

# SEALED DISCLOSURE: SC ORDER ON ELECTORAL BONDS

Relevant for: Indian Polity | Topic: Elections, Election Commission and the Electoral Reforms in India Incl. Political Parties

The Supreme Court's interim order asking political parties to disclose, to the Election Commission in sealed covers, details of the donations they have received through anonymous electoral bonds is an inadequate and belated response to the serious concerns raised about the opaque scheme. The scheme, under which one can purchase bonds of various denominations from a designated bank and deposit them in the accounts of any political party, had been challenged in the apex court a year ago. When the matter was taken up last week, it was considered that the time available was too limited for an in-depth hearing. The order, unfortunately, preserves the *status quo*, and any effect that the possible asymmetry in political funding would have on the election process will stay as it is. The only concession given to those concerned about the dangers of anonymous political funding is that the names would be available with the EC, albeit in sealed envelopes, until the court decides if they can be made public. There is some concern that a disproportionately large segment of the bonds purchased by corporate donors has gone to the Bharatiya Janata Party. This donor anonymity may end if the court decides that the EC should disclose the names at the end of the litigation, but the influence such donations would have had on the electoral outcome would remain undisturbed.

The court notes in its order that the case gives rise to "weighty issues which have a tremendous bearing on the sanctity of the electoral process in the country". Given this premise, it could be asked whether the judicial intervention could not have come earlier. However, all it has done now is to ensure that its interim arrangement does not 'tilt the balance' in favour of either side. The petitioners, the Association for Democratic Reforms, questioned the anonymity-based funding scheme on the grounds that it promotes opacity, opens up the possibility of black money being donated to parties through shell companies and empowers the ruling party, which alone is in a position to identify the donors and, therefore, well placed to discourage donations to other parties. The government, on the other hand, argued that electoral bonds would prevent unaccounted money from entering the system through funding of parties. For the last two decades, the Supreme Court has been proactive in empowering voters and in infusing transparency in the system. It has developed a body of jurisprudence that says the electoral process involves the voter being given information about candidates, their qualifications, assets and crime records, if any. Therefore, it is disappointing to hear the Attorney General arguing that voters do not have a right to know who funds parties. Now that there is no stay on the operation of the scheme, the court must render an early verdict on the legality of the electoral bond scheme.

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