

Unbonded

The electoral bonds verdict is a blow for freedom of expression

Anonymous donations of high value tend to undermine electoral democracy and governance as they facilitate a *quid pro quo* culture involving donors and beneficiaries. In striking down the Electoral Bond Scheme (EBS) under which anyone could buy electoral bonds and donate them to political parties for encashment, the Supreme Court of India has recognised this malaise and struck a blow for democracy and transparency in political funding. The Court found that the entire scheme violates the Constitution, especially the voters' right to information. It further found manifestly arbitrary, the amendment to the Companies Act that removed the cap of 7.5% of a company's profit that can be donated to political parties without any requirement to disclose details of the recipient parties in its profit and loss accounts. It has also mandated disclosure of donation details since 2019. The judgment is one more in a long line of verdicts the Court has handed down to promote voter rights and preserve the purity of elections. Its earlier interventions led to the featuring of the 'None of the Above' option on the ballot, the removal of the protection given to legislators from immediate disqualification on conviction for a criminal offence, the mandatory disclosure of the assets and criminal antecedents of candidates in their election affidavits and expedited trials for MPs and MLAs involved in criminal offences.

The Court's reasoning is unexceptionable. It found that the primary justification for the EBS — curbing the use of 'black money' for political or electoral funding by allowing donations through banking channels — failed the test of proportionality, as it was not the least restrictive measure to abridge the voters' right to know. It has made the logical connection between unidentified corporate donations and the likelihood of policy decisions being tailored to suit the donors. The judgment is a natural follow-up to a principle it had laid down years ago that the voters' freedom of expression under Article 19(1)(a) will be incomplete without access to information on a candidate's background. The principle has now been extended to removing the veil on corporate donors who may have been funding ruling parties in exchange for favours. While the verdict may help ease the hold that donors may have on governance through money power, a question that arises is whether the validity of the scheme could have been decided earlier or the issuance of bonds on a regular basis stayed. How much of the thousands of crores of rupees given to parties under this scheme resulted in policy measures favourable to the donors or helped fund the deployment of additional campaign resources will never be known. This was a fit case for the grant of an interim stay.

Political contributors can influence govt. decisions, says SC

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday said the influence of money over electoral politics is not limited to poll outcomes but spills over to government decisions as well.

"The legal regime in India does not distinguish between campaign funding and electoral funding. The money which is donated to political parties is not used by the political party only for the purposes of electoral campaigns. Party donations are also used, for instance, to build offices for the party and pay party workers," observed Chief Justice of India D.Y. Chandrachud, heading a Constitution Bench that struck down the electoral bonds scheme.

Again, the window for financial contributions to political parties is not open for a limited period prior

to the elections, the Chief Justice noted.

'Seat at the table'

At a primary level, political contributors give a "seat at the table" to the contributor or enhanced access to legislators. "The access also translates into influence over policy-making. An economically affluent person has a higher ability to make financial contributions to parties, and there is a legitimate possibility that financial contribution to a political party would lead to *quid pro quo* arrangements because of close nexus between money and politics," the court said.

The Chief Justice said the influence of money over politics has made it necessary for voters to access information on political funding, which will enable them to assess if there is a correlation between policy-making and financial contributions.

'Matching buyers of poll bonds with recipients could be tricky'

Total funds generated from bond sales since inception is ₹16,518.11 cr; activists say despite the directive to SBI to reveal sale details to EC, it might not be easy to immediately map how much an individual or corporate entity contributed to a party

Sreeparna Chakrabarty
NEW DELHI

As the Supreme Court struck down the electoral bonds scheme as unconstitutional, the big question is whether the public can know which individual or corporate entity contributed how much through the bonds to which political party. Some petitioners and activists feel this is a tricky area.

According to data by the Association for Democratic Reforms (ADR), which was the chief petitioner in the case in the court, the collective amount of funds generated through the sale of electoral bonds between March 2018 and January 2024 is ₹16,518.11 crore.

On Thursday, the top court asked the State Bank



Paper's worth: The SC has asked State Bank of India to submit details of electoral bonds purchased since the interim order of the court dated April 12, 2019 till date to the Election Commission.

of India (SBI) to submit details of the electoral bonds purchased since the interim order of the court dated April 12, 2019, till date to the Election Commission. The SBI shall also submit the details of political parties that received contributions through the bonds.

The bank has to submit the above information to the EC within three weeks from the date of Thursday's judgment, i.e., by March 6, 2024. The EC in turn has to publish the information shared by the SBI on its official website within one week of the receipt of the information, that is, by March 13, 2024, the court said.

Prof. Jagdeep Chhokar, founder-member and trustee of ADR, said if one goes by the court's directions to the SBI and the EC, then it

can be known who contributed to which party.

RTI activist Anjali Bhardwaj, a member of the board of Common Cause, one of the petitioners, though feels this will be a tricky area even as she hailed the judgment as a "landmark verdict". According to her, despite the disclosures, it may be difficult to know exactly who contributed to which party through electoral bonds since the design of the scheme is such that each bond by itself is not uniquely traceable and the bonds are of fixed denominations.

Sanjay Hegde, one of the lawyers, who appeared for an intervener in the case, told *The Hindu* that the SBI will have to disclose the name of the buyers and the date of purchase. "But

recipients may not be mapped immediately. A bond may have changed many hands before donations."

BJP got lion's share

An analysis of the electoral bonds scheme shows that the ruling BJP garnered the lion's share of nearly 55% of the funds till March 2023, while the Congress got a mere 9.3%. The highest sale of bonds was during the last Lok Sabha election in 2019 from April 1 to 20 when bonds worth ₹2,256.37 crore were sold.

The BJP, till March 2023, received ₹6,566.11 crore through electoral bonds, while the Congress got ₹1,123.29 crore, according to annual audit reports submitted by parties and made public by the Election Commission.

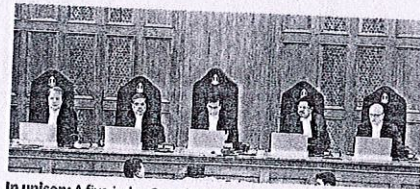
Court upholds right to keep political affiliations away from state intrusion

Krishnadas Rajagopal
NEW DELHI

The fundamental right to privacy covers information about individual political affiliations, the Supreme Court ruled on Thursday.

In its judgment quashing the electoral bonds scheme, a five-judge Bench headed by Chief Justice of India D.Y. Chandrachud said the state could misuse information about people's political beliefs to suppress dissent, to discriminate in giving employment, and even subjecting such people to rolls.

"Forming political beliefs and opinions is the



In unison: A five-judge Constitution Bench headed by CJI D.Y. Chandrachud pronouncing the judgment on Thursday. ANI

first stage of political expression. Political expression cannot be exercised freely in the absence of privacy," Chief Justice Chandrachud observed.

He added that a lack of privacy about political affiliations would "disproportionately affect" people

whose views do not match with that of the mainstream.

'Catastrophic results'

The court said the lack of privacy about political affiliations would be "catastrophic" in the context of electoral franchise. Dwell-

ing on the dangers of the state knowing individual political affiliations, Chief Justice Chandrachud said that such knowledge could be used by those in power to disenfranchise voters or put them under "surveillance".

"A voter database developed through surveillance can identify voting patterns of electors and attempt to interfere with their opinions," the Chief Justice observed.

On a systemic level, the Chief Justice noted that information on the political affiliations of voters could be used for "gerrymandering".

Parties in power got the highest share: SC

Krishnadas Rajagopal
NEW DELHI

The Supreme Court on Thursday analysed in its judgment that the majority of the anonymous financial contributions through electoral bonds were made to political parties in power and the biggest gainer was the ruling BJP.

In his separate opinion, Justice Sanjiv Khanna analysed the audit reports of political parties from 2017-2018 to 2022-2023. Justice Khanna's analysis showed that the BJP got ₹210 crore in 2017-2018 at the start of the scheme and raked in ₹1,294.14 crore in 2022-23.

The Indian National Congress (INC) is far below at ₹171.02 crore while the All India Trinamool Congress (AITC) received ₹325 crore and the DMK ₹185 crore in 2022-2023.

"It is clear that majority of contributions through bonds went to ruling political parties in the Centre and the States," Justice Khanna observed.

The judge also gave details of the denomination-wise sale of electoral bonds from March 2018 to July 2023. Justice Khanna said over 50% of the bonds sold were in the one crore denomination during this period.

Welcome judgment, say former CECs

The Hindu Bureau
NEW DELHI

Former Chief Election Commissioners welcomed the Supreme Court order.

"If the whole electoral bonds scheme had been brought in for transparency, then it had the opposite effect," says former CEC Navin Chawla. "The shadow of anonymity was so great that it gave contributors and political parties great advantage," he said.

Another former CEC, O.P. Rawat, said: "This has addressed all the concerns expressed by the Election Commission when the scheme was brought in."

Sr Pawar camp says no merger with Cong; applies for symbol

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According to reports, AICC observer Ramesh Chenithala, who is in charge of Maharashtra, had during his meeting with Sharad Pawar on Tuesday given a merger proposal in the larger interest of the two parties and to keep away the BJP from power. It was proposed that the Sharad Pawar faction's nominees would contest on the Congress symbol in the LS elections as the NCP symbol is no longer with them.

MPPC president Nana Patole said he along with Chenithala did meet Sharad Pawar, but there was no discussion on a merger. "We discussed preparations for the LS elections and the seat-sharing formula among the constituents. At no stage was there discussion on the merger of the NCP and the Congress," Patole said. NCP (Sharadchandra Pawar) leader Anil Deshmukh and working president Supriya Sule denied the reports, saying the NCP is part of MVA, it is intact and will contest LS elections with the goal of defeating the BJP.

Sule also criticised the Centre for farmers' protest at the Delhi-NCR border. "The BJP is insensitive towards farmers' issues. Instead of addressing them, govt is resorting to violence against farmers.

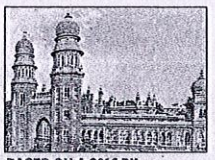
The party will pay a heavy price," she said. A former Congress MP said notwithstanding the denial, talks are in progress at different levels.

"Sharad Pawar set up the NCP in 1999 citing Sonia Gandhi's foreign origins. In 25 years, the political situation has changed completely. In Maharashtra, Pawar had been working with the Congress and he was also Union minister in the Manmohan Singh government," he said. The former MP said in the months to come, the NCP will certainly merge with the Congress. Meanwhile, an NCP (Sharadchandra Pawar) leader said, "We expect EC to approve one of the symbols submitted by us."

Consider asking candidates for health certificates: HC to ECI

TIMES NEWS NETWORK

Chennai: Madras high court on Thursday directed the Election Commission of India (ECI) to ascertain whether candidates contesting elections can be mandated to produce a health certificate.



BASED ON A 2016 PIL

The first bench of chief justice Sanjay Vijaykumar Gangapurwala and justice D Bharatha Chakravarthy passed the instruction to the ECI on a 2016 PIL seeking such relief.

The petitioner, SV Subbiah, wanted the ECI to make medical reports of candidates contesting elections to be made public so that voters can decide whether the candidate is in sane health to perform duties as a peoples' representative. Though the petitioner limited his plea to candidates contesting local body elections, the court in 2018 extended the scope of the PIL to cover MPs and MLAs.

Responding to the plea, ECI had submitted that under the provisions of the Representation of the People Act a

candidate has to furnish details about the offences he is accused of or convicted of. Further, as per guidelines issued by Supreme Court, the candidate has to furnish the details of his and his family assets.

The ECI had also said that though it cannot be stated that the health of a candidate is irrelevant in the view of natural expectation of a representative being able to perform duties, any such call for disclosure will come in conflict with the individual's right to privacy which is enshrined as one of the fundamental rights under the Constitution.

Poll bonds dead, unaccounted cash may be back in currency, say officials

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New Delhi: With Supreme Court scrapping the electoral bond scheme, there are genuine concerns within the Election Commission that unaccounted cash, routed through conduits or registered unrecognised political parties (RUPPs) acting as 'shell entities' may make a comeback as the primary mode of political funding in the election year.

Sources in the commission said the demise of bonds could encourage big and small parties to switch back to accepting unexplained cash donations to fund their election campaigns. Though bonds courted controversy right from the outset over lack of transparency, a senior functionary said they had helped reduce unaccounted cash in political funding by almost 80%.

Of the Rs 11,975 crore funding through poll bonds declared by 18 parties since the sale of the first tranche of poll bonds in 2018, 54% (Rs 6,566 crore) went to BJP, 9.3% to Congress (Rs 1,123 crore) and 9.1% (Rs 1,093 crore) to Trinamool Congress. While national parties (BJP, Congress, CPM and AAP) received a total contribution of Rs 7,847 crore through bonds between 2017-18 and 2022-23, regional parties' share was Rs 4,128 crore.

Interestingly, electoral bonds were the primary source of income of not only BJP, the governing party at the Centre, but also regional parties governing states. Like Trinamool Congress, DMK, BJD and YSRCP. While 54% of BJP's total receipts between 2017-18 and 2022-23 were through bonds, Congress's inflow from bonds constituted 84% of its total re-

ceipts during the same period. Poll bonds contributed 54% of BJP's total receipts in 2022-23, but this share was way higher for Trinamool at 97%, DMK at 87%, BJD at 84%, YSR Congress at 70% and BRS at 71%.

A law expert said the next best alternative to electoral bonds may be cash payments or contributions through electoral trusts. However, cash donations above Rs 20,000 need to be declared by parties in their annual contribution reports, as mandated by Section 28(c) of the Representation of the People Act, 1951. Even in the case of contributions routed through electoral trusts, both the donor and donee political party are to be named in the contribution reports of electoral trusts and parties.

However, the electoral trust route has its own share of problems. "An electoral trust itself is managed by one corporate group or the other and there exists no defined criteria for disbursement of corporate donations received in the trust to parties. These factors have kept trusts from being a favoured mode of poll funding by corporates," the expert said.

"Corporates may not find the anonymity of bonds in the current alternatives. Hence, parties may be forced to return to funding through unaccounted cash... precisely the reason why the bonds scheme was introduced," a former govt official said.

Unaccounted cash remains an area of concern for EC, which has pushed for curbs on its use in elections. In the past 11 assembly elections, the total amount seized rose by 100% to Rs 3,000 crore as compared to the last election in these states.

WHO GOT HOW MUCH

Party	Donations declared through electoral bonds by parties (FY 2017-18 to FY 2022-23)
BJP	6,566
Congress	1,123
Trinamool	1,093
BRS	913
BJD	774
DMK	617
YSRCP	382
TDP	147
Shiv Sena	101
AAP	94
NCP	64
JDC(S)	49
IDJ(U)	24
SP	14
SAD	7
AIDANK	6
RJD	2
JMM	1
SOF	0.5

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Stop issuing electoral bonds forthwith, apex court tells SBI

SC ordered SBI, which alone can issue electoral bonds, to forthwith stop issuing bonds, a blow to many parties, especially BJP as it got the lion's share of corporate donations, and asked the bank to "submit details of electoral bonds purchased since the April 12, 2019, interim order of the court till date to the EC. The details shall include date of purchase of each electoral bond, name of the purchaser and denomination of the bond purchased."

On April 12, 2019, apex court had refused to say the electoral bond scheme but had asked political parties to give details of contributions received by them through this method.

"SBI must disclose details of each electoral bond encashed by political parties which shall include the date of encashment and denomination of the electoral bond. EC shall publish the information shared by SBI on its official website within one week of the receipt of the information, that is, by March

WHAT THE COURT SAID

- Which provisions violated voters' right to information under Article 19(1)(a):
 - Electoral bond scheme
 - Proviso to Section 29C(1) of Representation of the People Act 1951 (as amended by Section 137 of Finance Act 2017)
 - Section 182(3) of Companies Act (as amended by Section 154 of Finance Act 2017)
 - Section 11A(b) of Income-Tax Act (as amended by Section 11 of Finance Act 2017)

- What violated Article 14
 - Deletion of proviso to Section 182(1) of Companies Act permitting unlimited corporate contributions to political parties is arbitrary and violative of Article 14

19, 2024," ordered the bench in what can bring the issue of big money in politics to the centre of the Lok Sabha campaign.

How it could play out was seen immediately after the SC verdict, with opposition parties calling it a setback for BJP govt and accusing it for using electoral bonds to collect money from corporates in exchange of favours.

BJP expressed respect for the verdict but stood by electoral bonds, saying they were introduced with an objective to reduce the role of 'black

money in politics. Interestingly, the bench ordered political parties to return un-encashed electoral bonds. "Electoral bonds which are within the validity period of 15 days but that which have not been encashed by political parties yet shall be returned by the political party or the purchaser depending on who is in possession of the bond to the issuing bank. The issuing bank, upon the return of the valid bond, shall refund the amount to the purchaser's account," it said.

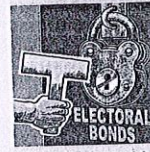
Junked Bonds

SC opens the door to reforming political funding by burying electoral bonds

Landmark is an overused descriptor. But there's no other word to describe Supreme Court's unanimous judgment declaring electoral bonds unconstitutional. SC upheld the principle of transparency in political funding. The judgment may not entirely clean up funding, but it's a great start. Transparency is non-negotiable.

Two pillars | Any legal framework of political funding needs to account for two essential principles. First, in a democracy, voters are the most important stakeholder. Second, there can be a conflict of interest between public good and a political party's preferences, and public good must prevail.

Opaque bonds | In 2017, four separate legislations were amended to create electoral bonds. It's a bearer bond with many features that mimic currency. Most notable is the anonymity it provides donors. RBI expressed its discomfort, observing it dilutes money laundering laws. Election Commission also had reservations.



Perils of anonymity | Hypothetically, a purchaser of a bond could be funded directly or indirectly by other entities. Once purchased, the bonds could be traded because of the cover provided by anonymity. Finally, it could be delivered by the bearer to a desired political party to be encashed. Trails of sources of political funding were scrubbed by legislative amendments.

Two data points | 47% of contributions to parties are through bonds and 94% of these contributions are in denominations of ₹1 crore. This tells the story: anonymity rules in political funding.

Voter is supreme | This anonymity ran afoul of SC's reading of Article 19 of the Constitution. Jurisprudence on electoral reforms has been based on the principle that information that furthers democratic participation must be provided to citizens.

Nowhere to hide | In keeping with this principle, not only has SC prevented issuance of fresh bonds, it also asked for disclosure about issued bonds. Both majority and concurring judgments want details of encashed bonds to be made public on EC's website by March 13.

Corporate funding | Electoral bond scheme permitted corporate funding without limits. SC drew a distinction between individual and corporate funding. It concluded unlimited corporate funding violates the right to equality. Corporate funding remains an unresolved issue in major democracies. A ban on it is neither enforceable nor justifiable. Instead, reasonable restrictions to choke funding through shell companies and mandating detailed disclosure of political funding are pragmatic options. SC has opened the way to meaningful reform.

Parties welcome SC verdict on electoral bonds

TIMES NEWS NETWORK

Chennai: Chief minister M K Stalin and other political leaders from the state have welcomed the Supreme Court verdict declaring electoral bonds illegal.

"The Hon'ble Supreme Court has rightly held that the electoral bonds are unconstitutional. This will ensure a transparent electoral process and the integrity of the system. This judgement has restored the democracy and level playing field for all political parties. It has also ensured the common man's faith in the system," Stalin said in a tweet.

AIADMK general secretary Edappadi K Palaniswami, in a social media post, said, "The AIADMK definitely welcomes the move to cancel the electoral bond scheme." He later told reporters in Chennai that AIADMK had not received any funds through electoral bonds.

Tamil Nadu Congress

CM Stalin said the verdict has restored democracy and level playing field for all political parties

Committee said the Supreme Court verdict was an "outstanding judgment". In a statement on Thursday, TNCC president K S Alagiri said, "The verdict will prevent the corrupt BJP from accumulating election funds with the help of corporates." He said the judgment would enable free and fair elections.

In a statement, CPM state secretary K Balakrishnan called it a historically important statement. "The CPM had opposed the scheme right from the beginning," he said. The verdict was "a big blow" to BJP, he added.

Puthiya Tamizhagam founder K Krishnaswamy said the judgment banning electoral bonds would nurture democracy in India.

SC scraps electoral bonds scheme

Calls it 'unconstitutional', orders disclosure of donors, amount & recipients by March 13

NEW DELHI: In a landmark verdict just months ahead of the Lok Sabha polls, the Supreme Court on Thursday scrapped the Centre's electoral bonds scheme of anonymous political funding, calling it "unconstitutional" and ordering disclosure of the bond's donors, amount and recipients by March 13.

Holding that the 2018 scheme was "violative" of the constitutional right to freedom of speech and expression and right to information, a five-judge Constitution bench headed by Chief Justice DY Chandrachud also rejected the Centre's contention that it was meant to bring about transparency and curb black money in political funding. The verdict was seen as a blow to the Modi government.

Ordering closure of the controversial scheme forthwith, the top court also directed the State Bank of India (SBI), the authorised financial institution under the scheme, to submit by March 6 the details of electoral bonds purchased since April 12, 2019 till date to the Election Commission of India (ECI), which will publish the information on its official website by March 13.

It ordered that uncashed electoral bonds, which are within the validity period of 15 days, shall be returned by the political party or the purchaser to the issuing bank which in turn shall refund the amount to the purchaser's account.

"At a primary level, political contributions give a 'seat at the table' to the contributor. That is, it enhances access to legislators. This access also translates into influence over policy-making," said the bench also comprising Justices Sanjiv Khanna, BR Gavai, JB Pardiwala and Manoj Misra.

"An economically affluent person has a higher ability to make financial contributions to political parties, and there is a legitimate possibility that financial contribution to a political party would lead to quid pro quo arrangements because of the close nexus between money and politics," the top court said delivering separate but unanimous verdicts cumulatively spanning 232 pages.

"Transparency and not secrecy is the cure and antidote," said Justice Sanjiv Khanna in his separate and concurring verdict.

The top court also accorded primacy to the right to know of voters over the privacy claims of donors, saying it is "paramount" for free and fair election and democracy.

Contributions give a 'seat at the table' to the contributor. That is, it enhances access to legislators. This access translates into influence over policy-making

— DY Chandrachud, Chief Justice

The judgment was pronounced on a batch of petitions including those filed by Congress leader Jaya Thakur, the Communist Party of India (Marxist) and the NGO Association for Democratic Reforms (ADR) challenging the bond scheme.

Leaders of several opposition parties hailed the verdict, terming it as an important step in ensuring transparency in electoral funding. The BJP, however, sought to downplay the verdict, saying every decision of the apex court should be respected and accused the opposition parties of politicising the issue as they do not have any alternative to PM Modi's leadership. ▶ **More on P7**

'BONDING WITH POWER'

KNOW ELECTORAL BONDS

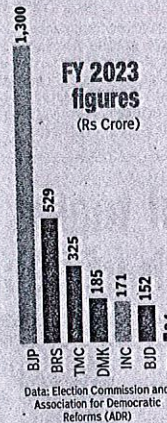
- Electoral bonds are interest-free bearer bonds or money instruments
- Sold through SBI branches to companies, individuals in India
- Sold in multiples of Rs 1,000, Rs 10,000, Rs 1 lakh, Rs 10 lakh, and Rs 1 crore

Can be bought via KYC-compliant a/c to make donations to parties

Name, other info of donor not entered on instrument making it 'anonymous'

Rs 16,518.11 cr

Value of bonds sold between March 2018 and Jan 2024 (Party-wise data for FY24 yet to be out)



Three cheers for the SC Verdict a boon for democracy. This is the most historic judgment that we have got from the Supreme Court in the last five-seven years
— SY Quraishi, former CEC

Bonds had a laudable objective of bringing transparency in poll funding. Parties whose DNA is based on corruption and bribery should not level baseless charges
— Ravi Shankar Prasad, BJP leader

We welcome the decision to strike down 'Black Money Conversion' scheme of Modi Government... We had called the scheme "opaque and undemocratic" when launched
— Mallikarjun Kharge, Congress president

ECI officials to visit city on Feb 23, 24 to review election preparedness

CHENNAI: The Election Commission of India (ECI) officials along with the senior officers of the Commission to Tamil Nadu will be visiting Chennai on February 23 and 24. In a communication sent by the ECI Secretariat to Chief Electoral Officer of Tamil Nadu, it was stated that the visit is being made to discuss and review poll preparedness of forthcoming general elections. The officials will meet the political parties on February 23 and undertake a review of Collectors and SPs of Tamil Nadu. A presentation by the CEO or the State Police Nodal Officer of Karnataka, Kerala and Tamil Nadu, will be done on February 24. It will be followed by review of enforcement agencies, and a meeting with the Chief Secretary and DGP.

EC on states' tour to review poll readiness

New Delhi, Feb. 15: The Election Commission (EC) will resume its review of states' preparedness for the Lok Sabha polls with a visit to Odisha later on Thursday and complete the process in Jammu and Kashmir on March 13, sources said. In January, the commission reviewed the preparations in Andhra Pradesh, where the LS and Assembly polls will be held together.

The EC led by Chief Election Commissioner Rajiv Kumar and comprising election commissioner Arun Goel will be in Odisha on Thursday night, the sources said.

Besides Andhra Pradesh, Odisha, Sikkim and Arunachal Pradesh will see simultaneous parliamentary and Assembly polls. The panel will also be

touring West Bengal, Bihar, Tamil Nadu, Uttar Pradesh, besides other states. It will visit Jammu and Kashmir on March 13, the sources said.

The Union territory of Jammu and Kashmir has a provision for a legislative Assembly but is under Central rule.

The Supreme Court had last year asked the EC to hold Assembly polls in Jammu and Kashmir by September 2024.

It is usual for the EC to tour states ahead of the Assembly or Lok Sabha elections to meet political parties, senior police and administrative officials and its ground poll machinery.

But there have been exceptions in the past when the EC has visited a poll-bound state after announcing the election schedule.

— PTI

D. T. NEXT Dated 16.02.2024

Still a long way to go, observes former CEC Gopaldaswami

NEW DELHI: Observing the top court verdict, N Gopaldaswami, who was the chief election commissioner from June 2006 to April 2009, said, "We are still very long way off in cleaning up the electoral funding system."



A five-judge bench of the apex court headed by Chief Justice of India DY Chandrachud in its verdict, directed that the State Bank of India must disclose details of each electoral bond encashed by the political parties.

The information should include the date of encashment and the denomination of the

bonds and be submitted to the poll panel by March 6.

The Election Commission should publish the information shared by SBI on its official website by March 13, the bench said.

"One system goes, another system comes. It will be back to cash which was more prevalent earlier," said Gopaldaswami.

Gopaldaswami added, "We are still very long way off in cleaning up the electoral funding system".

Another former CEC Sunil Arora said the persistent stand of the Election Commission has been that the system should be more transparent.

SC scraps electoral bonds

■ Anonymous, limitless funding to parties violates Constitution: SC ■ Ruling major setback for BJP ahead of Lok Sabha elections

RAKESH K. SINGH | DC NEW DELHI, FEB. 15

In a major setback to the Union government ahead of the parliamentary polls, the Supreme Court, in a landmark verdict on Thursday declared the anonymous electoral bonds scheme unconstitutional, saying it is violative of the right to freedom of speech and expression as well as the right to information.

A five-judge Constitution bench of the apex court headed by CJI D.Y. Chandrachud struck down the scheme and directed the State Bank of India to disclose to the Election Commission the names of the contributors to the scheme launched in 2018.

The bench ordered that the SBI must disclose to the Election Commission details of each electoral bond encashed by political parties, along with information like the date of encashment and the denomination of the bonds.

The Election Commission should publish the information shared by the SBI on its official website by March 13, the bench said.

The bench, also comprising Justices Sanjiv Khanna, B.R. Gaval, J.B.

Hitting hard

▶ SBI told to stop sale of bonds forthwith.

▶ SBI told to give data on poll funds from April 2019 till now to EC by March 6.

▶ Data includes the name of the purchaser, beneficiary party, date and value.

▶ EC told to upload all the information on its website by March 13



Bond. Electoral Bond.

What's it: A bearer instrument in the nature of a Promissory Note, issued by select branches of SBI since January 2, 2018.

What are the denominations: ₹1,000, ₹10,000, ₹1 lakh, ₹10 lakh and ₹1 crore.

Who can buy it: A citizen of India or a body incorporated in India.

To whom it can be donated: To registered political parties which secured not less than one per cent of the votes polled in the last general election to the Lok Sabha or Assembly; it will not carry the name of the payee.

Pardiwala and Manoj Misra, delivered two separate and unanimous verdicts on the pleas challenging the electoral bond scheme. Justice Khanna delivered a separate concurring verdict on the issue.

Pronouncing the verdict, the CJI said the scheme is violative of the right to freedom of speech and expression under Article 19 (1)(a) of the Constitution.

"The electoral bonds scheme and the impugned provisions, to the extent that they infringe upon the right to information of the voter by anonymising contributions through electoral bonds are violative of Article 19 (1)(a)," the CJI

said while pronouncing the verdict.

The top court said the fundamental right to privacy also includes the citizens' right to political privacy and affiliation.

The CJ-led bench also held invalid the amendments made in various laws, including the Representation of Peoples Act, the RBI Act and the Income Tax laws, to facilitate the electoral bonds scheme.

The apex court further ordered that the SBI must stop issuing electoral bonds and submit details of bonds purchased since April 12, 2019 till date to the Election Commission. In October last year, the bench began hearing argu-

ments on the four petitions filed by Congress leader Jaya Thakur, the Communist Party of India (Marxist) and the NGO Association for Democratic Reforms (ADR). On November 2, the top court had reserved the verdict after hearing the petitioners for three days.

The bench said the reason for political contributions by companies was as "open as daylight" and "even as daylight" even Tushar Mehta, who argued for the Centre in the matter, did not deny during the arguments that corporate donations are made to receive favours through quid pro quo arrangements. ■ P8

BJP DOWNPLAYS FIAT; DROP MISCHIEVOUS IDEAS, CONG TELLS BJP

DC CORRESPONDENT NEW DELHI, FEB. 15

Maintaining that the decision on electoral bond by the Modi government was undertaken for a "very laudable objective" of bringing transparency in the electoral funding and bringing down the impact of cash flow, the BJP on Thursday in its initial reaction to the Supreme Court's judgment, said its official reaction will come only after going through the entire judgment. Former Union minister and senior BJP leader Ravi Shankar Prasad said electoral bonds were one of the many decisions taken by the Modi government, including voter lists carrying photographs of the voters and the use of EVMS, aimed at electoral reforms. The ruling party maintained that it respects the Supreme Court verdict striking down the electoral bond as unconstitutional.

The Congress, meanwhile, welcomed the decision of the Supreme Court. In a post on X, Congress president Mallikarjun Kharge welcomed the apex court's decision and hoped the government would stop resorting to "such mischievous ideas" in the future. He said the Congress had called the scheme "opaque and undemocratic" when it was launched. Subsequently, in the 2019 manifesto, the Congress promised to scrap the Modi government's "dubious scheme".

TN PARTIES HAIL ORDER

SC HAS RESTORED DEMOCRACY: CM

DC CORRESPONDENT CHENNAI, FEB. 15

Hailing the Supreme Court describing the electoral bonds scheme, introduced by the BJP government in 2018, as unconstitutional, Chief

Minister M.K. Stalin said that the order would ensure "transparent electoral process and the integrity of the system." He was in fact leading the state in welcoming the Supreme Court verdict as all parties across the ideological spec-

trum expressed opinions on the lines of the Chief Minister, who, in a message on X, said: "This judgment has restored the democracy and level playing field for political parties. It has also ensured the common man's faith in the system." ■ P8

SC scraps electoral bonds

FROM PG 1

"The deletion of the proviso to Section 182(1) of the Companies Act permitting unlimited corporate contributions to political parties is arbitrary and violative of Article 14 (equality before law)," the bench said.

"The electoral bonds were issued in the nature of a promissory note, which is a bearer banking instrument and does not carry the name of the buyer. The scheme provided that the bonds may be purchased by a person who is a citizen of India or an entity incorporated or established in India. "Person" referred to (a) an individual (b) a Hindu undivided family (c) a company (c) a firm (d) an association of persons or a body of individuals, whether incorporated or not (e) every artificial juridical person, not falling within any of the above categories and (f) any agency, office or branch owned or controlled by such a person. An individual can buy bonds either singly or jointly with other individuals.

The critics of the scheme have argued that the anonymity factor of the donors eliminated transparency in electoral funding and gave an edge to the ruling parties.

In April 2019, the apex court

declined to stay the scheme and made it clear that it will accord an in-depth hearing on the pleas as the Centre and the Election Commission had raised "weighty issues" that had "tremendous bearing on the sanctity of the electoral process in the country".

Holding that companies and individuals cannot be equated for the purpose of political contributions, the CJI said that companies, before the amendment to Section 182, could only contribute a certain percentage of the net aggregate profits. The provision (Section 182) classified between loss-making companies and profit-making companies for the purpose of political contributions and for good reason. The underlying principle of this distinction was that it is more plausible that loss-making companies will contribute to political parties with a quid pro quo and not for the purpose of income tax benefits.

"The provision (as amended by the Finance Act 2017) does not recognise that the harm of contributions by loss making companies in the form of quid pro quo is much higher," reads the order.

"Thus, the amendment to Section 182 (of the Companies Act) is manifestly arbitrary for (a) treating political contributions by companies and individuals

alike (b) permitting the unregulated influence of companies in the governance and political process, violating the principle of free and fair elections and (c) treating contributions made by profit-making and loss-making companies to political parties alike. The observations made above must not be construed to mean that the legislature cannot place a cap on the contributions made by individuals. The exposition is that the law must not treat companies and individual contributors alike because of the variance in the degree of harm on free and fair elections," the CJI wrote in the order.

"In view of the discussion above, the following are our conclusions: a. The Electoral Bond Scheme, the proviso to Section 29C(1) of the Representation of the People Act 1951 (as amended by Section 137 of Finance Act 2017), Section 182(3) of the Companies Act (as amended by Section 154 of the Finance Act 2017), and Section 13A(b) (as amended by Section 11 of Finance Act 2017) are violative of Article 19(1)(a) and unconstitutional; and b. The deletion of the proviso to Section 182(1) of the Companies Act permitting unlimited corporate contributions to political parties is arbitrary and violative of Article 14," reads the order.

DAILY THANTHA

Dated: 16.02.2024

பம்பரம் சின்னம் கேட்டு

தலைமையேற்றத்தில் அதிகாரியின் வைகோ சந்திப்பு

சென்னை, பிப்-
இந்த ஆண்டு நடைபெறவுள்ள நாடாளு
மன்ற தேர்தலில் ம.தி.மு.க. கட்சிக்கு பம்ப
ரம் சின்னத்தை வழங்க வேண்டும் என்று
இந்திய தேர்தல் கமிஷனிடம் ஏற்கனவே
அந்த கட்சி சார்பில் விண்ணப்பம்
கொடுக்கப்பட்டுள்ளது. இந்த நிலையில்
சென்னை தலைமைச் செயலகத்திற்கு
நேற்று ம.தி.மு.க. பொதுச்செயலாளர்
வைகோ வந்திருந்தார்.



அவர் அங்கு தமிழக
தலைமை தேர்தல் அதிகாரி
சத்யபிரத சாகுவை சந்தித்து
பேசினார். அப்போது, பம்பரம் சின்னம் கேட்டு இந்திய தேர்
தல் கமிஷனிடம் கொடுத்த விண்ணப்பத்தின் நகலை தலைமை
தேர்தல் அதிகாரியிடம் வைகோ வழங்கினார்.

Thiru Vaiko meets the CEO, TN with a request
to allot Bombarom Symbol to their party

SHINA MALA R Dated. 16.02.2024

தேர்தல் பத்திரம் என்றால் என்ன?

பிரதமர் மோடி தலைமையிலான மத்திய பா.ஜ. அரசு, 2017 - 18க்கான மத்திய பட்ஜெட் டில், தேர்தல் பத்திரங்கள் திட்டத்தை அறிமுகப் படுத்தியது. இந்த திட்டம், 2018 ஜன., 29 முதல் நடைமுறைக்கு வந்தது.

இந்த திட்டத்தின்படி, பொதுத் துறை வங்கி யான எல்.பி.ஐ. எனப்படும் பாரத ஸ்டேட் வங்கியின் கீழ்ப்பட்ட கிளைகளில், 1,000 - 10,000 - 1 லட்சம் - 10 லட்சம் - 1 கோடி ரூபாய் மதிப்புள்ள தேர்தல் பத்திரங்களை, நம் நாட்டைச் சேர்ந்த தனிநபர் அல்லது கார்ப்பரேட் நிறுவனங்கள் வாங்கி தங்கள் விரும்பும் அரசியல் கட்சிகளுக்கு அளிக்கலாம்.

இதில் நிதி அளிக்கும் தனிநபர் அல்லது கார்ப்பரேட் நிறுவனங்களின் பெயர் உள்ளிட்ட விபரங்கள் இடம்பெறாது.

தேர்தல் பத்திரம் பெற்ற கட்சிகள், 15 நாட்களுக்குள் எந்தவீத கட்டுபாடுமின்றி, அதை பணமாக மாற்றிக் கொள்ள வேண்டும்.

இவ்வகையில், அந்தப் பணம் பிரதமரின் பொது நிவாரண நிதியில் டிராசிட் செய்யப்படும்.

ஒரு கட்சி தேர்தல் பத்திரம் வாயிலாக நிதி பெற வேண்டுமானால், லோக்கப்பா அல்லது சட்டசபை தேர்தலில், குறைந்தது 1 சதவீத ஒட்டுசகளை பெற ரிசூக் வேண்டும்.

'மக்களுக்கு தெரிய வேண்டும்'

ஆக்ட்டும், உச்ச நீதிமன்ற வழக்கறிஞரான எம்.ஆர்.வேங்கடேஷ் கூறினார்:

'தேர்தல் பத்திரங்கள் வாயிலாக, அரசியல் கட்சிகள் நன்கொடை பெறும் நடைமுறை சட்டம் ரேதமானது. தேர்தல் பத்திரங்கள் வழங்குவதை, வங்கிகள் உடனடியாக நிறுத்த வேண்டும் என்று, உச்ச நீதிமன்ற தலைமை நீதிபதி சந்திரகுட் நீதிபதிகள் தலைமையிலான ஐந்து அரசியல் சாசன அமர்வு நேற்று அரசியல் சாசன அமர்வு நேற்று தீர்ப்பளித்துள்ளது.



ஜனநாயகத்தை வலுப்படுத்தும் இந்த தீர்ப்பு வாடிக்கையாக இருக்காது. அரசியல் கட்சிகள் யாரிடம் இருந்து, எவ்வளவு நன்கொடை பெறுகின்றன என்பது, ஒட்டாள்கும் மக்களுக்கு தெரிய வேண்டும்; அது தான் ஜனநாயகம். ஆனால், 2017 - 18ல் கொண்டு வரப்பட்ட தேர்தல் பத்திரங்கள் திட்டத்தில் வெளிப்படுத்த தன்மை இல்லை.

வங்கி கார்ப்பரேட் கொடுத்து, தேர்தல் பத்திரங்கள் வாங்கிய ஒவ்வொருவரும், பணம் கொடுத்து வேறொருவர் வாங்கலாம். அவரிடம் இருந்து, அரசியல் கட்சிகளுக்கு செல்லும் வாய்ப்பு உள்ளது. இதனால், நன்கொடை கொடுத்தவர்கள், அதாவது தேர்தல் பத்திரங்களை வாங்கியவர்கள் யார் என்பது மக்களுக்கு தெரியாது.

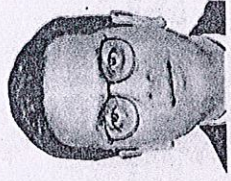
'தேர்தல் பத்திரங்கள் வாயிலாக நன்கொடை கொடுத்தோர் குறித்த விபரங்களை, தேர்தல் ஆணைய இணையதளத்தில், எப்ரல் 13க்குள் வெளியிட வேண்டும்' என்றும் உச்ச நீதிமன்றம் தீர்ப்பளித்து உள்ளது.

இதனால், யார் யார், எந்தவீத கட்சிகளுக்கு, எவ்வளவு நன்கொடை கொடுத்தனர் என்பது தெரிந்து விடும். இது, ஆரோக்கியமான பொருளாதாரத்திற்கும், ஜனநாயகத்திற்கும் வழிவகுக்கும். இவ்வாறு அவர் கூறினார்.

செல்வாது!

- மத்திய அரசின் தேர்தல் பத்திரங்கள் திட்டம்...
- ரகசியம் கூடாது என சுப்ரீம் கோர்ட் தீர்ப்பு

புதுடில்லி, பிப். 16 - மத்திய அரசின் தேர்தல் பத்திரங்கள் திட்டம் செல்லாது' என்று சுப்ரீம் கோர்ட் அறிவித்தது. தேர்தல் பத்திரங்கள் வாயிலாக, இதுவரை யார் யார் எந்த கட்சிக்கு எவ்வளவு பணம் நன்கொடையாக அளித்துள்ளனர் என்ற, முழு பட்டியலை பகிரங்கமாக வெளியிடாமலும் கோர்ட் உத்தரவிட்டுள்ளது.



சந்திரகுட் தனியாக சட்டம் காக்க தனிவாக சட்டம் இயற்றவில்லை. 2017 நதி மோசனத்தில் இத்திட்டம் செயலுக்கு வந்தது. அப்போது, மேலும் சில திருத்தங்களை சேர்த்து அரசு, கம்பெனிகள் தங்களின் நிசர வாய்க்கில், 7.5 சதவீதத்திற்கு மின்மால், கட்சிகளுக்கு நன்கொடை வழங்கலாம் என்ற நிபந்தனையை

செய்ய நேரிட்டது. நிசர் வாய்க் கடும், வருமான வரி சட்டம், மக்கள் பிரதிநிதித்துவ சட்டம் ஆகியவை அந்த மூன்று திருத்தங்களால் மூன்று சட்டங்களும் பலவீனம் அடைவதாக எதிர்க்கட்சி அமைப்பினர், திருணாக்கும் சட்டமக் காட்டினர். அரசு அந்தக் கருத்தை ஏற்க விரிவடைந்தது. ஆனால், அரசாணை வாயிலாக தேர்தல் பத்திரங்கள் திட்டம் செயலுக்கு வந்தது. அப்போது, மேலும் சில திருத்தங்களை சேர்த்து அரசு, கம்பெனிகள் தங்களின் நிசர வாய்க்கில், 7.5 சதவீதத்திற்கு மின்மால், கட்சிகளுக்கு நன்கொடை வழங்கலாம் என்ற நிபந்தனையை

Supreme Court Scraps Electoral bonds Scheme to bring about transparency and curb bleed Money in political party Funding.

வெளிப்படைத் தன்மை இல்லை;
சட்டத்துக்கு விரோதமானது

அரசியல் கட்சிகளுக்கு நன்கொடை வழங்க வகைசெய்யும்

தேர்தல் பத்திரத் திட்டம் ரத்து

சுப்ரீம் கோர்ட்டு அதிரடி தீர்ப்பு

அரசியல் கட்சிகளுக்கு நன்கொடை வழங்க வகைசெய்யும் தேர்தல் பத்திரத் திட்டத்தில் வெளிப்படைத் தன்மை இல்லை. அது சட்டவிரோதமானது. எனவே தேர்தல் பத்திரத் திட்டம் ரத்து செய்யப்படுகிறது என்று சுப்ரீம் கோர்ட்டு நேற்று அதிரடியாக தீர்ப்பு கூறியது.

புதுடெல்லி, பிப்.16-
அரசியல் கட்சிகளுக்கு நிறுவனங்களும், தனிநபர்களும் தேர்தல் நன்கொடை வழங்குவது வழக்கம்.

தேர்தல் பத்திரத் திட்டம்

அதன்படி அரசியல் கட்சிகள் ரூ.20 ஆயிரத்துக்கு மேல் நன்கொடை பெற்றால், அது பற்றி தேர்தல் கமிஷனிடம் தகவல் தெரிவிக்க வேண்டும் என்ற சட்டம் பின் பற்றப் பட்டு வந்தது. அதில் திருத்தம்

செய்து, கடந்த 2018-ம் ஆண்டு ஜனவரி மாதம், தேர்தல் நிதி பத்திரத் திட்டத்தை மத்திய அரசு கொண்டுவந்தது. இதன்படி, தனிநபர்களோ, நிறுவனங்களோ ரொக்கம் மற்றும் காசோலையாக அரசியல் கட்சிகளுக்கு நன்கொடை கொடுப்பதற்கு பதிலாக, தேர்தல் பத்திரங்களாக நன்கொடை அளிக்கலாம். இந்த பத்திரங்களை வெளியிட பாரத ஸ்டேட் வங்கிக்கு அதிகாரம் அளிக்கப்பட்டது. தனிநபர்களும், நிறுவனங்

களும் அந்த வங்கியில் பல் வேறு மதிப்பு கொண்ட பத்திரங்களை வாங்கி, தங்களுக்கு விருப்பப்பட்ட அரசியல் கட்சிகளிடம் அளிக்கலாம். அந்த கட்சிகள், 15 நாட்களுக்குள் அவற்றை பாரத ஸ்டேட் வங்கியில் கொடுத்து, தங்களை வங்கிக்கணக்கில் பணமாக வரவு வைக்கலாம். இத்திட்டத்தில், யார், எவ்வ

ளவு நன்கொடை கொடுத்தனர் என்பது வெளியே தெரியாது.

4 மனுக்கள்

இதனால், வெளிப்படைத் தன்மை இல்லாத தேர்தல் பத்திரத் திட்டத்தை செல்லாது என்று அறிவிக்க வேண்டும் என்று கோரி, காங்கிரஸ் பிரமுகர் ஜெயா தாக்கூர், மார்க்சிஸ்ட் கம்யூனிஸ்டு

கட்சி, ஜனநாயக சீர்திருத்த சங்கம் என்ற தொண்டு நிறுவனம் உள்பட 4 பேர் சார்பில் சுப்ரீம் கோர்ட்டில் மனுக்கள் தாக்கல் செய்யப்பட்டன.

மத்தியில் உள்ள ஆளுங்கட்சியும், பாரத ஸ்டேட் வங்கியும் மட்டும் நன்கொடையாளர் விவரங்களை தெரிந்து கொள்ள வாய்ப்பு இருப்பதாக அந்த மனுக்களில் குற்றம் சாட்டப்பட்டு இருந்தது.

அரசியல் சட்ட அமர்வு

இந்த மனுக்களை விசாரிக்க தலைமை நீதிபதி டி.ஓ.டி.

சந்திரசூட் நீதிபதிகள் சஞ்சீவ் கன்னா, பி.ஆர்.சுவாமி, ஜே.பி. பார்திவாலா, மனோஜ் மிஸ்ரா ஆகியோர் அடங்கிய அரசியல் சட்ட அமர்வு (2-ம் பக்கம் பார்க்க)

The Supreme court scraps Electoral bonds Scheme to bring about transparency and curb black money in political fundings.

