

Mains Master

SC rules electoral bonds scheme unconstitutional

Context:

- **Rising Concerns:** In recent years, concerns about the increasing role of money in Indian politics and the lack of transparency in political funding had been growing.
- **Black Money Issue:** Black money, or undeclared income, was believed to be a significant source of funding for political parties, leading to corruption and undue influence.

Background:

- **Introduction of Scheme:** In 2017, the government introduced the Electoral Bonds Scheme as a measure to curb black money in political funding.
- **How it Worked:** Individuals and companies could purchase electoral bonds from designated banks, similar to bearer bonds. These bonds could then be donated to political parties anonymously.
- **Transparency Concerns:** The scheme attracted criticism for its lack of transparency, as it shielded the identity of donors and the amount donated.

Why it was Challenged:

- **Petitions Filed:** Various petitions were filed in the Supreme Court challenging the scheme's constitutionality.
- **Violation of Right to Information:** Petitioners argued that the anonymity violated the fundamental right to information under Article 19(1) (a) of the Constitution. Voters had the right to know who was funding political parties and potentially influencing policy decisions.
- **Unfair Advantage for Corporations:** The scheme was criticized for giving corporations with large donations undue influence over political parties and the electoral process, violating the principle of free and fair elections enshrined in the Constitution.
- **Economic Inequality:** The scheme was seen as promoting economic inequality by giving wealthy donors and corporations a significant advantage over ordinary citizens in influencing elections.
- **Why Supreme Court Termed the Electoral Bonds Scheme Unconstitutional: A Deeper Dive**

The Supreme Court's unanimous verdict against the Electoral Bonds Scheme rested on **five key pillars**:

1. Violation of Right to Information:

- The court emphasized the fundamental right to information enshrined in Article 19(1)(a) of the Constitution. This right grants citizens the ability to access information crucial for informed decision-making, including in the political sphere.
- The anonymity offered by the scheme was deemed a direct violation of this right. Voters were denied knowledge about who funded political parties, potentially influencing their choices or raising concerns about conflicts of interest.
- The court argued that transparency in political funding is essential for holding elected officials accountable and preventing undue influence on policy decisions.

2. Unrestrained Corporate Influence:

- The court recognized the scheme's potential to create an uneven playing field, favoring corporations with significant financial resources.
- The ability of corporations to make anonymous donations could lead to "quid pro quo" arrangements with political parties, where donations are exchanged for favorable policies or contracts. This can undermine the principle of free and fair elections, where all candidates have an equal opportunity to compete for votes.
- The court expressed concern about the potential for corporations to exert undue influence on policymaking and legislation, disregarding the interests of the broader electorate.

3. Exacerbating Economic Inequality:

- The court acknowledged the argument that the scheme disadvantaged ordinary citizens compared to wealthy individuals and corporations.
- The ability to make large anonymous donations granted wealthy donors and corporations a significant advantage in influencing elections, potentially drowning out the voices of ordinary citizens with smaller contributions.
- This was deemed a violation of the principle of equality enshrined in the Constitution, where every vote carries equal weight regardless of economic status.

4. Black Money Argument Rejected:

- The government's argument that the scheme curbed black money in political funding was dismissed by the court.
- The court questioned the effectiveness of the scheme in achieving this objective, highlighting that anonymous donations could still potentially originate from black money sources.
- The court emphasized that even if the scheme had some impact on black money, it could not justify violating the fundamental right to information and undermining the principles of free and fair elections and economic equality.
- **5. Test of Proportionality:** The court applied the test of proportionality, a legal framework to assess the legitimacy and necessity of a measure against its potential harm. In this case, the court found:

Legitimate Aim: The aim of curbing black money in political funding was considered legitimate.

Suitability and Necessity: The court questioned whether the scheme was the most suitable and necessary means to achieve this aim. Alternative measures with less restrictive effects on the right to information could be explored.

Proportionality: The court concluded that the scheme's impact on transparency and democratic values was disproportionate to the potential benefits in curbing black money. The anonymity provision outweighed any benefits, rendering the scheme unconstitutional.

Overall Outlook:

- **Landmark Verdict:** The Supreme Court's verdict has been hailed as a significant step towards greater transparency and accountability in political funding in India.
- **Challenges and Reforms:** The government may challenge the verdict or introduce a new scheme with stricter transparency measures. The judgment raises questions about the future of campaign finance reform in India.
- **Public Debate Expected:** This verdict is likely to reignite public debate about the role of money in politics and the need for further reforms to ensure a level playing field and protect democratic values.

Unbonded (The Hindu : Editorial)

Significance of the Verdict:

- **Transparency and Accountability:** The Supreme Court's verdict has been hailed as a significant victory for transparency and accountability in Indian politics. It highlights the importance of informed voter participation and protects democratic values from the potential dangers of undisclosed financial influence.
- **Upholding Voter Rights:** This judgment aligns with the Court's ongoing efforts to strengthen voter rights and ensure the purity of elections. It builds upon previous interventions such as mandating disclosure of criminal records on election affidavits and expedited trials for lawmakers involved in criminal offenses.

Open Questions and Editor's Opinion:

- **Potential for Earlier Action:** The editor raises the question of whether the Court could have intervened earlier to prevent potential misuse of funds under the EBS. This highlights the importance of timely judicial intervention to protect democratic values.

- **Unknown Extent of Influence:** The true extent of influence exerted by undisclosed donors through the EBS remains unknown. This underlines the need for stricter transparency measures in political funding.
- **Editor's Opinion:** The editor views the judgment as a crucial step towards a more transparent and accountable political system in India. They also suggest that an interim stay on the EBS issuance could have mitigated potential harm before the final verdict.

The diversity blindspot in health policy

Main Issue:

- Lack of diversity in India's health policy committees, with an over-representation of men, doctors, bureaucrats, and individuals from Delhi-NCR. This leads to a narrow perspective on health issues and policies that may not be inclusive or effective.

Impacts of the Lack of Diversity:

- **Limited understanding of diverse needs:** Policies lack the consideration of various perspectives, such as those of women, geographically marginalized groups, and patients themselves.
- **Perpetuation of inequalities:** Current power dynamics within committees can favor certain groups and exacerbate existing health disparities.
- **Overemphasis on clinical medicine:** Neglect of preventive care and community-based solutions due to the dominance of doctors in committees.

Specific Concerns:

- **Gender disparity:** Only 18% of women hold leadership positions in health panels, despite constituting nearly half of the workforce.
- **Geographical bias:** Delhi-NCR is over-represented, while North-Eastern states have minimal representation.
- **Bureaucratic control:** Domination by government officials can stifle dissenting voices and prioritize control over collaboration.
- **Potential conflicts of interest:** Concerns exist about the involvement of individuals who may benefit financially from certain policy decisions.

Proposed Solutions:

- **Affirmative action:** Reserving seats for women and marginalized groups in health committees.
- **Decentralization:** Encouraging representation from diverse regions and promoting community participation.
- **Leadership training:** Equipping committee members with diverse skillsets beyond clinical medicine.
- **Transparency and accountability:** Ensuring open discussions, recording dissenting views, and addressing conflicts of interest.

Overall Message:

- Achieving better health outcomes and equitable healthcare requires a diverse and inclusive decision-making process in health policy.

Places of worship and an unsettling judicial silence

Context:

- **Establishment of the Act:** The Places of Worship (Special Provisions) Act was enacted in 1991 to prevent the reopening of historical disputes regarding the religious character of places of worship in India. This meant that the religious character of a place of worship would be determined based on its status in 1947, effectively freezing any claims based on prior historical ownership or religious significance.
- **Babri Masjid Verdict:** In 2019, the Supreme Court delivered its verdict on the Babri Masjid case, upholding the Places of Worship Act but awarding the disputed land to the party responsible for the mosque's demolition. This ruling, while acknowledging the Act's importance, also created some ambiguity regarding its absolute application.

Background:

- **Lower Court Silence:** Despite the Act's existence, recent years have seen an increasing number of petitions filed in lower courts challenging the Act and seeking the "liberation" of Hindu temples from mosques like Gyanvapi and Shahi Idgah. These petitions claim that these mosques

were built on demolished temples, reopening historical claims that the Act was supposed to prevent. However, lower courts have remained largely silent on these petitions, raising concerns about their commitment to upholding the Act.

• **Supreme Court's Ambiguous Stance:** The Supreme Court's stance on the matter has been ambiguous. While it has maintained that the Act remains valid, it also admitted petitions challenging the Act itself. Additionally, some of its remarks, like the Chief Justice's statement about "ascertaining religious character" not violating the Act, have been interpreted as potentially opening the door to further challenges.

Key Issues:

• **Reopening Historical Disputes:** The continued legal challenges and the lower courts' silence threaten to reopen historical disputes that the Places of Worship Act was meant to settle. This could lead to renewed tensions and conflicts between religious communities.

• **Undermining the Act's Purpose:** The ambiguity surrounding the Act's application and the lack of clear judicial pronouncements weaken its authority and undermine its intended purpose of ensuring peace and stability.

• **Potential for Political Exploitation:** These petitions are being used by some political groups as tools to further their agendas, particularly in the run-up to the 2024 elections. This can exacerbate religious divisions and create a climate of fear and uncertainty.

Concerns:

• **Repeal of the Act:** If the Act is not upheld effectively, it could be repealed in the future, leading to a complete reopening of historical disputes and potentially triggering violence and unrest.

• **Erosion of Secularism:** The weakening of the Act and the rise of religious tensions could threaten the secular foundation of India, jeopardizing the rights and security of minority communities.

• **Impact on Religious Harmony:** The ongoing legal challenges and the lack of a clear judicial stand create an unstable and uncertain environment, potentially leading to increased religious animosity and violence.

Role of Judiciary:

• **Upholding the Act:** The Supreme Court needs to send a strong and unambiguous message in support of the Places of Worship Act and its principles. This could involve issuing clear pronouncements that reaffirm the Act's validity and its application to all cases.

• **Lower Court Action:** Lower courts must actively enforce the Act and dismiss petitions that challenge its provisions or attempt to reopen historical disputes.

• **Setting Precedents:** The judiciary's decisions in these cases will set important precedents for future conflicts involving religious claims and historical disputes.

Way Forward:

• **Strong Judicial Pronouncements:** The Supreme Court needs to issue clear and definitive judgments that uphold the Places of Worship Act and deter further challenges.

• **Public Discourse:** Open and inclusive public discourse is crucial to promote understanding and respect for the Act's importance in maintaining peace and stability.

• **Constitutional Safeguards:** Strengthening legal and constitutional safeguards for religious minorities and their places of worship is essential to ensure their rights and prevent discrimination.

Prelims Booster

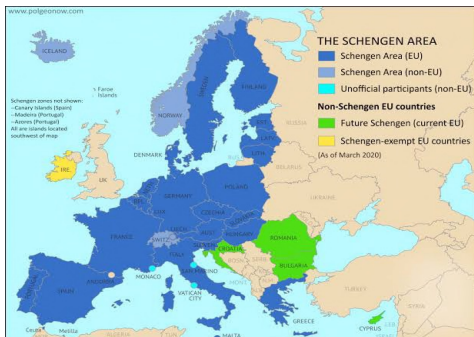
Why did Kosovo face delays in Schengen approval?

- 🇰🇲 Kosovo's Schengen Approval Delay: Kosovo's application for Schengen approval faced delays due to strong opposition from several EU members who do not recognize Kosovo's 2008 unilateral declaration of independence from Serbia, despite the European Commission clearing Pristina's preparedness for entry in 2018.

- 🌐 Factors Contributing to Kosovo's Schengen Access: Kosovo's landmark development of gaining visa-free access to the Schengen zone was influenced by its readiness to tackle illegal migration and corruption, as well as geopolitical implications arising from non-recognition by several EU members and global powers like Russia and China.

- 🧩 Complexities in Schengen Entry: The complexities in Schengen entry for Kosovo stem from its lack of legal statehood accorded by the UN and the opposition from certain EU members, highlighting the geopolitical and diplomatic challenges associated with gaining approval for visa-free access.

- 🌐 Schengen and the EU: While Schengen entry is not mandatory for EU members, it holds significant importance for European integration, offering the freedom of travel and serving as a symbol of the post-war European project's success.



- 🌐 EU's Border-Free Policy: The EU's border-free policy under Schengen provides advantages for nationals of any country, enabling freedom to travel within the borderless area with a single Schengen visa, and symbolizing European integration and unity.

- 🎭 Performance: Typically performed outdoors on a large stage, featuring colorful costumes and elaborate masks representing different characters and deities, accompanied by traditional music played on instruments such as the dhol, shehnai, and mohuri.
- 🎭 Themes: Chhau dance often depicts themes from Hindu mythology, epics like the Ramayana and Mahabharata, and local folklore, exploring religious and secular themes such as good versus evil, love and loss, and the power of nature.
- 🌐 Significance: An integral part of the cultural heritage of eastern India, Chhau dance is a vibrant and dynamic art form recognized as a **UNESCO Intangible Cultural Heritage of Humanity**, continuing to evolve and adapt to changing times.

India rejected FTA demands for data exclusivity, says official

- 🇮🇳 India's Rejection of Data Exclusivity: India has rejected the demand for 'data exclusivity' as part of ongoing discussions with the European Free Trade Association (EFTA) towards a free trade agreement, citing concerns about the impact on the country's generic drug industry and the availability of affordable drugs.
- 💊 Impact on Generic Drug Industry: Data exclusivity pertains to a clause in the draft agreement that imposes a minimum six-year embargo on clinical trial data, potentially hindering the production of affordable versions of expensive drugs by the Indian generic drug industry.
- 🌐 Persistent Demands: Demands for data exclusivity have been consistently raised by the European Union and the EFTA since 2008, but have been consistently rejected by India, emphasizing the country's commitment to protecting the interests of its generic drug industry.

Technical Recession

- 📉 Technical Recession: The most common definition of recession, often used in the media, is characterized by two consecutive quarters of negative growth in real GDP, as seen in Australia's economic history. This definition has been widely used by journalists and is a key indicator of economic downturns.
- 📉 Shortcomings of the Definition: Weak GDP growth, even if not negative, can still lead to significant increases in unemployment and household hardship, highlighting the limitations of relying solely on GDP growth for recession indicators. This emphasizes the need to consider broader economic indicators beyond GDP growth to assess the overall health of the economy.
- ⚖️ Volatility and Data Revisions: The volatility of certain GDP components and the potential for data revisions can lead to false signals about the underlying pace of economic growth, as negative growth figures can be revised away or positive ones can become negative. This underscores the need for caution when interpreting short-term GDP data and the importance of considering longer-term trends.
- ⚖️ Alternative Measures: Some commentators consider alternative measures of economic output, such as consecutive quarters of negative growth in GDP per person or excluding volatile sectors like the farm sector, to assess periods of easing economic growth or growth below trend. This highlights the importance of using multiple indicators to gain a comprehensive understanding of economic performance and potential downturns.

Chhau Dance

- 🎭 Chhau Dance: A masked semi-classical Indian dance form originating in eastern India, specifically in the states of Odisha, Jharkhand, and West Bengal, known for its vigorous movements, acrobatics, and expressive use of masks and costumes.
- 🏰 History and Origin: The exact origins of Chhau dance are uncertain, with theories suggesting influences from martial arts traditions and tribal rituals between the 9th and 16th centuries. Traditionally performed by men, women have also begun to participate in recent years.

'Connecting India'



Purulia Chhau, a folk dance from Bengal, being performed by Tarapada Rajak and team, at a college in Kozhikode on Thursday, 8. RAZIPI

- 🎭 Styles of Chhau: There are three main styles of Chhau dance, each with unique characteristics:
 - Seraikella Chhau: Originating in Jharkhand, known for graceful movements and papier-mâché masks depicting gods, goddesses, demons, and animals.
 - Purulia Chhau: Originating in West Bengal, known for powerful and acrobatic movements, with wooden masks depicting fearsome warriors and deities.
 - Mayurbhanj Chhau: Originating in Odisha, emphasizes storytelling and mime, with stylized and abstract masks.

In Numbers

