

EDITORIALS - 15TH OCT 2026

1. A split verdict, faltering remedies and people's power (GS Paper II Polity)

This editorial '**A split verdict, faltering remedies and people's power**' was published in **The Hindu** on 15th Oct 2026, highlights the limits of **judicial remedies** in securing electoral independence and the role of **people's movements** in defending the Constitution.

Split Verdict and Electoral Independence

- In **Dr. Jaya Thakur vs Union of India**, the Supreme Court's **23 September 2026** split verdict deferred the challenge to the 2023 election commissioners' appointment law to a Constitution Bench.
- Justice Datta sought scrutiny under **Anoop Baranwal (2023)**, which rejected executive dominance in appointments; Justice Sharma favoured a **larger Bench**, and both sought an expeditious hearing.
- The **selection committee**, comprising the Prime Minister, his chosen Union Minister and the Opposition leader, gives the executive a **two-thirds majority**, making Opposition participation merely ornamental.
- Referral prolongs the disputed law amid declining **electoral credibility**, protests and demands for CEC Gyanesh Kumar's resignation; replacing one individual cannot resolve **systemic flaws**.
- The editorial seeks **repeal** of the law, including lifelong immunity for commissioners' official acts and words, a **neutral selection body**, and reconsideration of controversial electoral-roll revisions.

Judicial Impartiality and Accountability

- Justice Sharma's son's association with the Election Commission as empanelled counsel raises a potential **conflict of interest**; non-disclosure casts doubt on **judicial impartiality** and the referral order.
- **Rupa Ashok Hurra (2002)** recognised that undisclosed judicial connections with parties or subject matter could vitiate judgments; petitions now seek **recall** of Sharma's order.
- The **Bangalore Principles** prohibit impropriety, its appearance and participation where judges' family members represent or are associated with litigants; the **1997 Restatement of Values of Judicial Life** contains similar restrictions.

Political Mobilisation and Constitutional Defence

- **Ambedkar's 1951 warning** linked partisan government servants to compromised elections and parliamentary democracy's failure; the editorial invokes its relevance amid alleged **institutional capture** and mass disenfranchisement.
- **Political mobilisation** can overcome judicial endorsement: TADA lapsed and POTA was repealed despite earlier judicial approval; mass protests preceded repeal of the **farm laws in 2021**.
- Despite judicial support for the **Emergency (1975–77)**, including suspension of fundamental rights in **ADM Jabalpur (1976)**, voters subsequently removed Indira Gandhi's government.

BEYOND EDITORIAL

Institutional safeguards beyond the appointment process

- **Financial autonomy:** Charging election expenditure on the Consolidated Fund could strengthen independence; a Bill introduced in 1994 to implement this proposal subsequently lapsed.
- **Independent secretariat:** The Law Commission's 255th Report (2015) recommended a permanent secretariat to reduce dependence on executive staffing.
- **Tenure protection:** Article 324(5) protects the Chief Election Commissioner against disadvantageous service-condition changes after appointment, supporting independent functioning.
- **Equal removal safeguards:** The Law Commission recommended extending the Chief Election Commissioner's constitutional removal protections to other election commissioners.
- **Personnel control:** Section 28A places designated election personnel under the Commission's control and discipline during elections, helping limit political interference.
- **Enforcement accountability:** The Election Commission's cVIGIL system provides complaint identification numbers, enabling citizens to track action on reported electoral violations.
- **Post-retirement restrictions:** Restrictions could reduce incentives for favouritism; Article 148(4) offers a model by barring former Comptrollers and Auditors General from government employment.

2. Weigh public benefits of street protest against costs on others, especially poor (GS Paper I Society)

This editorial '**Weigh public benefits of street protest against costs on others, especially poor**' was published in **The Indian Express** on 15th Oct 2026, highlights the need to balance **peaceful protest's** democratic benefits against its **social costs**, particularly for the poor.

Economic Costs of Disruptive Protests

- **Peaceful protest** can remedy institutional failures, but its justification depends on grievance merits, official responses and **proportionality** of tactics, especially costs imposed on non-participants.
- Ahead of Delhi's **10 October protests**, 45 Metro stations closed; a Khan Market traders' representative estimated losses of **₹1–1.5 lakh per shop**, while Chandni Chowk traders faced credit-financed festive inventories.
- Blockades create **negative externalities** for commuters, patients, shopkeepers and daily-wage workers; organisers bear limited costs or liability, encouraging excessive disruption that disproportionately burdens **poorer households**.
- **ASSOCHAM** estimated farmers' agitation losses at ₹3,000–3,500 crore daily across 4 northern States/territories in December 2020; however, **lost turnover** overstates output losses when purchases shift across dates or shops.
- Ahsan and Iqbal found multi-day strikes in Bangladesh reduced firms' **export-shipment probability** by 6.3 percentage points; persistent disruption creates a **competitive disadvantage** as foreign buyers seek stability.

Political Bargaining and Public Welfare

- Disruption creates a **hold-up problem**: organised groups can extract concessions by imposing public costs, shifting policy towards **mobilisation capacity** rather than the merits of competing claims.
- The **2024 Lok Sabha election** gave the National Democratic Alliance 43.8% and the INDIA bloc 41.5% of votes, including over 26 crore Opposition votes; treating disruption as routine bargaining enables recurring **economic pressure** by electoral losers.

- **Examination paper leaks** justify collective action when authorities fail to investigate or provide credible remedies; benefits must outweigh public costs, with **essential access** protected and tactics proportionate.
- **Political attention** and government capacity are scarce; mobilisation can displace work on artificial intelligence-related job disruption, retraining, climate protection and **productive employment**.

Democratic Legitimacy and Accountability

- Colonial **satyagraha** confronted rulers Indians could not remove electorally; even then, Gandhi suspended non-cooperation after **Chauri Chaura in February 1922**, limiting historical justification for present-day disruptive tactics.
- **Electoral-fraud allegations** require evidence: BJP seats fell from 303 in 2019 to 240 in 2024, while Modi's Varanasi margin fell from 4,79,505 to 1,52,513; these outcomes challenge sweeping **rigging claims** without excluding specific wrongdoing.
- **Courts, the Election Commission and Parliament** should examine electoral grievances; institutional failure strengthens the case for peaceful protest, but **blockades** demonstrate disruptive capacity rather than establish electoral theft.
- Hirschman's **exit–voice distinction** explains protest's value when ordinary representation fails; visibility does not establish majority support, while **public silence** may reflect disagreement with tactics or inability to participate.

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The state's responsibility to facilitate peaceful protest

- **Accessible protest spaces:** UN General Comment No. 37 (2020) supports assemblies within sight and sound of their intended audience, preserving meaningful visibility.
- **Balanced regulation:** In *Mazdoor Kisan Shakti Sangathan* (2018), the Supreme Court held that protecting residents cannot mean completely extinguishing protest rights.
- **Proportionate restrictions:** *Ramlila Maidan* jurisprudence requires protest restrictions to be reasonable, non-arbitrary and closely connected to their stated purpose.

- **Traffic management:** General Comment No. 37 identifies traffic diversion, temporary street closures and security arrangements as possible state duties facilitating assemblies.
- **Credible dialogue:** Several farmers' unions rejected participation in the Supreme Court-appointed committee in January 2021, illustrating consultation's limits without trust.
- **Protection from intimidation:** General Comment No. 37 requires reasonable protection against third-party violence; hostile counterdemonstrators cannot automatically justify banning peaceful assemblies.
- **Independent scrutiny:** General Comment No. 37 protects journalists' and rights monitors' observation of assemblies, supporting accountability for police conduct.

3. How to turn overseas green regulation into export advantage (GS Paper III Economy)

This editorial '**How to turn overseas green regulation into export advantage**' was published in **The Indian Express** on 15th Oct 2026, highlights how India can use green trade rules to finance **low-carbon industrialisation** and strengthen exports.

Green Regulation as an Industrial Opportunity

- **Green trade rules** are becoming permanent as European Union carbon allowances decline and border adjustments widen; India should use their demand and pricing signals to finance **green industrialisation**.
- Building **low-carbon industries** initially costs more but avoids replacing fossil-fuel infrastructure before India's **2070 net-zero target**; regulated export markets can fund early investment while domestic capacity scales.

Sectoral Export Opportunities

- **Green ammonia**, competitively priced in India, could secure long-term contracts in Europe, Japan and Korea, financing plants and scale economies before supplying domestic **green fertilisers** that replace imported natural gas.
- **ReFuelEU Aviation** introduced 2% sustainable aviation fuel blending in 2025, rising subsequently; scarce supply commands premiums, allowing ethanol

diversion towards **aviation-fuel exports** while electric vehicles serve domestic mobility.

- Higher European steel prices could finance cleaner blast furnaces, scrap-based capacity and eventually **hydrogen-based steel**; counting electricity emissions strengthens the case for **recycled aluminium** and clean-powered smelters.
- In the roughly **\$500-billion electrical-equipment market**, China holds about 30% of exports against India's under 2%; industrial expansion could meet domestic demand and create an **export engine** instead of import dependence.
- India supplies nearly **20%** of the United Kingdom's non-European transformer imports but has negligible European presence, indicating scope for **market expansion**.

Compliance Infrastructure and Domestic Reform

- Extend **digital public infrastructure** to low-cost, interoperable product-level carbon accounting, traceability and independent verification; trusted data underpin carbon borders, deforestation rules and product passports, making **compliance costs** a competitiveness factor.
- A domestic **carbon price of \$30–50 per tonne** could influence steel, hydrogen and fertiliser investment while retaining more carbon revenues in India under the **Carbon Border Adjustment Mechanism**.
- Adopt **sector-level targets** instead of plant-specific benchmarks that reward high emitters and penalise efficient plants, strengthening **decarbonisation incentives**.
- Contest **protectionism**, seek transition periods and rich-country technology and finance; use bilateral trade and green partnerships for **mutual recognition** of carbon accounting, testing and certification.

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Distributional challenges of the green export transition

- **Certification barriers:** India's Zero Defect Zero Effect scheme subsidises certification costs by 80%, 60% and 50% for micro, small and medium enterprises, respectively.
- **Unequal credit access:** ADEETIE, launched in 2025, offers 5% interest subvention for micro and small enterprises and 3% for medium enterprises.

- **Worker adjustment:** India's Skill Council for Green Jobs developed 77 nationally approved qualifications by June 2024, supporting training for emerging occupations.
- **Regional concentration:** The European Union's Just Transition Fund supports diversification in regions dependent on fossil fuels or emissions-intensive industries.
- **Technical-capacity gaps:** ADEETIE supports energy audits, project reports and implementation verification, helping smaller enterprises plan and execute energy-efficiency investments.
- **Household affordability:** The European Union's Social Climate Fund supports vulnerable households, micro-enterprises and transport users through investment and temporary income assistance.
- **Gender exclusion:** World Bank research highlights how women's informal, unpaid and supporting roles in coal economies can leave them overlooked during transition assistance.