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E-GOVERNANCE

INDIAN EXPRESS 25.5.10 E-GOVERNANCE

Centre wants e-governance at gram panchayat

Express News Service

The Centre has asked the Uttar Pradesh government to initiate e-governance at the gram panchayat level.

State officials have been asked to conduct GIS mapping of all gram panchayats and ensure that each panchayat has its own panchayat bhawan, said A N P Sinha, secretary, Ministry of Panchayati Raj, while speaking at a workshop on the progress of programmes of the Panchayati Raj Ministry in UP, on Monday. Sinha asked the state government to construct panchayat bhawans under the Backward Region Grant Fund (BRGF) in all 34 backward districts.

UP chief secretary Atul Kumar Gupta told the Centre officials that the while BRGF is being implemented in 34 districts, there are several districts which also need similar projects for their development. He sought an increase in Central assistance under BRGF for better implementation of welfare schemes.

ECONOMIC DEVELOPMENT

More teeth to financial regulation

In the aftermath of the economic crisis, there has been a virtual consensus that the financial sector regulatory regimes in the developed countries need a thorough overhaul. However, despite ample evidence to show that it was regulatory inadequacy more than anything else that caused the sub-prime crisis to morph into an unprecedented global economic crisis, attempts to revamp the regulatory regimes have taken time, especially in the United States. The financial sector in the U.S., never comfortable with the prospect of a greater regulatory oversight, has been lobbying hard to dilute any new legislative initiatives. Even its ardent supporters will concede that but for the huge bailouts by government — which temporarily brought some leading names under public ownership — and the record easing of interest rates, the mainline banking system would have not survived the crisis. The recent approval by the Senate of a far-reaching financial regulatory bill on top of the passage of a similar measure by the House of Representatives in December is therefore a landmark event that brings the Obama administration closer to approving a broad expansion of government oversight of the increasingly complex banking system and financial markets. The regulatory overhaul the new legislation will bring about is expected to be the most sweeping one in the post-Great Depression era. The role of the Federal Reserve will be considerably enhanced. Other regulators will get greater role clarity.

The new legislation seeks to check abuses in lending especially in the mortgage sector, and ensure that troubled companies, no matter how big or complex, can be liquidated at no cost to the taxpayers. Each and every financial product/service will be covered by it. Derivatives, so much at the centre of the last crisis, will henceforth be traded through recognised

exchanges. A new consumer protection agency to oversee all financial products is to be created. Hedge funds and most other private equity players will be regulated by the Securities and Exchange Commission. Of direct interest to India is the proposal to create “a financial stability oversight council” to coordinate regulatory efforts to identify risks. The developments in the U.S. will be keenly watched throughout the world. To reduce regulatory shortcomings, it has been agreed by the G20 countries, among others, that there will be global coordination but national actions. The U.S. president hopes that the new legislation will ensure greater accountability and responsibility on the part of the regulators and the government. That is an outcome every government will wish for.

EDUCATION

HINDU 25.5.10 EDUCATION

Public-private partnership in education

Jandhyala B.G. Tilak

The PPP model proposed in the Eleventh Plan provides for no government or social control over education. It will lead to the privatisation and commercialisation of education using public funds.

Public-private partnership (PPP) has become a fashionable slogan in new development strategies, particularly over the last couple of decades. It is projected as an innovative idea to tap private resources and to encourage the active participation of the private sector in national development. It is more forcefully advocated when public resources are projected to be inadequate to meet needs. PPP is already being adopted in several infrastructure development sectors, such as the development of airports, railways, roads, and so on. But, going by media reports, these have mixed outcomes. The policy initiatives are no longer confined to these; they are being extended to human development sectors such as education and health.

In the case of education, PPP has been proposed as an important strategy in the Eleventh Five Year Plan. Among many things, the Eleventh Plan has proposed the setting up of 6,000 new model schools in secondary education, affiliated to the Central Board of Secondary Education. Of these, 2,500 are to be under the PPP model. The intention is to set up these schools in the backward regions and remote areas where good schooling facilities do not exist, so that quality education is accessible in the backward regions as well.

According to the model finalised by the Planning Commission in consultation with the private sector, these schools will be set up by 2014

and will have the capacity to educate 65 lakh students, of whom 25 lakh will be from the deprived sections. Each school will have about 2,500 students, 1,000 of whom will be from deprived sections and charged a token fee. Fifty per cent of the 1,000 students will be from the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. They will be required to pay a monthly fee of Rs.25 each. The rest of the children, who will be from other deprived sections — non-income tax paying families — will be required to pay a fee of Rs.50 a month . The remaining costs of these students, estimated to be Rs.1,000 to Rs.1,200 a head per month, will be reimbursed by the Union government to the schools. It is estimated that the government will have to pay Rs.10,500 crore until 2017. The amount is likely to go up with escalating prices, in general, and increasing costs of education, in particular.

Over and above this, the schools may get access to relevant funds from the Centre and the State governments under different schemes. The schools will be free to admit anyone to the remaining 1,500 seats and charge any amount of fee.

Corporate companies with a minimum net worth of Rs.25 lakh are eligible to set up schools under this model. Each entity should deposit Rs.50 lakh with the government for the first school it proposes to set up, and Rs.25 lakh per additional school. Each can set up as many as 25 schools. Non-profit companies with prior experience in education need to deposit Rs.25 lakh for each school. The schools will need to have the sort of infrastructure available in the best private schools.

There are a few important aspects that are clear in this model. One, it involves a massive transfer of resources from the exchequer to private schools. Two, the schools have unlimited freedom in all aspects of governance, including specifically the fees to be charged from the 1,500 students. The model thus allows the so-called non-profit institutions to work for, and actually make, profits. Third, the government has little control over these schools. Except to insist that 1,000 students from the

deprived sections be admitted and that they be charged a certain fee, it cannot do much.

As a result, the model, which claims that it is not for privatisation, and that it will not allow the profit motive to enter the field of education, will promote the opposite: privatisation and, in practice, a high degree of commercialisation. It is privatisation and commercialisation with a difference — utilising public funds. Most important, the PPP model does not feel the need to view education as being distinct from the production of commercial goods and building of infrastructure.

Another model

We have vast experience with another — somewhat similar but different — type of PPP in education, though it is rarely referred to as PPP. This is the government-aided private school system, a system that is not being encouraged nowadays by any State government for financial reasons. This model involved the setting up of a school by a private, non-profit seeking organisation — a trust or voluntary organisation and, in some cases, business entity — with its own funds and running the school by the same body for a minimum number of years before it became eligible for government aid for recurring expenditure. Essentially, but not exclusively, what was involved was the salary expenditure of the staff.

These schools are subject to government regulation and are required to follow most of the government rules and regulations in terms of admissions, fees, scholarships, other incentives and subsidies, recruitment of staff, salary structure, and so on. In effect, they are no different from government schools, but for management by the private sector. These schools were found to be funded by the government up to nearly 95 per cent of the recurring and, sometimes, a part of non-recurring expenditure. Because of some malpractices by school managements, many schools were to be taken over by the government or the staff was to be directly paid by the government.

The main difference between the aided school system, which now forms a major part of the secondary school system in India, and the proposed PPP model, is with respect to government control and correspondingly the role of the private management. The present PPP model conceived in the neo-liberal times provides for no government or any type of social control on education. In fact, it provides for unlimited power to the private sector. According to earlier thinking, these schools were to become 'voucher schools', and totally privatised, after 10 years, when government funding would cease. Secondly, the aided school system has not actually provided scope to make profits, though some schools have made profits by adopting unfair methods. In contrast, the PPP model openly allows for profit-making, as schools are free to fix fee levels and the government has no role with respect to either the fee rates or the expenditure of the schools. After all, it is now recognised that no private company will set up a school unless "a reasonable return on investment" is ensured. Above all, the earlier modes of PPP, including the aided school system, aimed to encourage philanthropy and generate voluntary contributions to the education sector. But the objectives of the present mode seem to be altogether different. It invites commercial companies, whose ulterior motives often conflict with educational goals in setting up schools and for whom there is no difference between education and, say, the production of cars, refrigerators and soaps, as long as it ensures attractive profits.

Instead of encouraging philanthropy and inculcating a sense of social responsibility in the private sector, the government is inviting it to do normal business in education with huge government subsidies, perhaps including in the upper primary education in secondary schools which come under the scope of the Right to Education Act that promises free and compulsory elementary education.

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ENVIRONMENT

HINDU 28.5.10 ENVIRONMENT

International programme launched to protect forests

Delegates from more than 50 countries and international organisations agreed in Oslo on Thursday to launch an interim partnership to support developing countries' efforts to fight deforestation and reduce emissions.

Dubbed REDD+, for Reducing Emissions from Deforestation and Degradation, the programme aims to encourage developing countries to reduce emissions from deforestation and degradation while a legally binding U.N. accord on dealing with climate change is being negotiated.

The project, endorsed on Thursday by the heads of state or government, ministers and other representatives attending the Oslo Climate and Forest Conference, also covers sustainable management of forests, conservation and enhancement of forest carbon stocks in developing countries. Developed countries have promised to provide extra funding to developing countries for the implementation of REDD+ plans and actions, which were formally introduced at the 2007 U.N. Climate Change Conference.

INFORMATION TECHNOLOGY

HINDU 27.5.10 INFORMATION TECHNOLOGY

First human “infected with computer virus”

Rory Cellan-Jones

A British scientist says he is the first man in the world to become infected with a computer virus.

Dr. Mark Gasson from the University of Reading contaminated a computer chip which was then inserted into his hand.

The device, which enables him to pass through security doors and activate his mobile phone, is a sophisticated version of ID chips used to tag pets.

In trials, Dr. Gasson showed that the chip was able to pass on the computer virus to external control systems.

If other implanted chips had then connected to the system they too would have been corrupted, he said.

Dr. Gasson admits that the test is a proof of principle but he thinks it has important implications for a future where medical devices such as pacemakers and cochlear implants become more sophisticated, and risk being contaminated by other human implants.

“With the benefits of this type of technology come risks. We may improve ourselves in some way but much like the improvements with other technologies, mobile phones for example, they become vulnerable to risks, such as security problems and computer viruses.”

However, Dr. Gasson predicts that wider use will be made of implanted technology.

“This type of technology has been commercialised in the United States as a type of medical alert bracelet, so that if you're found unconscious you can be scanned and your medical history brought up.”

Professor Rafael Capurro of the Steinbeis-Transfer-Institute of Information Ethics in Germany told BBC News that the research was “interesting”. “If someone can get online access to your implant, it could be serious,” he said.

Professor Capurro contributed to a 2005 ethical study for the European Commission that looked at the development of digital implants and possible abuse of them.

“From an ethical point of view, the surveillance of implants can be both positive and negative,” he said.

“Surveillance can be part of medical care, but if someone wants to do harm to you, it could be a problem.”

In addition, he said, that there should be caution if implants with surveillance capabilities started to be used outside of a medical setting.

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JUDICIARY

HINDU 24.5.10 JUDICIARY

Of constitutional 'due process'

Abhinav Chandrachud

Two recent judgments of the Supreme Court of India highlight a paradigm shift in its approach to original constitutional norms.

Two decisions announced by the Supreme Court of India in May strikingly indicated that the American doctrine of “due process” has firmly become a part of Indian constitutional law, despite the Constitution-framers' contrary intentions. In the first of the two cases, decided on May 5, *Selvi v. Karnataka*, the court considered the constitutionality of the investigative narco-analysis technique, holding it permissible only when the subject consents to its use. In the second case, decided on May 11, *Union of India v. R. Gandhi*, a Constitution Bench unanimously held that certain provisions of the Company (Second Amendment) Act, 2002, establishing the National Company Law Tribunal and Appellate Tribunal, suffered from unconstitutional “defects.”

These decisions have been analysed and re-analysed for their immediate policy implications. However, the philosophy underlying these decisions, namely, constitutional “due process,” highlights the paradigm shift in the court's approach to original constitutional norms, and deserves analysis.

The American doctrine of “due process” had been rejected by the framers of the Indian Constitution at the time of its enactment. The fifth and fourteenth amendments to the American Constitution provide that

life, liberty and property cannot be deprived without “due process of law.” This seemingly innocuous phrase, borrowed, oddly, from *per legem terre* in the Magna Carta, acquired a nuanced meaning in the American constitutional context, consequent to years of judicial exposition.

Over time, the phrase acquired “substantive” and “procedural” meanings, each of which enhanced the powers of the judiciary. For example, in exercise of powers conferred by the “due process” clause of the Constitution, American courts would create “new” or unenumerated rights. Most notably, these were the rights to abortion, marriage, homosexuality, the use of contraceptives, child-rearing, and so on. The “due process” clause mandated harmonious constitutional interpretation, and enabled American courts to apply federal constitutional standards against the States on principles of “fairness” or “ordered liberty.” Interestingly, in the Magna Carta the phrase “due process of law” was meant to curb the powers of the royal judiciary in favour of the feudal baronage, quite contrary to the spirit of judicial activism that is now attributed to the clause.

One of the leading members of the committee constituted to draft the Indian Constitution, B.N. Rau, travelled to the United States, where he met Justice Felix Frankfurter, a Judge on the Supreme Court. At the time, Justice Frankfurter was involved in a judicial tussle with Justice Black over the meaning of the phrase “due process of law.” Justice Black hoped that it would be interpreted to strictly incorporate rights traditionally available against the federal government, and made available against the States. By contrast, Justice Frankfurter advocated a less stringent approach, arguing that the due process clause merely required the courts to apply the principles of “fairness” or “ordered liberty” against the States. Justice Frankfurter advised B.N. Rau to avoid the due process clause in the Indian Constitution because it imposed an “undue burden” on the judiciary. Consequently, in 1949, the phrase “due process of law” was dropped from the text of what was to become

Article 21 of the Indian Constitution, despite what appeared to be strong support for the clause on the sub-committee on fundamental rights.

However, despite the express textual choices of the framers of India's Constitution, the “due process” clause found a backdoor entry into Indian constitutional analysis in the late 1970s through the right to equality, which has ever since become a conduit for activist constitutional interpretation. In Justice P.N. Bhagwati's classic opinion in the Maneka Gandhi case, it was held that the Constitution mandates “fair” procedure when rights are deprived. Although the court would repeatedly hold in subsequent cases that the American standard of “due process” did not apply to the Indian Constitution, in reality the court would apply nothing less than due process standards to administrative and legislative authorities in its emphasis on “fair, just and reasonable” procedure.

The two latest decisions of the Supreme Court are striking for their express rejection of the framers' textual value choices. While previous Supreme Court opinions would at least theoretically reject American “due process,” in the narco-analysis case Chief Justice K.G. Balakrishnan held that “substantive due process” is now a “guarantee” under the Constitution. This declaration is a remarkable rejection of the framers' decision to delete the due process clause. In its narco-analysis opinion, the court upheld a right to mental privacy, recognising an “unenumerated” right as American courts would in exercise of the due process clause.

The right to privacy has been around in Indian constitutional law for decades, and the court's opinion in Selvi merely adds to the existing body of law on constitutional privacy. However, in expressly articulating the “guarantee” of due process, the court has on one of only a few occasions in its history recognised that India follows the due process doctrine, expressly rejecting the framers' intentions.

In *R. Gandhi*, decided on May 11, the court held that certain provisions of the law regarding the appointment and qualifications of the members of the National Company Law Tribunal, suffered from unconstitutional defects. However, the Indian Constitution does not strictly or textually permit courts to strike down a piece of legislation merely because its provisions are “unfair” or “arbitrary,” in the absence of a violation of one of its enumerated provisions. To overcome this difficulty, the court in this case held that principles such as “independence of the judiciary” are part of the “essence” of the right to equality, and consequently must be enforced. Formerly, principles such as “independence of the judiciary,” “rule of law” and “separation of powers” would usually be applied using the basic structure theory only to constitutional amendments. In its *R. Gandhi* opinion, the court has remarkably applied loose constitutional principles rooted in its understanding of “fairness” or constitutional “basic structure” to ordinary law, much in the same way as Justice Frankfurter would have done in the American due process cases.

The theory of “original intent,” whose most vociferous proponent, Justice Antonin Scalia, now sits on the American Supreme Court, demands that courts interpret constitutional provisions according to the intention of the framers of the Constitution. In Indian constitutional law, the theory was followed strictly by the court until after its decision in the habeas corpus case, where the Supreme Court followed the framers' intentions and permitted civil liberties to be suspended during the Emergency. The illegitimacy of the court's opinion in the habeas corpus case subsequently offered a sufficient moral basis for the rejection of the theory of original intent. The Supreme Court's latest opinions strike a lethal blow to the theory of original intent, and firmly recognise that constitutional “due process” is here to stay.

(The writer, a graduate of the Harvard Law School, is an associate attorney with a law firm in the United States.)

The Supreme Order

S.K. SINHA

The recent landmark judgment of the Supreme Court on the removal of governors should have a far-reaching effect on the functioning of our democracy. Hopefully, the arbitrary removal of governors, which has been done so frequently, will now become a thing of the past. Indira Gandhi patronised the concept of committed judiciary, committed governors and committed civil servants. Fortunately, the judiciary has asserted its independence and now governors should be able to function independently. A neutral civil service remains a far cry at present. Initially, the East India Company ruled over its newly acquired territory through the Presidency Governors of Bengal, Madras and Bombay. Later, in 1773, a governor-general was superimposed over them as the supreme authority in India. The Hindi word Lat for governor in popular parlance stood for ultimate authority. A common rebuke was that you are not a Lat. The British had three grades of Lats — Mulki Lat (Viceroy), Suba Lat (provincial governors) and Jangi Lat (Commander-in-Chief). The first was supreme. The other Lats reported to him and took orders from him. All Lats were addressed as “Your Excellency”. They lived in regal splendour — the Viceroy in Rashtrapati Bhavan, the governors in Raj Bhavans and the Commander-in-Chief in Teen Murti Bhavan. They flew the Union Jack on their cars. The Viceroy and the governors held durbars in Mughal style and also investitures to award titles and medals. They enjoyed the acme of power and splendour. It was said that the King of England reigned but not ruled, the President of America ruled but not reigned, but the Viceroy of India both reigned and ruled.

With the dawn of Independence, the old order changed drastically. The President at the Centre and the governors in the states became constitutional heads and shed their executive powers. The Prime Minister and chief ministers became the repository of executive power. Yet the President and the governors retained some of the regal trappings of yore. As for the Jangi Lat, or Commander-in-Chief, that institution vanished and the designation has gone to the President. The three Service Chiefs are not even a pale shadow. In a perverted interpretation of the concept of the supremacy of the civil, they have been subordinated to civil servants in both functioning and protocol and isolated from the process of decision making on defence matters.

There are many who feel that the office of governor is redundant, a useless relic of the past. Even during the deliberations of the Constituent Assembly there were a few who felt the same. Biswanath Das spoke, "You are going to have a democracy from toe to neck and autocracy at the head." The Constitution prescribes an important role for a governor. He has to act on the advice of his/her council of ministers but has to use his/her discretion in selecting a chief minister. During President's Rule, he has to take over governance of the state. Besides, he also has a very important role in the sphere of higher education as the Chancellor of universities. There are other constructive roles that he can perform. The Constitution prescribes that a governor must be a citizen of India and be over 35 years of age. The founding fathers attached great importance to the calibre of persons selected to be governors. Alladi Krishnaswamy Iyer's view was that "a governor should be a person of undoubted ability in public life who at the same time has not been mixed up in provincial party struggle and factions". T.T. Krishnachari opined that a governor "should hold the scales impartially as between the various factions in the politics of the state". Nehru preferred eminent educationists or eminent people from other walks of life "who have not taken too great a part in politics". These ideals were given a go by long ago. Politicians have been playing musical chairs with the office of governor. They have been governor one day, a chief minister or minister the other day and vice-versa. This puts a question mark on the political

neutrality of such governors.

With different parties ruling at the Centre and in the states, the role of governors has become crucial. They are appointed on the basis of their proximity to the ruling party and, at times, against opposition from the state government, as happened in the case of Dharam Vira in West Bengal or Nityanand Kanungo in Bihar. They are often the instrument of an authoritative Centre to curb the autonomy of the state. The role of governors in imposing President's Rule has been notoriously partisan. However, there have been exceptions. B.K. Nehru, as governor of Kashmir, refused to dismiss Farooq Abdullah's government. He was transferred to Gujarat. Surjeet Singh Barnala refused to recommend the dismissal of the Karunanidhi government in Tamil Nadu. He resigned. Generally, governors have been like Ram Lal. From chief minister in Himachal, he was sent to Andhra Pradesh to dismiss the N.T. Rama Rao government at the bidding of the Centre.

Nehru set a bad precedent by sending Justice Fazle Ali as governor of Assam. Judges on retirement being appointed governors has since become common practice. This can compromise the independence of the judiciary. Similarly, former Chief Election Commissioner V.S. Ramadevi being appointed governor of Himachal and then Karnataka was not a good precedent.

The Sarkaria Commission pointed out that out of 298 governors appointed between 1967 and 1986, only 18 could complete their full five-year term. Governors have been removed for unconvincing reasons. Justice M. Fatima Beevi as governor of Tamil Nadu, asked to send a report on the Karunanidhi incident, sent a report on the same lines as the state government. Veteran Congressman and Bharat Ratna recipient C. Subramaniam made an indiscreet remark as governor of Maharashtra. Both these governors were removed. The Janata government dismissed all the Congress-appointed governors in 1977 and the Congress government returned the favour in 1980 in the case of Janata-appointed governors. In 2004 the UPA government removed four NDA-appointed governors. Given these facts, the recent judgment of the apex court on this issue provides a breath of fresh air. Insecurity of tenure has been a

major cause of malfunctioning. The judgment clarifies the air on this score. To improve matters further, we also need transparency in the selection process of governors. The individuals selected for this high office should be as visualised by the founding fathers of our Constitution.

The author, a retired lieutenant-general, was Vice Chief of Army Staff and has served as governor of Assam and Jammu and Kashmir.

LAW

HINDU 28.5.10 LAW

The age of accountability

Ban Ki-moon

The International Criminal Court is the keystone of a growing system of global justice that includes mixed international-national courts, international tribunals, and domestic prosecutions.

Twelve years ago, world leaders gathered in Rome to establish the International Criminal Court. Seldom since the founding of the United Nations itself has such a resounding blow been struck for peace, justice and human rights.

On May 31, nations come together once again, this time in Kampala, Uganda, for the first formal review of the Rome treaty. It is a chance not only to take stock of our progress but to build for the future. More, it is an occasion to strengthen our collective determination that crimes against humanity cannot go unpunished — the better to deter them in the future.

As U.N. Secretary-General, I have come to see how effective the ICC can be — and how far we have come. A decade ago, few could have believed the court would now be fully operational, investigating and trying perpetrators of genocide, war crimes and crimes against humanity across a broadening geography of countries.

This is a fundamental break with history. The old era of impunity is over. In its place, slowly but surely, we are witnessing the birth of a new “age of accountability.” It began with the special tribunals set up in Rwanda and the former Yugoslavia; today, the ICC is the keystone of a

growing system of global justice that includes international tribunals, mixed international-national courts and domestic prosecutions.

So far, the ICC has opened five investigations. Two trials are underway; a third is scheduled to begin in July. Four detainees are in custody. Those who thought the court would be little more than a “paper tiger” have been proved wrong. To the contrary, the ICC casts an increasingly long shadow. Those who would commit crimes against humanity have clearly come to fear it.

And yet, the ICC remains a court of last resort, stepping in only when national courts do not (or cannot) act. In March, Bangladesh became the 111th party to the Rome Statute, while 37 others have signed but not yet ratified it. Some of the world's largest and most powerful countries, however, have not joined.

If the ICC is to have the reach it should possess, if it is to become an effective deterrent as well as an avenue of justice, it must have universal support. As Secretary-General, I call on all nations to join. Those that already have done so must cooperate fully with the court. That includes backing it publicly, as well as faithfully executing its orders.

The ICC does not have its own police force. It cannot make arrests. Suspects in three of the court's five proceedings remain free, living in impunity. Not only the ICC but the whole of the international justice system suffers from such disregard, while those who would abuse human rights are emboldened.

The review conference in Kampala will look for ways to strengthen the court. Among them: a proposal to broaden its scope to include “crimes of aggression,” as well as measures to build the willingness and capacity of national courts to investigate and prosecute war crimes.

Perhaps the most contentious debate will focus on the balance between peace and justice. Frankly, I see no choice between them. In today's

conflicts, civilians are too often the chief victims. Women, children and the elderly are at the mercy of armies or militias who rape, maim, kill and devastate towns, villages, crops, cattle and water sources — all as a strategy of war. The more shocking the crime, the more effective it is as a weapon.

Any victim would understandably yearn to stop such horrors, even at the cost of granting immunity to those who have wronged them. But this is a truce at gunpoint, without dignity, justice or hope for a better future. The time has passed when we might talk of peace versus justice. There cannot be one without the other.

Our challenge is to pursue them both, hand in hand. In this, the International Criminal Court is key. In Kampala, I will do my best to help advance the fight against impunity and usher in the new age of accountability. Crimes against humanity are just that -- crimes against us all. We must never forget.

(The writer is Secretary-General of the United Nations.)

— *Courtesy: U.N. Information Centre, New Delhi.*

POLITICS AND GOVERNMENT

Brand Vajpayee's new face is Sushma

Pankaj Vohra

Senior BJP leader Sushma Swaraj's visit to Vir Bhumi on Rajiv Gandhi's 19th death anniversary may have come as a surprise to many. However, it is evident that the new leader of the Opposition (LoP) in the Lok Sabha (LS) is driven by a conscious desire to enhance the status that she already has. Swaraj is among the few second-generation BJP politicians who have been members of the LS several times. If the BJP were to ever come to power again, she would be a front-runner for the position of PM. After all, the LoP in the Lok Sabha is the shadow pm in our parliamentary system. And no one aspiring to the top slot can ever be seen as someone who pursues a hard line in politics.

L.K. Advani lost out because of the perception that he was a hardliner. His Jinnah remarks did not convince anyone of his desire for an image makeover. Swaraj had her political apprenticeship under top leaders like former PM Chandrashekhar and former defence minister George Fernandes. She grew within the BJP because of her proximity to both Advani and former RSS chief, K.S. Sudershan. But since both Advani and Sudershan have been marginalised, she has to chart her own future course.

She has retained some of the political genes acquired during her formative years. She knows how to distinguish between inclusive politics as practised in her own party by former PM A.B. Vajpayee as well as Gujarat Chief Minister Narendra Modi brand of politics, which is the model for some of her contemporaries.

Though time will tell how she evolves, the first indication of her image makeover is available from her visit to the samadhi of a leader whose politics her party vehemently opposed. In the process, she has deliberately decided to pursue the Vajpayee brand of politics and mould herself after the only PM from the parivar stable.

Vajpayee commands the respect of his detractors even now. It is no secret that he was greatly influenced by Jawaharlal Nehru and drew inspiration from the country's first PM. Vajpayee's pro-Nehruvian stance often got him in trouble with the Jana Sangh and RSS leaders. Even in Parliament, he was initially treated as "Nehru's chamcha". But that did not deter him and he built his image as someone who believed in inclusive politics. His efforts were rewarded when the coalition partners accepted him as their leader and candidate for PM.

Swaraj has a wealth of experience. Apart from her stints in Parliament, she has held important party posts and was a minister in the Vajpayee government. For a short period, she was also Delhi's chief minister. She was made the LoP in the LS with Advani's blessings and despite resistance from some of her own colleagues. But in order to be a top player in Parliament, she knows that she has to shed some of her baggage and evolve from being a politician to a stateswoman. The visit is one small step in this direction.

Swaraj is also aware that her party cannot come to power on its own and will need allies. Her stateswoman-like approach will obviously make her more acceptable among possible allies even if some in her party feel that she was alienating herself. For the BJP, the choice will finally be between the Vajpayee brand of politics and the Narendra Modi school of thought. If the Modi line has to be followed, then the Gujarat CM will be the best choice, given the backing he has received in his state and from the corporate world. Otherwise, it will be Sushma who will be the clear winner. Between us.

India Political Spectrum Earns A Zero

Priyanka Bhardwaj

Judgments are being passed on Prime Minister Manmohan Singh on completion of a full year of United Progressive Alliance Part-II in government.

As emphasized at the press conference, Manmohan left nobody in doubt that Sonia Gandhi is the supreme leader, and the Congress continues to be a Gandhi bastion, with Rahul too coming of his own. The party is supreme. UPA-I was a success of sorts and electoral rewards of a second tenure were not without merit. But recessionary times demand a far better innings.

First some words in favor of Singh. In a democracy that permits many options Singh is no doubt an understated, rational and sane voice that rises above the cacophony of rabble rousing, regressive and divisive politics.

Navin Jindal is promoting a primitive practice; Mayawati is lost in a world of statues and Ambedkar themed parks; Laloo Yadav and Mulayam Singh Yadav shamelessly play the caste-card, with nothing to show for progress; Prakash Karat and his band wagon maintain a historic opposition to anything new that is introduced including a rabid dislike for America; Raj Thackrey has carved his niche in xenophobia-laced regional promotion; LK Advani cannot but be mistrusted for his saffron ideology more so for endorsing the Gujarat communal riots. The list can go on.

In such a state of mess, Singh stands out as a viable and sensible option. On the flip side, the administration seems under no pressure for proactive or positive performance and has slipped into complacency. Singh has infused a new momentum into Indo-Pak talks, Foreign Varsity Bill and Nuclear Liability Bill, yet on the domestic front, there is much left to be done. There are issues of agrarian crisis, inflation, rampant corruption, internal security threats from Maoists and vast implementation gaps that require immediate re-dressal in sectors (especially social) like education, health, power, infrastructure and provision of basic civic amenities. Commitments have remained verbal, without consensus and not achieved. In fact the Manmohan self-report card does not enumerate any list of deliverables.

Turning back to UPA-I regime the same party headed by the same person strove hard to outshine the BJP, who in turn tried to make a mark (atomic tests, Indo-Pak peace initiatives) under Vajpayee when they first came to power. UPA-I tried to push the mandate of the Common Minimum Program, while trying not to be bullied by the Left. Thus, big ideas such as the Indo-US Deal, National Rural Employment Guarantee Program, etc. were pushed. In UPA-I Singh the author of liberalization delivered 9 % growth. Thus, much more was expected in the first year UPA II that has instead slipped into retaining a status quo and saving the full tenure to build an electoral plank of stability.

Unless new ideas (such as the Indo-US nuclear deal) are pushed through, fingers will continue to be pointed at Manmohan, his party and also to the political opposition that has failed miserably to provide with any minimum threshold of competition to the ruling combine.

The past year has largely been wasted on elitist politics and elitist scams (IPL and 3G spectrum). Growth alone cannot suffice. Estimates of 5-6% of inflation by December, 8.5% of GDP in 2010-11 and 10% of medium-term growth target have to move beyond “feel good” effects. Singh has realized that all is not right, “I am the first person to admit that we could have done more,” he said. There is a need for course correction and a direct and sustained attack on the problems of the majority population. The government needs to be a strong regulator to enable massive and timely public-private investments into relevant sectors such as power.

It may serve well for Singh to go back to his speech in budget of 1994-95 when he recited Victor Hugo: “No power on earth can stop an idea whose time has come.” India needs new ideas, not press conferences or interviews.

