO to re-examine the burnt-area assessment protocol during the upcoming Kharif season.

#### 3. Policy is shifting towards a combination of incentives and enforcement

The government has expanded support for crop-residue machinery, custom hiring centres and alternative uses of paddy straw. CAQM has also directed authorities to improve machinery access, promote industrial utilisation of residue and strengthen accountability for enforcement failures.

#### Causes and structural dimensions of the problem:

##### 1. Environmental and public-health dimension

- Seasonal deterioration of air quality: Stubble burning releases fine particulate matter, carbon monoxide and other pollutants that can worsen air quality across northwestern India. Its contribution to Delhi's pollution varies with the scale of burning, meteorological conditions, transport of pollutants and emissions from other sources.

- Transboundary movement of pollution: Smoke can travel beyond the location of burning, making crop-residue management a regional environmental governance challenge rather than merely a local agricultural issue.

## **2. Agricultural and technological dimension**

- Dependence on combine harvesters: Mechanised harvesting improves efficiency but leaves standing stubble and substantial quantities of loose straw, increasing the cost and difficulty of preparing fields for the next crop.
- Narrow sowing window: The delay in paddy transplantation has pushed harvesting towards late October and November, leaving many farmers with approximately 10–15 days to clear residue and prepare for wheat sowing, as described in the article.

## **3. Legal and groundwater-management dimension**

- Punjab Preservation of Subsoil Water Act, 2009: The legislation sought to conserve groundwater by regulating the timing of paddy cultivation. Delayed transplantation helps align water-intensive paddy cultivation with monsoon availability, but it also postpones harvesting and compresses the period available for residue management.
- Unintended policy consequences: The case illustrates how a policy designed to address one environmental problem can aggravate another when complementary measures are not introduced. Groundwater conservation and air-pollution control must therefore be planned together.

## **4. Economic and institutional dimension**

- Assured procurement of rice and wheat: The article highlights the strong procurement support for paddy and wheat in Punjab and Haryana. This reduces market uncertainty and encourages farmers to continue cultivating these crops rather than diversify into alternatives.
- Subsidised electricity: Free or highly subsidised agricultural power lowers the private cost of pumping groundwater, weakening incentives to shift away from water-intensive crops.

## **Technical solutions: In-situ and ex-situ residue management**

### **1. In-situ management — treating residue in the field**

- Happy Seeder and Super Seeder: These machines enable wheat sowing in fields containing paddy residue, reducing the need to burn it.
- Mulching and incorporation: Retaining or incorporating residue can return organic matter to the soil and support moisture conservation, depending on soil conditions and management.

### **2. Ex-situ management — using residue outside the field**

- Bioenergy production: Paddy straw can be converted into compressed biogas, bioethanol, biomass pellets and briquettes.
- Industrial utilisation: Thermal power plants and suitable industrial units can use processed biomass as a fuel or co-firing input, subject to technical and environmental requirements.

## Government measures and regulatory framework

| Measure                                                 | Relevance to the issue                                                                                         |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Crop Residue Management (CRM) Scheme                    | Provides financial assistance for residue-management machinery and supports custom hiring centres.             |
| Commission for Air Quality Management (CAQM)            | Coordinates crop-residue management and enforcement across the National Capital Region and adjoining areas.    |
| ISRO-supported satellite monitoring                     | Enables the detection of active fires and assessment of burnt areas under the established monitoring protocol. |
| National Green Tribunal and Supreme Court interventions | Have addressed the legality and enforcement of restrictions and penalties associated with stubble burning.     |
| State-level incentive programmes                        | Encourage machinery use, alternative crops, residue utilisation and community participation.                   |

## Way Forward: A Comprehensive Strategy to Address Stubble Burning

- 1. Improve Satellite-Based Monitoring:** Integrate polar-orbiting and geostationary satellite data with ground verification to accurately detect fires, estimate burnt areas and minimise under-reporting.
- 2. Promote Crop Diversification:** Encourage farmers to shift towards pulses, oilseeds, maize and other agro-climatically suitable crops through remunerative prices, assured markets and procurement support.
- 3. Reform Agricultural Incentives:** Gradually rationalise procurement policies and electricity subsidies that encourage water-intensive paddy cultivation while protecting farmers' incomes during the transition.
- 4. Ensure Affordable Machinery Access:** Expand custom hiring centres, cooperatives and farmer-producer organisations to provide timely and affordable access to Happy Seeders, Super Seeders and other crop-residue management machinery.
- 5. Develop Economically Viable Biomass Markets:** Establish reliable supply chains and guaranteed procurement arrangements for paddy straw used in compressed biogas, bioethanol, biomass pellets and other industrial applications.

## Conclusion

Stubble burning is a structural agricultural and environmental challenge, not merely a question of farmer compliance. Sustainable progress requires crop diversification, affordable residue management, viable biomass markets, credible monitoring and coordinated governance that protects both public health and farmers' livelihoods.

**Q.** *What are the major factors responsible for making the rice-wheat system a success? In spite of this success, how has this system become bane in India? 10 Marks (2020)*

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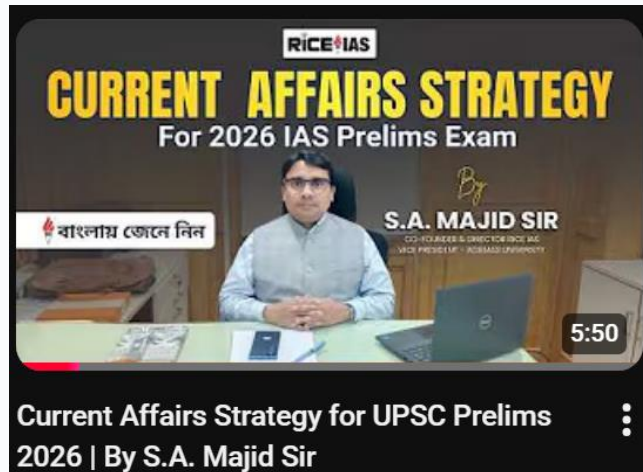
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