

EDITORIAL HIGHLIGHTS

26-09-2026

GS 2: GOVERNANCE THE HINDU PAGE: 6

The case for accountable lottery regulation in India

Urged to ban tobacco, Napoleon III, Emperor of France (1852-70), replied, "This vice brings in one hundred million francs in taxes every year. I will certainly forbid it at once – as soon as you can name a virtue that brings in as much revenue." His uncle, Napoleon Bonaparte, is also credited with calling vices "very good patriots" (though the attribution is uncertain), while Ralph Waldo Emerson observed that "tobacco could cheerfully carry the load of armies". Different voices, one hard-headed insight: vices are fiscally invaluable.

Yet, every age has moral crusaders whose puritanical zeal to ban tobacco, alcohol, or lotteries rests on the misconception – and conceit – that the state can extinguish persistent demand simply by declaring an activity unlawful. Pragmatists know better: a prohibition may be morally appealing yet administratively futile – or, worse, positively counterproductive.

The United States learnt this lesson the hard way. Following a sustained temperance campaign, it imposed prohibition through the Eighteenth Amendment and the Volstead Act, from 1920 to 1933. While suppressing legal supply, prohibition left demand intact, fuelling a lucrative black market controlled by violent syndicates such as Al Capone's. Bootlegging corrupted public institutions, deprived governments of excise revenue and imposed heavy enforcement costs. The Twenty-First Amendment repealed prohibition, recognising that a regulated and taxed market could cause fewer harms than an unenforceable ban. States in India that have experimented with prohibition have faced similar challenges.

The argument for regulation

Lotteries are undoubtedly a vice, though arguably less pernicious than tobacco or alcohol. They disproportionately burden poorer households, encouraging them to stake scarce income on remote chances of reward. Rapid draws and instant games can encourage compulsive play and loss-chasing, while giant jackpots distort risk perception. Credit sales, opaque odds and manipulative advertising compound these harms. These are powerful arguments for stringent regulation, not necessarily prohibition.

Lottery bans can push players towards smuggled tickets, *matka*, *satta*, single-digit rackets and offshore portals. Operating through cash agents and mule accounts, these enterprises lack audits and age restrictions, secure prize funds and effective remedies against fraud.

Governments lose lottery surpluses and GST revenue, while legitimate vendors, many of them poor or disabled, lose livelihoods and enforcement costs rise. In seeking to protect the vulnerable, the state may instead leave them at the mercy of unaccountable operators.



K. Ashok Vardhan Shetty

Retired IAS officer, a former Vice-Chancellor of the Indian Maritime University, Chennai, and Member, The Justice Kurian Joseph Committee on Union-State Relations

The state's paternalism is not class-neutral. Affluent citizens can day-trade, use leveraged derivatives or speculate in crypto-assets despite the risk of ruinous losses. Securities trading involves skill and derivatives facilitate hedging and price discovery. Yet, the state does not test competence before admitting retail traders to these markets. The Securities and Exchange Board of India found that the vast majority of day traders and futures-and-options traders incurred losses. Financial markets are legal not because everyone acts wisely, but because risks are disclosed, intermediaries regulated and fraud punished, while adult choice is preserved. Lotteries can follow the same principle, with more stringent safeguards appropriate to games of chance.

The international norm

Lotteries are legal in nearly four-fifths of countries. Blanket prohibition survives mainly in countries enforcing strict Sharia-based gambling prohibitions, such as Saudi Arabia, Iran and Brunei, and in closed ideological regimes such as Cuba.

Across diverse political and economic systems, the norm is controlled legality, with lottery surpluses allocated transparently to education, health care, sports, welfare or infrastructure. Nearly 70% of lottery jurisdictions follow the public-operator model, in which a government body, statutory authority or State-owned company runs the lottery while private firms provide retail and technology services. Under the concession model, the State regulates the lottery but grants operating rights to a private concessionaire.

Federal countries generally entrust lotteries to their constituent units while permitting voluntary cooperation across borders. Lotteries operate in 45 of the 50 U.S. States and Washington DC; all 10 Canadian provinces and three territories; all six Australian States and both mainland territories; and all 16 German Länder. Authorisation in one jurisdiction does not confer the right to sell in another. Cross-border sales require the destination jurisdiction's consent or participation in a cooperative arrangement. The U.S.'s Powerball, Canada's Lotto 6/49, Australian lottery blocs and Germany's DLTB allow participating jurisdictions to pool players and prizes while retaining regulatory autonomy.

A Lok Sabha reply of March 14, 2023, identified only nine States operating lotteries: Arunachal Pradesh, Goa, Kerala, Maharashtra, Mizoram, Nagaland, Punjab, Sikkim and West Bengal. Amid persistent State fiscal stress, the widespread preference for prohibition deserves reconsideration. Government-organised lotteries fall under Entry 40 of the Union List. The Lotteries (Regulation) Act, 1998, permits States to organise lotteries subject to Section 4 conditions,

while Sections 5 and 6 empower States and the Union Government, respectively, to prohibit lotteries that violate Sections 4 and 5.

Two necessary amendments

Settled Supreme Court jurisprudence treats gambling, including State-organised lotteries, as *res extra commercium*, outside the protections of Articles 19(1)(g) – fundamental right to trade – and 301 – freedom of trade across India. Section 5 of the Lotteries (Regulation) Act, 1998, reflects this principle by allowing States to prohibit outside lotteries. A parallel doctrine applies to potable alcohol, allowing States to restrict or prohibit out-of-State consignments.

Yet, in *B.R. Enterprises vs State of U.P.* (1999), the Court read Section 5 down: a State may exclude other States' lotteries only by abandoning its own and becoming wholly lottery-free.

This all-or-nothing rule is difficult to justify. While a State directly oversees its own lottery administration, its oversight of another State's operations within its territory is necessarily indirect, even as it bears the local enforcement burden. This disparity in regulatory control underpins the case for excluding other States' lotteries. Faced with this revenue-regulation trade-off, Tamil Nadu (2003) and Karnataka (2007) chose total prohibition, thereby forfeiting the option of running accountable public lotteries of their own.

Parliament should amend Section 5 to clarify that the provision applies "whether or not the prohibiting State organises a lottery of its own". Destination-State consent should be decisive, subject to uniform treatment: a State must either admit all outside lotteries or exclude them all.

Smaller States, especially in the northeast, may fear exclusion from larger markets, but compulsory access is no remedy. A new Section 4A should authorise two or more States to establish a common lottery by agreement, pooling players, prizes, technology and costs, as in successful multi-State lotteries elsewhere.

Transparent regulation offers a more accountable alternative to prohibition. Section 4 permits States to sell tickets directly or through distributors or agents. While marketing agents may provide guaranteed revenue, departmental operation can be more transparent and enable retail distribution through small vendors, persons with disabilities, women's self-help groups and cooperatives, broadening livelihood opportunities and limiting intermediary capture.

Kerala follows this model. In FY 2023-24, it earned ₹2,883.80 crore – ₹1,129.71 crore in net lottery revenue (or surplus) and ₹1,754.09 crore in State GST. It channels lottery surpluses into health care and welfare. Kerala's public-operator model offers a useful, though not exclusive, template for reform.

Regulation, not prohibition, can curb lottery harms while preserving accountability

GS 3: NATIONAL SECURITY

THE HINDU PAGE: 06

Revisiting India's nuclear doctrine without revising it

India's nuclear doctrine has remained largely unchanged for over two decades, even as its security environment has shifted dramatically. Since its operationalisation in 2003, China's military rise has accelerated, Pakistan's nuclear posture has evolved, disruptive technologies have reshaped deterrence, and geopolitical competition has become more multipolar. Yet, the doctrine's core principles – credible minimum deterrence and a declared No First Use (NFU) posture – have endured, albeit with a specific provision retaining the option of nuclear retaliation following a major biological or chemical attack on India or Indian forces. The question is whether a framework crafted for the early 2000s remains fully aligned with the security challenges of the mid-2020s.

A doctrine for another era, strategic shifts

India's nuclear doctrine emerged from the distinct strategic context of the late 1990s. The 1998 Pokhran-II tests established India as a nuclear weapons state, while Kargil (1999) showed that nuclear deterrence did not rule out conventional war. The 1999 Draft Nuclear Doctrine and the Cabinet Committee on Security's January 4, 2003 decision sought to reconcile deterrence with restraint. The 2003 decision operationalised a posture based on credible minimum deterrence, No First Use (NFU) and massive retaliation to a nuclear attack, supported by a survivable second-strike capability and firm civilian control. Judged by its original objectives, the doctrine has provided continuity, predictability and strategic stability for more than two decades. The question is whether the assumptions underpinning it remain stable.

The strategic environment underpinning the framework has changed in three important ways. First, China and Pakistan have grown more strategically aligned. When the doctrine was



Advitya Madan

Analyst on geopolitics, international and defence affairs, commanded 15 Punjab in Lebanon under the United Nations Flag, commanded 27 Sector as DIG in Churachandpur, Manipur, and was Brigadier Operational Logistics in HQ Western Command

India's nuclear doctrine faces new strategic, technological and geopolitical challenges

formulated, the two nuclear-armed neighbours posed distinct challenges; today, those challenges are increasingly interconnected. China has expanded and modernised its nuclear forces, strengthened military infrastructure along the Line of Actual Control and deepened defence cooperation with Pakistan. Pakistan has diversified its nuclear capabilities, including tactical nuclear weapons intended to offset India's conventional advantage. India must therefore account for the possibility that pressures from two closely aligned nuclear adversaries could interact during a crisis.

The second shift is technological. Artificial intelligence, cyber capabilities, space-based surveillance, hypersonic weapons and ballistic missile defence are reshaping deterrence by shortening decision-making timelines, increasing the vulnerability of command-and-control networks and complicating assumptions about assured retaliation. These technologies do not invalidate the doctrine's core principles, but they alter the environment in which they must operate. Nuclear deterrence ultimately depends on the alignment of doctrine, capability and survivability.

The third shift is geopolitical. The Indo-Pacific has become a key arena of great-power competition, while the international system has grown more multipolar. U.S.-China rivalry, closer China-Russia coordination and India's expanding partnerships have reshaped the security environment. Nuclear doctrine can no longer be viewed solely through bilateral deterrence; regional crises are increasingly shaped by wider geopolitical competition.

Review, not revision

Strategic doctrines are policy instruments, not immutable documents. In India's case, a review could examine emerging technologies, command-and-control resilience, second-strike

capabilities and the continuing relevance of existing concepts, including the doctrine's approach to retaliation.

The issue of massive retaliation deserves scrutiny. Pakistan's tactical nuclear weapons were intended to complicate India's response options below the level of strategic exchange. A review could assess whether India's declaratory posture provides sufficient deterrent clarity across nuclear contingencies, without necessarily changing its core principles.

There are, however, reasons for caution. India's doctrine has reinforced its image as a restrained and responsible nuclear power while providing continuity in deterrence. Ambiguity over established principles, particularly NFU, could create uncertainty, encourage adversaries to recalibrate and complicate crisis management. The priority, therefore, should be to strengthen operational capabilities, modernise delivery systems and improve command-and-control resilience rather than reopen declaratory policy.

A review of NFU need not mean abandoning it. It could reaffirm its rationale, clarify its scope and ensure that supporting capabilities remain credible. Reviewing a doctrine is not the same as revising it.

Building credible capabilities

For India, any doctrinal review should also assess survivability, command and control, intelligence, early warning, cyber resilience and the nuclear triad. The aim should be to ensure that India's declared policy remains backed by credible capabilities in a changing strategic environment, while aligning nuclear policy with its broader diplomatic objectives and strategic autonomy.

Ultimately, a nuclear doctrine is an instrument of statecraft, not an immutable policy. India's commitment to restraint, credible deterrence and responsible nuclear stewardship remains an enduring strategic asset.

GS 2: INTERNATIONAL RELATIONS

THE HINDU PAGE: 6

Overweight and weak

The UN is unwieldy, and needs to move away from superpower hegemony

The 81st session of the United Nations General Assembly (UNGA) could have been written off as just another year, with another set of speeches delivered on the global multilateral stage. However, this year, the UN's annual Summit has a unique sense of urgency. This is UN Secretary-General (UNSG) António Guterres's final session, after a tenure marked by a record number of global crises, conflicts, pandemics, climate disasters and the advent of a dangerous age of Artificial Intelligence. Not since the Second World War have there been so many conflicts; one study recorded more than 65 conflicts across 35 countries in 2025, the highest since 1946. Growing polarisation on every major issue, wars by global superpowers in violation of the UN charter, nuclear threats and the imposition of unilateral and illegitimate sanctions have weakened the UN, which at 81 seems overweight, weak and unrepresentative of the world. This makes it an important year for the world to unite in favour of a strengthened and reformed UN while choosing the next UNSG to guide that process over the next decade. This is an important year for South Asia too, with the election of Bangladesh's Foreign Minister Khalilur Rahman as the President of the UNGA's 81st session; he will oversee the UNSG's selection. It was disappointing that the world's most powerful leaders and those at the heart of the conflicts in Ukraine, Gaza and the Persian Gulf failed to suggest solutions for the future. U.S. President Donald Trump spoke about the possible "annihilation" of Iran, and defended U.S. actions in Venezuela. Much to India's chagrin, he again claimed to have negotiated peace in conflicts including the 2025 India-Pakistan four-day war. Iranian President Masoud Pezeshkian referred to the U.S. and Israel as "murderers, terrorists and assassins". The Russian President skipped the session, while the U.S. denied visas to the Palestinian delegation. An initiative led by the European Union and a few other countries, co-sponsored by India, to build a Partnership for Multilateralism (P4M) beyond superpower hegemony is well-meaning, but was drowned out by the rancour at this year's UNGA.

For India, this year was significant as the Narendra Modi government launched a campaign for a second two-year non-permanent term in the UN Security Council in 2028-29. It was therefore surprising that Mr. Modi decided to skip the UNGA speech this year, and the multilateral summits on the side-lines, fresh from his hosting of the Delhi BRICS Summit. India's voice, of a balancing power that speaks for a rules-based international order based on the UN Charter, diplomacy and dialogue, is needed more than ever amidst the global warmongering.

GS 2: INTERNATIONAL RELATIONS

INDIAN EXPRESS PAGE: 6

A declining United Nations is not good news for a rising India

INDIA IS rising as the United Nations (UN) loses authority. Rivalry among major powers may create room for manoeuvre but it also makes agreements harder to trust. For an aspirational power, that is a poor bargain. Indian diplomacy must win more influence over UN decisions while helping make those decisions matter.

This year's General Assembly is unlikely to resolve that tension. Governments whose consent the UN needs are often pursuing objectives it was established to restrain. A week of diplomacy in New York will do little to change the calculations that lead powerful states to bypass the organisation or block its work.

India needs agreements that hold when relations sour. New Delhi has long defended sovereignty and resisted intrusive international rule-making. Yet constraints imposed by powerful countries can leave it with even less say. The question is who writes the rules and how much influence India has over them. Multilateral arrangements give India a voice in those negotiations and room to cooperate with countries it disagrees with elsewhere.

Ukraine, Gaza and the war involving Iran and the Gulf expose the Security Council's inability to restrain its strongest members and their clients. Sudan demonstrates the consequences of neglect. The Council was designed to work when the major powers could agree. Its veto gives each permanent member the means to block action when they cannot. Appeals to the Charter have little effect when those expected to uphold it can prevent its enforcement.

Unilateral coercive measures extend this problem into everyday commerce. An Indian company may be free to trade under Indian law yet find that a foreign bank will not process its payment or an insurer will not cover its cargo. Control over these networks lets powerful states project national restrictions far beyond their borders without authorisation from the UN Security Council. Weaponised interdependence leaves Indian businesses exposed to rules their government had no part in writing.

A world divided into rival financial and technological systems could make that dependence harder to escape. India might gain bargaining opportunities, but access to a market or technology could increasingly require accepting the conditions of one camp. A larger economy will not by itself remove that vulnerability.

The UN retains value even when its Council is paralysed. Universal membership gives smaller countries a claim to be heard without a major power's invitation. Its agencies deliver relief, document the human cost of crises and organise the scientific assessments used in climate negotiations. As climate shocks and widening inequalities strain developing countries, the UN gives them a forum to press claims on climate finance and sustainable development.

That is not enough. The UN still falls short too often. The Secretariat must simplify procedures, cut duplication and spend carefully. Governments are also weakening the organisation they invoke when convenient. They assign tasks they



SYED
AKBARUDDIN

do not fund, delay payments they owe, and cut assistance while expecting the UN to absorb the damage. A peace operation given an ambitious mandate and inadequate resources is being set up to fail.

AI presents an early test of who gets to write rules that matter. The UN's independent scientific panel has warned that AI agents could become harder for humans to control. On September 23, technology executives briefed the Security Council on AI's risks. The Council has a role where AI threatens international security. Companies bring essential expertise, but also commercial interests. AI's reach into employment, education and development needs wider consideration. India should press for safety standards and access to technology to be negotiated where developing countries have a voice. Permanent members and some technology firms cannot represent everyone whose future these rules will shape.

India's influence at the UN depends on the partners it can bring to a negotiation. On September 21, India helped launch Partners for Multilateralism, or P4M, with Brazil, Canada, Kenya, the EU, Australia and Barbados. The group spans different

diplomatic camps. The declaration recognises that economic interdependence is being used to exert pressure, disrupting trade, supply chains and development finance. Each partner has relationships that could help India persuade countries it might not otherwise persuade. Joint proposals on climate finance or protec-

tion against economic coercion could attract wider support. That work need not wait for agreement on the more contentious questions of UN reform.

The world's most populous democracy and a major economy, India has a compelling claim to permanent membership. Africa's exclusion from permanent membership makes the case for Council reform harder to ignore. Regional rivalries obstruct agreement on expansion. Charter amendments also require ratification by all five permanent members. An elected seat is the nearer prospect.

A practical priority for External Affairs Minister S Jaishankar at this Assembly is to secure support for India's candidature for an elected Security Council seat for the 2028-29 term. Its opponent in the June 2027 election is Tajikistan, which has never served on the Council. A founding UN member in 1945, India has contributed more than 275,000 personnel to UN peacekeeping. Smaller countries will also want to know how India would use another term to address their concerns. India can draw on that record to argue for mandates troops can carry out, and for affected countries to be heard before the Council acts.

A Council term would give India more scope to negotiate agreements and insist that governments honour them. The test will come when an agreement obstructs the choices of powerful states. The Charter matters most when it gets in the way.

The writer is former permanent representative of India to the UN, and dean, Kautilya School of Public Policy, Hyderabad

The UN retains value even when its Council is paralysed. Universal membership gives smaller countries a claim to be heard without a major power's invitation

GS 2: POLITY

INDIAN EXPRESS PAGE: 17

• POLITY

Conflict and consensus in the ECI's functioning



DAMINI NATH

THE FUNCTIONING of the three-member Election Commission of India is under scrutiny this week, after an investigation by *The Indian Express* published on September 23 revealed that two Election Commissioners had placed their objections on record at least 14 times in 10 months. The Election Commission has responded by saying that the decisions taken by the Commission have been unanimous, saying that "observations" were a part of the deliberative process.

How does the Election Commission take decisions?

The Election Commission derives its powers from Article 324 of the Constitution, which provides for a Commission for the "superintendence, direction and control of the preparation of the electoral rolls for, and the conduct of, all elections to Parliament and to the Legislature of every State and of elections to the offices of President and Vice-President..."

It further says that the commission will consist of the Chief Election Commissioner (CEC) and "such number of other Election Commissioners" that the President may appoint, subject to provisions of law. The CEC "shall act as the Chairman of the Election Commission".

How the Election Commission is supposed to arrive at decisions is laid out in the Chief Election Commissioner and Other Election Commissioners (Appointment, Conditions of Service and Term of Office) Act, 2023.

Section 17 of the Act says that the "business of the Election Commission shall be transacted in accordance with the provisions of this Act."

"The Election Commission may, by unanimous decision, regulate the procedure for transaction of its business and also allocation of its business amongst the Chief Election Commissioner and other Election Commissioners. All business of the Election Commission shall, as far as possible, be transacted unanimously, and if the Chief Election Commissioner and other



Election Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority," Section 18 of the Act says.

Since the Election Commission currently has three members, if the decisions are not unanimous, two of the three members can decide the matter. While the Chief Election Commissioner chairs the poll panel, all three members — the CEC and the two ECs — all have one vote.

Have there been differences of opinion and dissent in the commission in the past?

Ever since the Election Commission was permanently expanded from a single-member body to a three-member commission in 1993, differences have emerged between the individuals who occupy the posts.

Then Chief Election Commissioner T.N. Seshan and Election Commissioners M.S. Gill and G.V. Krishnamurthy were known to have clashed. In fact, Seshan had challenged the appointment of the two ECs in the Supreme Court, which upheld the appointment and ruled that the three members would have equal status.

The Supreme Court judgment in *T.N. Seshan vs. Union of India* in 1995 made it

Election Commission office in New Delhi. PRAVEEN KHANNA/FILE

First among equals

The Election Commission comprises the Chief Election Commissioner and two Election Commissioners. They are equal in rank and the CEC is the first among equals.

Any decision it takes must, 'as far as possible', be unanimous; otherwise, it is decided by a majority.

clear that the three members would have an equal say in decision-making.

In January 2009, then CEC N. Gopalaswami had written to the President seeking the removal of Election Commissioner Navin Chawla, citing a "lack of political neutrality". With no such action from Rashtrapati Bhavan, Chawla eventually was appointed CEC.

Election Commission officials say that differing opinions on matters before the commission, whether it is the conduct of elections or administrative matters, are a routine occurrence. However, when it comes to finally taking a decision, the commission takes a call unanimously or by majority. The Commission generally meets once or twice a week to discuss pending matters, officials say.

In case an Election Commissioner disagrees with the majority view, he or she can record a dissent note on the file.

Former Election Commissioner Ashok Lavasa had done exactly that in 2019, when he disagreed with the majority view of giving Prime Minister Narendra Modi and then BJP chief Amit Shah a clean chit on complaints of Model Code of Conduct violations before the commission. Lavasa had also objected that his dissent notes were not being recorded in the final orders passed

The rupture in the poll panel, revealed by an *Express* investigation, is not its first instance of difference of opinion. Here's what happened in the past

by the commission. Lavasa, who was likely to take over as Chief Election Commissioner on the basis of seniority, opted to resign from the Commission in 2020.

Before the Election Commission issued its order starting the Special Intensive Revision of electoral rolls on June 24, 2025, Election Commissioner Sukhbir Singh Sandhu had observed on the draft order that the exercise should not lead to harassment to voters and citizens.

"Care should be taken that genuine voters/citizens, particularly old, sick, PwD (persons with disabilities), poor and other vulnerable groups do not feel harassed and are facilitated," Sandhu had written. However, this, EC sources said, was an observation, and eventually the SIR order was unanimous.

Since then, as *The Indian Express* has reported, ECs Sandhu and Vivek Joshi have recorded their objections on files several times, whether it relates to the functioning of the poll commission's IT infrastructure or the insertion of a new declaration in the voter enrolment form (Form 6).

What has the Election Commission said on the matter?

In a press statement on Wednesday, the Election Commission sought to differentiate between observations, which it said were standard and a part of the internal checks and balances, and decisions of the Commission.

"Any operational queries or inputs raised by Commission members during draft stages are part of standard administrative practice aimed at safeguarding voter rights. The suggestions given by the Commissioners were for further improving the electoral processes. Differing views and observations are a normal part of deliberation in any institution. They are a part of the decision-making process before a final decision is taken. Not only the three Commissioners, but every officer of the Commission is fully authorized to give his suggestions to the Commission for improving the electoral system," the poll panel said.

The Election Commission has said that all decisions taken in recent months have been the outcome of "unanimous decisions". It cited the recent elections in Bihar, Kerala, Tamil Nadu, Puducherry, Assam and West Bengal, saying that these polls required "wide-ranging administrative and operational machinery and many Commission approvals and instructions."