

27th Nov, 2024

## 1. Conversion for benefits is fraud on Constitution – SC GS 2 (Constitution)

### • Why in News:

- The Supreme Court ruled that conversions driven solely by the intent to secure reservation benefits are impermissible, labeling such actions a "fraud on the Constitution."
- While affirming the fundamental right to profess and practice religion under Article 25, the bench clarified that **genuine conversions are inspired by sincere belief in the principles of the new faith**, not ulterior motives like reservations.
- The court highlighted that misuse of reservation policies undermines their objective to uplift historically disadvantaged communities. Granting benefits to individuals without genuine claims **defeats the social purpose of reservations.**

### • SC Reservations and Religion

- **Existing provision for SC reservation**
  - The original rationale behind giving reservation to Scheduled Castes was that these sections had suffered from the social evil of untouchability
  - Untouchability was practised among Hindus
  - **Article 341** of the Constitution empowers the President to specify the castes, races or tribes etc. which shall be deemed to be Scheduled Castes
- **SC reservations and Dalit Coverts - Constitutional context**
  - Currently, the **Constitution (Scheduled Castes) Order, 1950** stipulates that no person professing a religion different from Hinduism, Buddhism or Sikhism can be deemed to be a member of a Schedule Caste
  - The original order under which only Hindus were classified was later amended to include Sikhs and Buddhists
  - Hence, **Dalits who get converted to Christianity and Islam are not covered and they do not get the quota benefits**
  - Interestingly, the **religion-based bar does not apply to converted STs and OBCs**
  - As per the government, the rights of a person belonging to a Scheduled Tribe are independent of his/her religious faith.
  - Also, following the implementation of the Mandal Commission report, **several Christian and Muslim communities have found place in the Central and state lists of OBCs.**
- **Larger constitutional question on extending SC benefits to Dalit Christians and Muslim**
  - A batch of petitions were filed in the Supreme Court seeking the inclusion of Dalit Christians and Dalit Muslims and the removal of the religion criteria for inclusion as SCs.
  - In August 2022, the Supreme Court had directed the Centre to submit its current position on the issue.
  - In light of that, the Union Ministry of Social Justice & Empowerment issued a notification in October 2022 to form a three-member Commission to study the matter.
  - The three-member Commission is headed by former Chief Justice of India, Justice K.G. Balakrishnan.
- **Views of previous panels on this issue**
  - **Ranganath Misra Commission (submitted report in 2007)**
    - It recommended that SC status should be completely de-linked from religion.

UPHOLDS HC ORDER DENYING SC CERTIFICATE

## Conversion only for reservation, without 'actual belief', a fraud on Constitution: SC

ANANTHAKRISHNANG  
NEW DELHI, NOVEMBER 26

RELIGIOUS CONVERSION merely to avail quota benefits without "actual belief" in the other religion would defeat the social ethos of the policy of reservation, the Supreme Court ruled Tuesday as it upheld a Madras High Court order denying Scheduled Caste certificate to a born Christian woman who claimed to be a Hindu while seeking the certificate for an Upper Division Clerk job in Puducherry.

A bench of Justices Pankaj Mishra and R Mahadevan said that "in the instant case, the ev-

idence presented clearly demonstrates that the appellant professes Christianity and actively practises the faith by attending church regularly".

"Despite the same, she claims to be a Hindu and seeks for Scheduled Caste community certificate for the purpose of employment. Such a dual claim made by her is untenable and she cannot continue to identify herself as a Hindu after baptism," the bench said. "Therefore, the conferment of Scheduled Caste communal status to the appellant, who is a Christian by religion, but claims to be still embracing Hinduism only for the purpose of

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- **Sachar Committee (2005)**
  - This Report observed that the social and economic situation of Dalit Muslims and Dalit Christians did not improve after conversion.
- **Case Background**
  - **Case matter**
    - The appellant, C. Selvarani, challenged a January 2023 Madras High Court order dismissing her plea for SC status
    - She claimed to belong to the Valluvan caste, recognized under the Constitution (Pondicherry) Scheduled Castes Order, 1964. Selvarani argued that she had been practising Hindu rituals since birth
  - **Judgment by Supreme Court**
    - The judgment upheld a Madras High Court ruling denying SC status to a woman born and baptised as a Christian, who later claimed to be Hindu to avail reservation benefits.
    - Despite holding an SC certificate, inquiries revealed her continued Christian practices, including church attendance and baptism.
    - The **court ruled her claims as fraudulent** and unsupported by evidence of reconversion.
- **Anti-Conversion Laws in India**
  - **Historical Context of Anti-Conversion Laws**
    - India has a long history of anti-conversion laws dating back to pre-Independence, with princely states enacting acts like the **Raigarh State Conversion Act (1936)** and **Udaipur State Anti-Conversion Act (1946)**.
    - Post-Independence attempts at central anti-conversion legislation in 1954, 1960, and 1978 failed due to lack of support.
  - **Modern Anti-Conversion Laws**
    - Several states, including Orissa (1967), Madhya Pradesh (1968), and Arunachal Pradesh (1978), enacted anti-conversion laws.
    - These laws were upheld by the Supreme Court in **Rev Stainislaus Vs State of Madhya Pradesh (1977)**, which **ruled that Article 25(1) does not guarantee a fundamental right to convert others**.
    - The court emphasized that coercive or deceitful conversions violate the freedom of conscience.
  - **Relevant Precedents**
    - **Sapna Jacob Case (1993)**: Courts can scrutinize the intent behind conversions but not test the depth of religious belief.
    - **Hadiya Vs Ashokan (2018)**: The right to choose one's faith must be free from coercion or deceit.

**2. Women who helped draft the Constitution of India GS 2 (Constitution)**

- **Why in News:**
  - On Constitution Day (November 26), President Droupadi Murmu highlighted the contributions of women in India's Constituent Assembly.
  - The 299-member body included 15 women (two later resigned), representing diverse regions and perspectives. Prominent figures like Sarojini Naidu, Sucheta Kripalani, and Vijaya Lakshmi Pandit were joined by lesser-known women who actively engaged in debates on critical issues such as gender, caste, and reservations.
  - This article highlights the contributions of five of these women.

**Recalling stories of women who helped draft the Indian Constitution**

**SAROJINI NAIDU (1879-1950)**  
 She was the first Indian woman to be elected to the Constituent Assembly. She was a poet, a writer, and a social reformer. She was also a member of the Constituent Assembly.

**SUCHETA KRIPALANI (1915-2006)**  
 She was the first Indian woman to be elected to the Constituent Assembly. She was a social worker, a writer, and a social reformer. She was also a member of the Constituent Assembly.

**VIJAYA LAKSHMI PANDIT (1900-1990)**  
 She was the first Indian woman to be elected to the Constituent Assembly. She was a social worker, a writer, and a social reformer. She was also a member of the Constituent Assembly.

**AMMA SWAMINATHAN (1884-1978)**  
 She was the first Indian woman to be elected to the Constituent Assembly. She was a social worker, a writer, and a social reformer. She was also a member of the Constituent Assembly.

**BEGUM QUDSIYA AZIZ RASUL (1909-2001)**  
 She was the first Indian woman to be elected to the Constituent Assembly. She was a social worker, a writer, and a social reformer. She was also a member of the Constituent Assembly.

- **Ammu Swaminathan: A Pioneering Voice for Women in the Constituent Assembly**
  - Swaminathan, from Palakkad, Kerala, married Subbarama Swaminathan in her teens, setting conditions like independence in daily life. Among her children was Captain Lakshmi Sahgal of the Indian National Army.
  - Her political interest stemmed from **opposing restrictive widowhood practices** she witnessed her mother endure.
  - Swaminathan contested elections on a Congress ticket and, as a member of the Constituent Assembly, **advocated for the Hindu Code Bill and gender equality, despite resistance from the male-dominated House.**
  - Post-independence, she was elected from Dindigul, Tamil Nadu, and served as India's goodwill ambassador to countries like Russia, China, and the US.
- **Annie Mascarene: Advocate for Universal Franchise and Local Autonomy**
  - Annie Mascarene (1902–1963) was born into a Latin Christian family in Travancore, considered the lowest caste tier.
  - Despite societal barriers, she excelled academically, studied law, and became an educator.
  - Influenced by caste and gender reforms initiated by Travancore royals, she became politically active during the region's upheaval.
  - Mascarene joined the All Travancore Joint Political Congress and later the Travancore State Congress, championing universal adult franchise and enduring violence from opponents.
  - As a member of the Constituent Assembly, **she advocated for a strong Centre while supporting local government autonomy.**
  - After leaving the Congress due to state factionalism, she won as an independent candidate from Thiruvananthapuram in 1952, marking a significant achievement in Indian politics.
- **Begum Qudsia Aizaz Rasul: A Trailblazing Woman in Politics**
  - Begum Qudsia Aizaz Rasul (1909–2001), born into Punjab's royal family, pursued formal education despite opposition, including a fatwa against her convent schooling.
  - After marrying Nawab Aizaz Rasul, she discarded the purdah and entered politics, winning a non-reserved seat in 1936 despite conservative criticism.
  - As a member of the Muslim League, **she campaigned for women's issues and opposed separate electorates based on religion.**
  - While initially seeing potential benefits for Muslims in the idea of Pakistan, **she ultimately chose to stay in India**, concerned for poor Muslims left behind post-Partition.
  - She later joined the Congress, served in the Rajya Sabha from Uttar Pradesh in 1952, and contributed to promoting women's hockey in India.
- **Dakshayani Velayudhan: A Pioneer for Dalit Rights and Equality**
  - Dakshayani Velayudhan (1912–1978) achieved multiple **milestones as the first Dalit woman to graduate in science in Cochin and serve in the Cochin Legislative Council.**
  - Belonging to the **Pulaya community**, considered "slaves" at the time, she defied caste barriers, enduring discrimination, such as being excluded from practical experiments in college.
  - After working as a teacher, she married a social worker in a simple wedding officiated by a leprosy-afflicted person in the presence of Mahatma Gandhi and Kasturba.
  - Elected to the Constituent Assembly in 1946, **she opposed Ambedkar's call for separate electorates, arguing it promoted division and hindered nationalism.**
  - Financial struggles prevented her from pursuing a sustained political career, although she remained active in the Dalit movement.
  - She returned to politics in 1971 but finished fourth in the Lok Sabha elections as an independent candidate.
- **Renuka Ray: A Trailblazer for Women's Rights**
  - Renuka Ray (1904–1997), born in Pabna (now in Bangladesh), hailed from a distinguished family.
  - Inspired by Mahatma Gandhi in 1920, she left college to join the freedom struggle, raising awareness through grassroots efforts and briefly staying at Sabarmati Ashram.

- She later pursued studies at the London School of Economics, where she met her future husband, Satyendra Nath Ray.
- After returning to India, **Ray championed women's rights, focusing on divorce and inheritance laws.**
- Representing women's organisations in the Central Legislative Assembly in 1943, she joined the Constituent Assembly in 1946.
- **She supported the Hindu Code Bill** but **opposed reserved seats for women in legislatures**, viewing it as a hindrance to their progress.
- Although she lost the 1952 general election from Hooghly, she won in 1957 and contributed to governance in Bengal before returning to social work.
- Her life reflected her commitment to advancing women's empowerment and social justice.

**3. From a Republic to a Republic of Unequals GS 2 (Constitution)**

- **Why in News: Constitution Day on November 26, 2024, marked 75 years since the adoption of the Indian Constitution, focusing on the country's commitment to constitutional governance.** The event highlighted the intellectual debates that led to the creation of a political identity that accommodates multiple cultural groups and addresses inequalities. The discussion also shed light on the evolving role of the state in creating an egalitarian society, a vision shaped by liberalism with a focus on reducing social and economic inequalities.

● **Vision of an Egalitarian Society**

- **Constitutional Ideology on Equality:** The Indian Constitution was crafted to create an egalitarian society, focusing on reducing inequalities, both social and economic, by incorporating principles from egalitarian liberalism, including equal liberties, opportunities, and difference.
- **State Intervention for Equality:** The Constitution adopted liberal values but emphasized the state's role in addressing historical inequalities through affirmative action and reservations. This was crucial for providing equal opportunities and reducing social disparities.
- **Judicial Interpretations:** The Supreme Court of India has reinforced this vision, with judgments like **S. Nakara (1982)** and **Air India Statutory Corporation (1996)**, highlighting the importance of a welfare state that aims to achieve economic and social justice by reducing inequalities.

● **Neoliberal Reforms and Impact on Inequality**

- **Shift Post-Economic Reforms:** After the adoption of neoliberal economic reforms in the 1990s, the state's role in reducing inequality diminished as market-driven policies prioritized private capital over welfare, resulting in growing economic disparities.
- **Rising Inequality:** Research by Lucas Chancel and Thomas Piketty revealed that after **liberalization**, the share of income held by the top 1% increased sharply, with the top 1% now holding 22.6% of the wealth by 2022-23, highlighting a regression to pre-Independence inequality levels.
- **Current Inequality Status:** The **"State of Inequality in India Report" (2022)** showed a stark contrast in wages, with the top 10% earning disproportionately high wages compared to the bottom 90%, leading to a widening gap and undermining the constitutional vision of economic equality.

● **Social Inequality and Wealth Concentration**

- **Overlap of Economic and Social Inequality:** Economic inequality in India is strongly correlated with social inequality, as upper castes dominate wealth accumulation, with scheduled castes and tribes largely excluded from billionaire wealth.

*From a republic to a republic of unequals*



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Constitution Day on November 26, 2024 marked 75 years of the adoption of the Constitution and constitutional governance in independent India. The Constituent Assembly debates show the intellectual engagement of leaders from a spectrum of ideologies, right wing to left wing, in building a single political identity that was accommodative of the interests and rights of multiple cultural groups.

The Constituent members of the Constituent Assembly, who wanted the state to play a positive role in intervening and reducing inequality due to poor social indicators at the time of independence. With liberalism, as a political ideology, there was an insistence that there should be freedom for citizens to carry out activities without any state interference. There was the belief that only in a free environment could human potentials, be they intellectual, moral and physical, be realised. Thus, liberty became the core value of liberalism.

The Indian Constitution makers agreed to create a liberal political state in India, that considering the social and economic inequalities, they felt that a complete withdrawal of the state would perpetuate the existing inequalities and worsen it further. So, it was that the state should be given a positive role to intervene and create conditions for everyone to participate equally in the development process. Thus, affirmative action and reservation policies to treat unequals in an unequal manner to achieve the constitutional vision of equality have become an integral aspect of the Indian Constitution.

**An egalitarian outlook**  
In quest of equality aims to create an egalitarian society to minimise economic inequalities among the people. Reflecting the basic egalitarian liberalism, including the three important principles of equal basic liberties, equal opportunities and difference, the Constitution aims to create an egalitarian society. The fundamental objective of the Directive Principles of State Policy (DPSP) in Part IV of the Constitution reflect all the above three principles of egalitarian liberalism. This egalitarian liberalism aims to reduce inequality and not create an absolute equal society. Article 282(2) of DPSP insists that the state shall strive to minimise the inequalities of income and eliminate inequalities in status, franchises and opportunities. The constitutional ideological framework lays emphasis on reducing inequalities and creating an egalitarian society based on equal opportunities and facilities through state intervention. Further, Article 29(c) emphasises that the economic system ought not to result in a concentration of wealth and means of production in the hands of a few.

The Supreme Court of India has reiterated this principle in many of its judgments till the end of the 1990s. In *U.S. Narayana & Others v Union of India* (1982), the Court said that the basic framework of equality in the Constitution is to provide a decent standard of life to the working people and social security from cradle to grave, redefining the role of the welfare state in India. In *Air India Statutory Corporation v United Labour Union & Ors* (1996), the Court said that the ideological aspects of the Indian Constitution found in the Preamble, Fundamental Rights and DPSP aim to establish an egalitarian society, protecting social and economic justice and the dignity of individuals by providing equality of status and opportunities.

In *Simharu v State of Andhra Pradesh & Ors* (1997), the Court interpreted that the meaning of the word 'socialist' in the Constitution is to reduce inequalities in income and provide equal opportunities and facilities to create an egalitarian social order. Justice V.R. Krishna Rao's interpretation of Article 285(2) of the DPSP in *State of Karnataka and Anr vs Dr. Rangnath Reddy & Anr. Etz*, that public and private resources fall within the ambit of community resources, was in line with the constitutional ideology of creating an egalitarian society by strengthening the state's power of redistribution of resources for common good towards reducing inequality.

But recently, the Court overruled this interpretation without leaving it within Article 286(1), which empowers the state to intervene and regulate the economic system to prevent the concentration of wealth in the hands of a few towards creating an egalitarian society.

**Economic reforms and inequality**  
The adoption of neoliberal economic reforms in India, the constitutional ideology took hold and the idea of a welfare state as envisaged in the Constitution has withdrawn its commitments towards creating an egalitarian society. Lucas Chancel and Thomas Piketty from the Paris School of Economics have documented the rising inequality in India in their book, "Indian Income Inequality, 1822-2018: From British Raj to Billionaire Raj" (2023).

Their research shows that the top 1% of earners had a share of less than 2% of total income in the 1950s. But after independence, due to welfare state intervention, based on constitutional ideology, this gap reduced where the top 1% captures a share of 9% of the total income in the 1980s.

After the implementation of neoliberal reforms in the 1990s, there were major structural changes that happened in the Indian economy, which prioritised private capital investment and a slow withdrawal of the welfare interventionist state. The state took the positive role of creating and strengthening markets rather than working towards creating an egalitarian society, as envisaged in the Constitution. As a consequence of this, the top 1% income has reached 22% of the total income pushing back to an inequality situation worse than that in the pre-independence period. They reiterated this inequality status in their recent research in 2024 emphasising that the top 1% of income and wealth share has reached 22.6% and 40.3% by 2022-23, which is considered very high.

The "State of Inequality in India Report" (2022), prepared by the Institute for Economic Advocacy Council to the Prime Minister, highlighted the Periodic Labour Force Survey 2019-20, which recorded that average monthly wages of ₹2,000 (₹ lakh an annum) is being earned by the top 10% and the remaining 90% earn less than ₹2,00,000 a month. This shows extreme inequality and how the majority are being pushed into poverty, violating constitutional ideology.

**An overlap with social inequality**  
Further, the report titled "Towards Tax Justice and Wealth Redistribution in India" (2023) by the World Inequality Lab at the Paris School of Economics, has brought to evidence to show how economic inequality and social inequality overlap in India. By 2022-23, 90% of the billionaire wealth was held by the upper castes in India. Scheduled Tribes are not present in billionaire wealth. Other Backward Classes (OBC) have a mere 10% presence and Scheduled Castes have a 2.0% representation in billionaire wealth. The report further emphasises that between 2014 and 2022, the OBC share has reduced from 20% to 10% and upper caste share has increased from 80% to 90% in billionaire wealth. The upper castes are the only group which owns wealth more than its proportion of population, redefining how social capital and economic advantages are overlapping in India. Further, Oxfam International highlights the rise in the number of billionaires from nine in the year 2000 to 19 in 2022. It further compares income inequality and shows that it will take 94 years for a minimum wage earner to earn what a top corporate executive earns a year in India.

The constitutional vision of creating an egalitarian social order by minimising economic inequality and eliminating social inequality is under threat from the neoliberal ideological order. Violating the constitutional ideology, inequality levels are increasing, strengthening wealth concentration among the few. Further, social inequality overlaps with economic inequality to give the upper castes a greater advantage in contemporary India. Constitution Day has passed, but there is an opportunity for us to critically evaluate our political and economic practices within the constitutional framework, to assess our achievements and failures, redefining Bhabhubhai's words that social and economic inequality will put political democracy in peril.

- **Wealth Distribution Among Castes:** The report highlighted that by 2022-23, upper castes held 90% of the wealth, while OBCs and Scheduled Castes had significantly less representation, reinforcing social hierarchies in wealth ownership.
- **Impact of Rising Billionaire Wealth:** Oxfam’s report pointed out that the rise in billionaire wealth is exacerbating social and economic inequalities, as it now takes 941 years for a minimum wage earner to earn the same as a top corporate executive, undermining the egalitarian goals envisioned in the Constitution.

**4. An ideal way to treat India’s Corneal Blindness Problem**  
**GS 2 (Health)**

- **Why in News:** India faces a critical shortage of corneas for transplants, despite widespread support for eye donation and public pledges. The government is considering an amendment to the **Transplantation of Human Organs and Tissues Act (THOTA), 1994**, to introduce a "presumed consent" model for corneal donation from deceased individuals in hospitals, aiming to meet the demand of 1,00,000 corneal transplants annually.
- **Magnitude of the Problem**
  - **Prevalence of Corneal Blindness:** Corneal opacities are the second leading cause of blindness in India, with approximately 1.2 million people suffering from it. A third of these cases could be treated with a corneal transplant.
  - **Shortage of Eye Banks and Surgeons:** India lacks sufficient high-quality eye banks (only 12-14 exist, whereas 50 are needed) and corneal surgeons (only 500 active surgeons, instead of 500 needed).
  - **Potential for Treatment:** Corneal transplants are a highly effective and common procedure globally, making the supply of corneas critical for addressing preventable blindness.
- **Presumed Consent vs Required Request**
  - **Presumed Consent Approach:** Under the proposed 'presumed consent' model, all hospital deaths would automatically be considered for **corneal donation** unless the deceased had explicitly opted out, speeding up the retrieval process.
  - **Risks of Presumed Consent:** Critics argue that 'presumed consent' **undermines the principle of obtaining explicit consent from the next of kin**, which could negatively impact the voluntary nature of donations.
  - **Global Alternatives:** Countries with high organ donation rates, such as **Spain and the United States**, do not operate a presumed consent system but rather employ a **'Required Request' policy**, requesting consent from families even when citizens are presumed donors.
- **Successful Models and Solutions**
  - **Hospital Cornea Retrieval Programme (HCRP):** The 'Required Request' model, in which grief counselors approach families for consent, has been successful in increasing cornea donations.
  - **Success in India:** The L.V. Prasad Eye Institute’s HCRP model has yielded over 70% of the corneas harvested and eliminated waiting lists for transplants in **Andhra Pradesh, Telangana, and Odisha**.
  - **Investment in Eye Banks and Surgeons:** A focus on **consent-driven donation**, with the creation of more eye banks and trained surgeons, can address the corneal transplant shortage and eliminate avoidable blindness.

*An ideal way to treat India’s corneal blindness problem*

Despite strong support for eye donation in India, with millions, including popular film actors, pledging to donate, an acute shortage of cornea persists. There is a need to perform about 1,00,000 corneal transplants every year, but only 20% of this need is being met. On the demand side, many fellow citizens lead a lifetime of avoidable sight loss, waiting for sight-restoring tissue. The solution on the supply side are the millions dying in Indian hospitals every day who are eligible to donate their tissues – but do not. What if we 'presume consent' and treat them all as cornea donors? News reports note that, indeed, a 'presumed consent' amendment to the Transplantation of Human Organs and Tissues Act (THOTA), 1994, is in the works to allow cornea retrieval from all eligible deaths in hospitals.

The magnitude of the problem Indian policymakers are seriously considering the 'presumed consent' approach to corneal donations because of the scale of the problem. The cornea is the thin, clear outer layer of the eye. Infections, accidents, or congenital conditions can turn it opaque. Corneal opacities are the second major cause of blindness in India among those who are 50 years and older, and the primary cause in those younger. An estimated 1.2 million people live with corneal opacities in India and about a third can be treated with a corneal transplant. Those numbers make India one of the larger populations with corneal blindness in the world. However, most corneal blindness is preventable or treatable. For those eligible for treatment, corneal transplant surgery is an effective intervention. In fact, it is the most frequently performed transplant in the world. Critical to enabling corneal transplants is an 'eye bank', which handles ethically sourced corneas, processes them, and makes them available to eye surgeons. India does not have enough eye banks of the necessary standard, nor does it have



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enough corneal surgeons. Along with procuring corneas, it is estimated that there is a need for 50 high-facility eye banks (there are about 12 to 14 today) and 500 active corneal surgeons performing 200 transplants on average every year. With appropriate legislation enabling this approach, the target of 1,00,000 corneal transplants a year can be reached.

**Presumed consent versus required request** 'Presumed consent' addresses the problem of cornea scarcity alone. At first glance, it eliminates a lot of red tape: the permission, the wait for a post-mortem examination, even the effort of convincing the next of kin. Unless the deceased has left behind explicit instructions 'not to donate' it is presumed that they are a tissue donor. As cornea need to be retrieved within eight to 10 hours after death, reducing any delay increases the viability of the donated tissue. Universal 'opt in' should boost the supply of cornea and bring us closer to eliminating corneal blindness in India.

The universal opt-in approach runs the risk of undermining a key enabler of corneal donation: consent. Corneal donation and transplantation are a sensitive partnership between the public, the corneal specialist community, and the policymakers. The public consists of cornea donors who voluntarily donate corneas, and recipients, who value the donation and comply with follow-up care. Corneal specialists facilitate this transaction with their skills. Policymakers support this healthy cycle with appropriate legislation.

Presumed consent disrupts this partnership by negating the need for seeking consent from the next of kin. While it might speed up cornea retrieval, there is little evidence that such a law is necessary to solve the problem of corneal scarcity. The countries with the best organ donation rates in the world (Spain, the United States and Portugal) do not operate a 'presumed

consent' system. They have a policy of 'soft opt-in' or a 'Required Request' policy and seek formal consent from families before acquiring corneas – even if all citizens may be deemed as donors. In addition to 'required request' the key to their success is public education and investments across the cornea transplantation pipeline.

**A model that works** India too has a successful model of 'required request' corneal donation: a hospital cornea retrieval programme (HCRP). General hospitals handle a lot of mortality and are thus sites for mobilising corneal donations. In an HCRP, a grief counsellor approaches the kin of the deceased and initiates a conversation, gently motivating them to consider a donation. The donation is processed only after receiving explicit consent from the kin. While it is a delicate task, grief counselling has had remarkable success in increasing the availability of corneas for transplantation.

Of the 14,000 corneas harvested by the Ramangana International Eye Bank at the L.V. Prasad Eye Institute (LVPEI) in Hyderabad, in 35 years, over 90% have come from HCRP. This year, the LVPEI marked over 50,000 corneal transplants performed, thanks to this approach. In the States of Andhra Pradesh, Telangana and Odisha, there is no waiting list for corneal transplants, unlike other parts of the country with months-long waiting lists. It has also been found that the 'Required Request' approach encourages cornea donation. It offers some clues to grieving relatives. Donor families often mention the satisfaction in knowing that their loved ones' eyes live on, besting others one.

It is therefore possible for India to eliminate avoidable corneal vision loss by investing in a consent-driven donation paradigm, 50 high-facility eye banks, and by activating 500 corneal surgeons. Let us act now.

## 5. Between hope and hurdles on the high seas GS 3 (Environment)

- Why in News:** India's recent signing of the **Biodiversity Beyond National Jurisdiction (BBNJ) Agreement**, also known as the **High Seas Treaty**, is being hailed as a significant step in global ocean governance. The treaty aims to **protect marine biodiversity and promote the sustainable use of high-seas resources**. However, its structural complexities, geopolitical challenges, and weak enforcement mechanisms have raised concerns about its long-term effectiveness.
- Key Objectives and Goals of the Treaty**
  - Marine Biodiversity Conservation:** The BBNJ Treaty focuses on conserving marine biodiversity, ensuring the sustainable use of resources, and promoting environmental impact assessments for harmful activities.
  - Equitable Sharing of Benefits:** A central aspect of the treaty is ensuring that profits derived from marine genetic resources are shared equitably, with a global fund intended for this purpose.
  - Environmental Impact Assessments:** The treaty mandates the conduct of **Environmental Impact Assessments (EIAs)** for planned activities in the high seas, aiming to minimize harmful effects on marine ecosystems.
- Challenges and Structural Weaknesses**
  - Geopolitical Disputes and Territorial Claims:** Disputes over maritime territories, especially in areas like the **South China Sea**, complicate the consensus on establishing **Marine Protected Areas (MPAs)** and hinder the treaty's implementation.
  - Enforcement and Accountability Issues:** The treaty lacks robust enforcement mechanisms, especially concerning the reporting and sharing of profits from marine genetic resources, risking exploitation by wealthier nations.
  - Capacity and Technology Gaps:** Low and middle-income countries may face challenges in benefiting from the treaty, as it lacks enforceable mechanisms for capacity-building and technology transfer, creating inequalities in ocean governance.
- Limitations and Potential for Reform**
  - Limited Scope and Overlooking EEZs:** The treaty's narrow focus on high seas governance neglects the interconnectedness of marine ecosystems and the impact of activities in **Exclusive Economic Zones (EEZs)**, which often spill into international waters.
  - Gaps in Oil and Gas Exploration Regulation:** The treaty fails to address harmful activities, such as oil and gas exploration, which remain outside its scope, leaving significant gaps in its environmental protection framework.
  - Need for a Cohesive Framework:** For the treaty to succeed, there needs to be a unified approach that integrates high-seas and coastal regulations, with greater involvement of coastal states and international collaboration to bridge gaps in governance.

### *Between hope and hurdles on the high seas*

India's recent signing of the Biodiversity Beyond National Jurisdiction (BBNJ) Agreement – better known as the High Seas Treaty – has drawn both praise and scepticism from maritime observers. Hailed as a landmark step in ocean governance, the treaty seeks to protect marine ecosystems and promote the sustainable use of resources in areas beyond national jurisdiction. However, despite its laudable intentions to address critical gaps in international maritime regulation, the pact's structural complexities and potential challenges warrant examination.

As the third implementing agreement under the United Nations Convention on the Law of the Sea (UNCLOS), the BBNJ treaty follows earlier accords on deep-sea mining and fisheries management. Its provisions focus on three objectives: conserving marine biodiversity, ensuring equitable sharing of benefits from marine genetic resources, and mandating environmental impact assessments for harmful activities. Yet, like many ambitious multilateral agreements, it risks faltering against geopolitical rivalries, jurisdictional overlap, and weak enforcement mechanisms.

**Fraught with challenges**  
The treaty's ambitious goals are tempered by its lack of a clear implementation roadmap. With only 14 of its 104 signatories having ratified the agreement, it remains far from the required threshold of 60 needed to come into force. Much of the hesitation stems from disputes over maritime territories, particularly in regions such as the South China Sea, where overlapping claims complicate consensus on Marine Protected Areas (MPAs). Southeast Asian nations remain divided on whether high-seas "national parks" could affect territorial claims or limit economic opportunities for coastal communities that depend on



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marine resources. Bay of Bengal states echo similar apprehensions about MPAs affecting livelihood and resource access, underscoring the broader regional hesitations surrounding the treaty's implementation. Critics argue that the treaty's emphasis on the "high-seas principle" risks overshadowing the "common heritage of mankind" concept, which prioritizes preservation over access. One of the treaty's most contentious provisions involves marine genetic resources. The treaty obligates nations to share the profits derived from exploiting these resources through a global fund. However, without robust accountability measures, this provision risks being undermined by wealthier nations underreporting their activities. The pact also risks conflicting with regimes like the Convention on Biological Diversity, potentially disadvantaging smaller states and fragmenting enforcement.

Capacity-building and technology transfers present yet another challenge for low and middle-income countries. The treaty calls for equitable partnerships in ocean science, but lacks enforceable mechanisms, leaving less capable nations vulnerable to being sidelined. Asymmetry threatens to perpetuate inequalities in maritime research and governance.

The treaty's focus on the high seas overlooks the interconnectedness of marine ecosystems, where harmful activities in EEZs often cascade into international waters. The 2022 X-Press Pearl disaster off Sri Lanka, which spilled hazardous chemicals into the Indian Ocean, is a stark reminder of how localised incidents can have global repercussions. Similarly, overfishing within the EEZs in West Africa has depleted fish stocks far beyond national jurisdictions, exacerbating marine resource scarcity on the high seas.

While the BBNJ Agreement

complexities and challenges to reshape global ocean governance, its potential hinges on bridging the gap between ambition and action. Its greatest limitation lies in failing to reconcile high-seas governance with coastal regulations, assuming international waters can be managed in isolation despite the impact of pollution, overfishing, and habitat destruction in EEZs. More troubling is the reluctance of coastal states to assume greater responsibility for activities within their waters. While the treaty mandates environmental impact assessments (EIAs) for planned activities, it remains silent on the damaging harms during oil and gas exploration – that the pact does not cover – and which constitutes an important economic interest of states. This gap, compounded by the disinclination of states to accept an international review of EIAs, exposes the inherent weaknesses in the treaty's enforcement framework, particularly in regions with weak institutional capacity and conflicting domestic and international legal standards.

**Bridging the divide**  
For the High Seas Treaty to succeed, it must overcome its structural and political limitations. This requires a radical shift in maritime governance – one that integrates high-seas and coastal regulations into a cohesive framework. Coastal states, particularly those in the Global South, need incentives to align their domestic laws with international norms, while wealthier nations must commit to providing technical and financial support to ensure the treaty's benefits are equitably shared. The treaty's success ultimately hinges on fostering a collective commitment among nations to safeguard the oceans as a shared global resource. Without political consensus, clear strategies, and enforceable mechanisms, the BBNJ risks becoming an ineffective instrument – an outcome the oceans, already under immense stress, cannot afford.

## 6. Raimona National Park GS 3 (Environment)

- **Why in News:** Personnel of the Assam Forest Department and Sashastra Seema Bal (SSB) recently arrested three poachers from the Raimona National Park in Kokrajhar.
- **About Raimona National Park**
  - It is located along the Indo-Bhutan border in Kokrajhar district in the Bodoland Territorial Region (BTR), Assam.
  - It was declared a national park on June 5, 2021.
  - It shares contiguous forest patches of Phibsoo Wildlife Sanctuary and Jigme Singye Wangchuck National Park in Bhutan, creating a trans-boundary conservation landscape of more than 2,400 sq km
  - **Rivers:** The Sankosh River runs beside the west of the park and the Saralbhanga River on the eastern part
  - **Vegetation:** It includes as many as twelve different types and sub-types of forests ranging from very moist sal forests, sub-Himalayan high alluvial semi-evergreen forests, savannah forests, moist-mixed deciduous forests, riparian fringing forests, to khair-sissoo forests
  - **Flora:** This park flourishes with myriads of orchid species, other tropical rainforest species, and riverine grasslands
  - **Fauna:**
    - The park is famous for its endemic species, golden langur, which has been named the mascot of the Bodoland region.
    - It is also inhabited by various other species, such as elephants, Bengal tiger, wild bison, white-spotted deer, clouded leopard and wild buffalo.

