Two takes on democracy

This week, a divided Supreme Court placed its citizens in two different public spheres, joining the ideal of the universal citizen against citizen elections. Civil society has rallied in their support.

Secularising the election

The election was held in a fair manner, with the Supreme Court playing a key role in the process. However, the election results were not as expected, with the incumbent party emerging victorious.

A make to borrowers

The government has announced a new loan scheme for borrowers, aimed at reducing their financial burden. The scheme will benefit millions of people across the country.

Letters to the Editor

Dear Sir,

I am writing to express my concern regarding the recent election results. The decision of the Supreme Court was deeply disappointing, and I believe that the interests of the public were not taken into consideration.

Yours sincerely,

[Signature]

Thinking in stories

The so-called post-truth society is not primarily the result of our inability to focus on facts; it is due to our failure to read stories deeply.

Death of a naturalist

Peter Jackson was instrumental in nature and tiger conservation in India.

FROM THE ARCHIVES

Thematic Mind

The theme is required to understand:

PROFESSOR PETER JACKSON

His work is the basis for the following

CONFESSIONS AND CLARIFICATIONS

The following are corrections to the previous edition:

The name of the publisher was incorrectly listed as "Publish" instead of "Publisher."
Secularising the election

The Supreme Court has grappled with the question whether a provision in electoral law that makes it a corrupt practice to use religion, race, caste or language as a ground for canvassing votes in a particular manner is valid. The provision is a bar limited to the groups to which candidates or their rivals belong, or whether it is a general prohibition on sectarian appeals. Section 125(3) of the Representation of the People Act, 1951, as amended in 1961, gave rise to this doubt. By a four to three majority, a seven-member bench has ruled that it is a general prohibition on the use of religion, or any other communal or sectarian value in the electoral arena. The minority favoured limiting the ambit of the subsection to candidates who sought votes on such grounds, or the rivals who wanted the voters not to back on similar grounds. That secularism is the bedrock of our democracy is uncontroverted. That the electoral process ought not to permit appeals to the electorate on these narrow grounds is equally beyond doubt. Against this backdrop, it is only logical that the Supreme Court should decide that it is a "corrupt practice" for use of caste or communal parameters to canvass for votes or to discredit a rival, regardless of whether the candidates themselves belong to such religions, communal or linguistic groups.

It is interesting that the dispute turned on a single provision, 'his', that was introduced in the 1961 amendment. The majority opinion favours a 'purposive interpretation', holding that the candidates as well as the voter. It finds support in legislative history and our constitutional ethos. The purpose of the amendment was to widen the scope of the particular corrupt practice. Given that secularism is a basic feature of the Constitution, it has been interpreted in the light of Parliament's intention to prohibit any religious or sectarian appeal for votes. There is a justifiable worry that a wider interpretation may lead to eliminating from the poll discourse political issues that turn on religion, caste or language. After all, this is a country in which sections of society suffer deprivation and historical injustices based on religious or caste identity. But the overall message is clear. It is left to the wisdom of judges dealing with election cases to draw the line between what is permissible and what is not, and look at the context in which some statements are made before deciding whether they constitute a corrupt practice. The majority verdict will find resonance with all those who care by the primacy of secularism in the public domain. The minority view resonates with this reminding that legal issues need to be seen in their social context.

Two takes on democracy

This week, a divided Supreme Court placed before us two visions of the public sphere, pitting the ideal of the universal citizen against citizen electorates situated within their social contexts.

The dissent's crucial insight was that after certain of structural and institutional decisions, markers of identity have governed a certain set of practices. Dissenting justices, Justice Loya and Justice Chelameswar, while concurring in the judgment, dissented in the part dealing with the public sphere as citizens: All three justices were critical of the judgment's treatment of identity and pointed to the idea that the public sphere should be based on principles of non-discrimination and equality. The judgment, they argued, failed to adequately address the issues of identity and equality, leading to a form of democracy that is exclusionary and damaging to the public sphere.

The majority view

The dissent out of many judges held that the law should not be construed to ensure equality, and held that the power of democracy requires the protection of the individual. It held that the public sphere should be based on the idea of freedom of expression and freedom of thought, and held that the law should not be construed to ensure equality, but the majority view is that the public sphere should be based on principles of non-discrimination and equality.

The dissenters argued that the law should be construed to ensure equality, and held that the public sphere should be based on the idea of freedom of expression and freedom of thought, and held that the law should not be construed to ensure equality, but the majority view is that the public sphere should be based on principles of non-discrimination and equality.

The dissenting justices, Justice Loya and Justice Chelameswar, while concurring in the judgment, dissented in the part dealing with the public sphere as citizens. They argued that the judgment's treatment of identity and equality is exclusionary and damaging to the public sphere.

In this view, the state presents the democratic ideal as a perfect union of citizens. To some, this might sound like a noble yet imperfect vision of democracy in practice.
Supreme Court (7=4+3) makes it a corrupt practice to use religion, race, caste or language as a ground for canvassing votes (Q-First-CJI)- Secularism- 42nd Amendment of the Constitution- 1976
- Representation of the People Act, 1951, as amended in 1961. Section 123(3) of the Representation of the People Act- “his” “The appeal by a candidate / his agent - voting for any person on the ground of his religion, race, caste, community....”
- 123(3)- narrow- The phrase “his religion” referred only to the religion of an electoral candidate, and not the religion of the voter.

The majority view
- 4/7 judges - law was trying to achieve the purity of elections, and that the purity of elections required that appeals to caste, religion, language, and community be kept out of the electoral process.
- That secularism is the bedrock of our democracy- basic feature of the Constitution.
- Universal citizen does not exist- Human beings are always situated within their social contexts- contexts have been characterised by religion, language, caste, and community.
- B.R. Ambedkar to form the All India Scheduled Castes Federation, a political party exclusively devoted to Dalit emancipation.
- Which could unite and hold citizens together- basic purpose was to “curb communal and separatist tendencies”
- Historically Which sections of society suffer deprivation and historical injustices based on religious or caste identity.
SBI- Cut-Marginal cost of funds based lending rate (MCLR) (refers to the minimum interest rate of a bank below which it cannot lend, except in some cases allowed by the RBI)- 90 basis points -decision to reduce borrowing costs is likely to spur some credit-fuelled buying including in sectors such as automobiles, home loans etc.

Banks (flooded) with funds held in current and savings account (CASA) deposits – Demonetisation- resultant cash crunch in markit.

liabilities (the money they owe depositors) & assets (the loans they give).

Latest data- RBI growth in bank credit decelerated 6.2 % (2015) to 1.2% (2016)


Other banks have also cut lending rates- credit products, including home loans, car loans, education loans

The question is whether this reduction in borrowing costs will be enough to restore consumer confidence

Union budget less than a month away-potential need for a fiscal stimulus (refers to increasing government consumption or lowering taxes) – increase economic growth.

The State Bank of India’s decision to cut its marginal cost of funds based lending rate (MCLR) by 90 basis points is likely to spur some credit-fuelled buying including in sectors such as automobiles, home loans etc.

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Union budget less than a month away-potential need for a fiscal stimulus (refers to increasing government consumption or lowering taxes) – increase economic growth.
Human beings might be the only living animals that can think in stories. As religions have always known, human thinking is conducted primarily in stories, not facts or numbers. (nursery approach)

Problem of a fundamentalist reading

Religions think through stories & stories change with changing human circumstances (Water glass)

Politicians have also known this - All major political movements have depended on the power of stories (M A Jinnah)

Left powerful story to tell - of human exploitation, human resistance and eventually human achievement in the shape of a 'classless' society.

Right stories that, for various reasons, seem more convincing to many - Narendra Modi’s victory in India, Recep Tayyip Erdogan’s in Turkey, and Donald Trump’s in the U.S. — all three are driven by powerful narratives that explain the ‘past’ and promise a ‘future.

Failure of academics

failure of standards in education and literary criticism has combined with the rise of fundamentalism (which is not piety), scientism (which is not science), and numerical neo-liberalism to deprive more and more people of the ability to think critically, deeply and sensitively in stories.
Peter Jackson’s death last month- closely associated with WWF’s Operation Tiger, which was launched to support India’s Project Tiger (Year-?).

- First to report the ascent of Mount Everest by Edmund Hillary and Tenzing Norgay in May 1953.
- Salim Ali’s- The Book of Indian Birds -(Q- salim ali bird sanctuary)

**Protecting the Sultanpur jheel**

- During the IUCN (International Union for Conservation of Nature) Conference (H.Q.)-1969-Dehi
  - He took a number of distinguished wildlife experts and ornithologists to the jheels at Sultanpur in Gurgaon- decided on the spot jheels protected.
  - 1972- Indira Gandhi sent a message: “The development of the Sultanpur jheel as a bird sanctuary (Now Sultanpur National Park) was first noticed during the IUCN Conference in Delhi.
- Migratory birds- In winter the sanctuary

**Abandoning the park plan**

- He visited Porbandar- “spotted a small lake where over 4,000 Lesser Flamingos were gathered”.

Peter Jackson was instrumental in nature and tiger conservation in India.
Supreme Court of India. Since the birth of the Republic of India on 26 January 1950, 43 people have served as the Chief Justice of India (CJI). While H. J. Kania is the inaugural CJI, the current incumbent is Jagdish Singh Khehar who was appointed as Chief Justice of India on 4 January 2017.

Project Tiger is a tiger conservation programme launched in 1973 by the Government of India during Prime Minister Indira Gandhi's tenure.

Salim Ali Bird Sanctuary is an estuarine mangrove habitat, which is declared as a bird sanctuary, and located on western tip of the Island of Chorão along the Mandovi River, Goa, in India.

The Thattekkad Bird Sanctuary, covering an area of barely 25 km², and located about 12 km from Kothamangalam (Kerala state, India)

The International Union for Conservation of Nature and Natural Resources (IUCN)

Founded -1948, Fontainebleau, France
Type International organization
Focus Nature conservation, biodiversity
Location-HQ- Gland VD, Switzerland