

**LIST OF NEWSPAPERS COVERED**

**ASIAN AGE**

**DECCAN HERALD**

**ECONOMIC TIMES**

**FINANCIAL EXPRESS**

**HINDU**

**HINDUSTAN TIMES**

**INDIAN EXPRESS**

**STATESMAN**

**TELEGRAPH**

**TRIBUNE**

## CONTENTS

<b>CENTRAL GOVERNMENT</b>	<b>3</b>
<b>CIVIL SERVICE</b>	<b>4-22</b>
<b>CONSTITUTIONS</b>	<b>23-26</b>
<b>EDUCATION</b>	<b>27-31</b>
<b>ELECTIONS</b>	<b>32</b>
<b>FEDERALISM</b>	<b>33-35</b>
<b>INTERNET</b>	<b>36-37</b>
<b>JUDICIARY</b>	<b>38-44</b>
<b>NONGOVERNMENTAL ORGANIZATIONS</b>	<b>45-47</b>
<b>POLITICAL PARTIES</b>	<b>48-49</b>
<b>POLITICS AND GOVERNMENT</b>	<b>50-57</b>
<b>PUBLIC ADMINISTRATION</b>	<b>58-61</b>
<b>RAILWAYS</b>	<b>62</b>

## CENTRAL GOVERNMENT

ECONOMIC TIMES, APR 17, 2015

### **Prime Minister Narendra Modi unhappy with Sanjay Kachroo's alleged 'role' in HRD ministry; PMO seeks his proposed appointment file**

Kachroo worked previously in the corporate affairs department of a leading company before joining HRD ministry in May 2014.

NEW DELHI: The Prime Minister's Office (PMO) has sought to examine the file pertaining to the proposed appointment of [Sanjay Kachroo](#), an [officer](#) on special duty (OSD) working with Human Resource Development (HRD) minister Smriti Irani, top government officials told ET. The PMO asked for the file before [Prime Minister](#) Modi went on his three-nation tour. The PM is said to be have been concerned after allegations on Kachroo's functioning in the ministry surfaced on social media and elsewhere. His role in appointments is also said to have come under the PMO's scanner.

Kachroo worked previously in the corporate affairs department of a leading company before joining HRD ministry in May 2014. A person close to Kachroo said that the procedure was routine as appointment of OSDs have to be cleared by the Appointment Committee of the Cabinet (ACC). "As the appointment goes through ACC it has to be seen by PM. However, he will not attend office till there is a nod from the ACC," the person said.

A [DoPT spokesperson](#) told ET that no order has been issued so far on Kachroo's appointment and that the matter is under process.

A host of ministers, including Sushma Swaraj, Manohar Parrikar, Jayant Sinha and Venkaiah Naidu, have sourced Officers on Special Duty (OSD) from the private sector.

However, unlike Kachroo, these postings have been cleared by the ACC. For instance, [Siddharth Jhavar](#) was appointed as an OSD to MoS for Finance Jayant Sinha on April 10 while [Unnat P Pandit](#) was appointed as OSD to MoS for Commerce and Industry Nirmala Sitharaman on February 26 by the ACC. Upendra Joshi was cleared for the post of OSD to [Defence Minister](#) Manohar Parrikar on January 30 while Anand Lal Chaudhary was cleared to become the OSD to Woman and [Child Development Minister](#) Maneka Gandhi on October 27 last year.

## CIVIL SERVICE

ECONOMIC TIMES, APR 22, 2015

**PM Modi surprises many with his exhortation to bureaucrats to live up their life**

By [Aman Sharma](#)

With a month to go for his govt's 1st anniversary, PM Modi has come around to the age-old aphorism that all work and no play does make Jack a dull boy.

NEW DELHI: Soon after assuming the country's top office 11 months ago, one of his early actions was to crack the whip on the bureaucracy. Coming late to work was frowned upon, long lunches were out and afternoons on the golf course were well, disapproved. In their place came timeliness, late hours and in many cases, even working on weekends.

But with a month to go for his government's first anniversary, PM Narendra Modi has come around to the age-old aphorism that all work and no play does make Jack a dull boy. On Tuesday, bureaucrats, who normally associate Modi with a trademark intense glare, a no-nonsense demeanor and deadline-oriented tasks, saw a different side of the prime minister, one full of mirth and banter.

"Has your life become just another page in a file? Is that so? Please think, if your life has become just a page in a file, to yeh zindagi jeena bhi kya jeena hai. Aise jiyoge? (Will you live like this?)" the Prime Minister asked a packed audience of bureaucrats, before getting down to more serious messages he wanted to convey, including his beliefs that corruption at the Centre is a thing of the past and administrative reforms alone could boost India's GDP growth by 1%.

Assembled to hear him speak to them on the occasion of the Annual Civil Services Day, most officials had expected Modi to lecture them on the need to stick to deadlines and achieving excellence. Instead Modi asked them why they looked rather wilted.

"I have never been to your Mussoorie training institute, but is it such that you have to remain very serious there? Murjhaye hue rehna? Kyun aisa haal banake rakha hai (Why do you look so wilted? Why have you become like this?)...Please leave all worries, I am not here to give you new work," Modi told the bureaucrats. Predictably, the ice broke and the prime minister's nearly 65-minute long extempore address drew huge applause and laughter from the audience, most of whom had not even in their wildest dreams expected such a speech.

Former cabinet secretary TSR Subramanian, who was in the audience in the front row, told ET that Modi surprised many with his exhortation to officials to live up their life.

"It is common knowledge that secretaries work 9-9 in this government and their desks are full of files. What the PM was hinting today was that all work and no play makes Jack a dull boy. That it affects productivity and quality of work if the bureaucrat does not have a life outside his work. I think the message was clear and welcome - have a full-rounded life and don't focus only on work," he told ET.

A serving secretary-level officer, who did not wish to be named, said the PM's message was heartening. "There were all sorts of rumours earlier that the PM was not fond of [bureaucrats](#) who spend long hours in clubs or the golf course and had a liking for babus who can spend 12-14 hours in office like he does. Today's words of PM dispel all such notions," this official said.

## **SERIOUS MESSAGES**

Modi asked bureaucrats not to take work home, saying: "When you return home in the evening, your wife and kids should look forward to that rather than hide in a corner fearing your burden in office will be vented out on them. Many a time you are under your

home's roof but still not home. You carry files to the house, phone keeps on ringing while you are at home. Has your life not become like a robot?"

"This is a stressful life. I don't think you can do justice to any section of society living like that. You have to run such a big country, if you get wilted and stressed-out, then what will happen of the country? Mera ek bhi saathi murjhaya hua nahi hona chahiye...if your life has become robotic, its direct effect will be on the entire government and systems. We cannot afford that," he said, adding that bureaucrats should spend "quality time" with their family.

Subramanian said he felt Modi had tried to go out of his way to try and break the politician-bureaucrat divide. "He made bureaucrats realise that they are a key part of the government machine," the former cabinet secretary said. "It was a speech with spontaneous bonding," he said.

Amid the mirth and loud guffaws, was also serious messaging from the prime minister. Saying that officials should be free from political interference but should not avoid political intervention in their functioning, Modi urged top officials to champion reforms in their own administrative domains.

"Otherwise, how will we bring people's voice into governance? Interference destroys, Intervention is necessary," he said.

Modi also sought to persuade bureaucrats to look beyond what he said were 'Mera Kya' (how do I gain from this?) and 'Mujhe Kya' (Does it affect me?) attitudes. "Sometimes some people only think - Mera kya. I mean in terms of promotion, etc. I am not saying other things. That era has gone...If something doesn't work, then they say: Mujhe Kya?" he said, exhorting officials to instead embrace the acronym ART (accountability, responsibility and transparency) for good governance.

Saying that politicians were ephemeral, he said bureaucracy was more permanent and

could therefore do much more for the nation. "When you retire, you will say I worked with 10 CMs. But no CM will be able to say, I had seen so many secretaries," he said.

The two biggest challenges facing the government, Modi said, were the tendency of government departments to work in silos and the inability of officialdom to work in a situation where resources are not scarce.

"We are used to working in scarcity, fundamentally. Resources are going to improve, the fiscal situation will improve. But if the capacity within government doesn't grow, we won't be able to use the resources," he said, underlining the need to re-skill the bureaucracy.

Modi also cited a Goldman Sachs report to point out that India would take 10 years to achieve the average governance levels prevalent elsewhere in Asia. "Goldman Sachs has held a mirror to us. Will we keep going at this rate? And if we go at this pace in 10 years, by then they (other Asian nations) may have reached far ahead," he said.

TRIBUNE, APR 20, 2015

**Cabinet approves jobs on contract**

**Regularisation after 7 yrs; decision to help fill vacancies of lecturers, teachers**

In a significant decision, the state government today announced that a new recruitment policy had been formulated to make appointment against gazetted and non-gazetted vacancies on contractual basis. The decision would not be applicable to the posts referred to recruiting agencies for selection.

Announcing the decision taken by the Cabinet here today, Education Minister Naeem Akhter said at a press conference that persons appointed on contractual basis under the new recruitment policy would be regularised after putting in seven years of satisfactory service.

He said the decision would help the government fill vacancies of assistant surgeons, lecturers and teachers from among locals at the district level.

The persons selected would have to work in the specified area during the term of their contractual engagement. This would help the government cope up with manpower shortage in the crucial sectors in remote and far-flung areas of the state.

Akhter said the policy paper for making contractual appointments at the district level envisaged a transparent and merit-based fast-track process of selection for filling key vacancies at the cutting-edge level to tone up the delivery of public services.

He said the Jammu and Kashmir Special Recruitment Ordinance 2015 was approved by the Cabinet to facilitate the operationalisation of the new recruitment policy at the earliest, which would now be submitted to the Governor for issuing the Ordinance.

Enumerating the broader parameters of the draft Jammu and Kashmir Special Recruitment Ordinance 2015, Akhter said it authorised the state government to exempt certain posts or classes of posts from the purview of the Jammu and Kashmir Public Service Commission and the Services Selection Board.

He said it empowered the government to lay down a policy for making appointments against notified posts on a regular or contractual basis in the prescribed manner.

He said it empowered the government to prescribe the mode of selection for such notified posts and provided regularisation of persons appointed on contractual basis on the completion of seven years of continuous contractual service.

He said it laid down the constitution of an empowered committee in the Finance Department for considering cases of contractual appointees eligible for regularisation and making recommendations in this regard.

He said the proposed legislation provided for the repeal of the Jammu and Kashmir Civil Services (Special Provisions) Act 2010 with a saving provision to protect the



regularisation of ad hoc, contractual, consolidated and temporary appointees eligible for such regularisation under that Act.

Akhter said the Cabinet approved the relaxation of norms to ensure that the maximum number of farmers whose agricultural and horticultural produce had been damaged due to natural calamities were entitled to relief under State Disaster Response Force.

The Education Minister said the Cabinet approved the promotion of around 170 Jammu and Kashmir Administrative Service (KAS) officers and IAS officers, which had been hanging fire due to litigation and other issues since 1999.

The Cabinet accorded its sanction to the promotion of 10 IAS officers to the selection grade of the IAS with effect from January 1. In another decision, the Cabinet ordered the release of the selection grade of the KAS in favour of 171 officers.

The Cabinet accorded its sanction to the transfer of 61 kanals and 15 marlas of land at Jaganoo village in Udhampur district to the Jammu and Kashmir Technical Education Department for the construction of a government polytechnic.

INDIAN EXPRESS, APR 21, 2015

**If politics is rotten, nobody can have expectations from bureaucracy: Kejriwal**  
**Kejriwal said it is wrong to say that there are no contrarian voices among us.**

Chief Minister Arvind Kejriwal said on Monday that his government will invite applications for the post of VAT and excise commissioners from IAS and DANICS officers but if no suitable candidate was found, then the jobs will be advertised to invite applications from outside these services.

Addressing Delhi's bureaucrats on the eve of Civil Services Day observed on April 21, he said his government was trying to evolve a transparent system of rewards and punishment for civil servants. "The chief secretary and I often debate and discuss this.

Those officers who are confident of increasing collections will have to submit a practical blueprint. We will provide the necessary infrastructure and logistics. We will give incentives. We want you all to make white money,” Kejriwal told civil servants at the Delhi secretariat.

He gave an example, saying that as an incentive, the officer and his staff may be given 0.1 or 0.01 per cent of the increase brought about in collections by an officer. He clarified that this was only an assumption and not a decision of the government.

In order to enhance tax collections, Kejriwal said the government will also seek the involvement of market associations. “We want to involve the market associations. And of the tax collected from their markets, we will utilise 10 per cent for the benefit of their market and whatever they need, for example, roads,” Kejriwal said.

After the government’s budget-making exercise held on Sunday with people’s participation, Kejriwal said that government officials need to shed their arrogance and stop thinking that they know it all.

“Bureaucrats were surprised that in one locality, the janata voted for a library. We would worry about old age pensions and their disbursal but when people were asked to vote, only seven of 700 people asked for pensions. Of these two were found ineligible so there were only five people asking for pensions and majority said they wanted a library. The people want the exact opposite of what we, sitting in the secretariat building, think,” Kejriwal said.

He said the bureaucracy too has its share of good and bad people but it is the system that needs to be changed. “Ugly politics was at the root of all the problems. If politics is rotten

then one can have no expectations from the bureaucracy. Delhi has voted for a different brand of politics. If we fail after this we will have no excuses,” said Kejriwal.

The discussion, attended by Delhi top bureaucrats as well as civil service probationers, was also addressed by Kejriwal’s deputy Manish Sisodia, noted lawyer and former law minister Ram Jethmalani and former Union cabinet secretary T S R Subramanian among others.

INDIAN EXPRESS, APR 21, 2015

**Babus come under fire from Jethmalani, Dhavan**

**Pragya Kaushika**

Bureaucrats in the capital were at the receiving end on Monday of two of the country’s top lawyers — Ram Jethmalani and Dr Rajeev Dhavan.

Both slammed the political system and the bureaucracy while speaking at an event held to mark Civil Services Day at the Delhi Secretariat.

While Jethmalani slammed politicians for using religion for political gains, Dhavan said he had lost faith in the bureaucracy that has “destroyed the city entirely to a point where it cannot recover for the next 50 years”.

“I have been objecting to what you are imparting here. You are servants of the people and certainly not the servants of your immediate boss or the bosses of the boss. It is a happy coincidence if the ideals of requirements are in total conformity to the demands of your boss, but if there is non-conformity, you need to side with the poor people,” Jethmalani said.

“The fundamental rights of people are enshrined in the Constitution and that is your scripture,” he said.

“The Bhagwad Gita is one of the greatest scriptures of our civilisation, but I do not agree with the politicians who remarked that the Gita should become the national scripture.”

Dhavan, a senior lawyer at the Supreme Court and a human rights activist, said civil servants had lost direction.

“As a citizen of this city, I want to ask, what did your predecessors and you have done to my city? You have given us roads, but they are problematic. You see these children on roads doing gymnastics because they need Rs 5. You see people puking on roads and wailing because they have nowhere to stay. You have destroyed the city entirely. You will never get social justice in this city for another 50 years... I ask you what are you going to do for the city. Second question is, why should I trust you. I have no trust in you...,” Dhavan said.

“Many of you will be faced with the temptation of money. Incentives today means money... The challenge is corruption, your inability to deliver is another challenge. This great bureaucracy, which kept the nation together, is crumbling from many vital places,” he said.

On Arvind Kejriwal, Dhavan gave examples of Hobbes, Locke and Rousseau.

“This is the biggest surrender that society ever made to politics. You must surrender power to politicians, otherwise civil society will collapse, Locke said surrender part of your power, Rousseau said surrender all your power... the Kejriwal revolution is surrendering all power by an ordinary citizen to the politician,” he said.

He also spoke on the ongoing controversy within the AAP.

“If this government is going to deliver anything, it will have to combine social and political in one. If not, they will be thrown out. This is the paradigm change. Political and bureaucratic power must be subject to some social power,” he said.

Reminding the bureaucracy of what was expected of them, Dhavan said, “We have distinguished administrators who deliver. The heroic people who were actually killed... What are you willing to do in order to be the best of the best.”

“Bureaucracy is now all about signing and hiding the documents. Bureaucracy is meant to deliver with courage, craft and contention. I can understand you are living in difficult times. The temptations that you will face, the questions of transfers... because somebody does not want to attend to this particular file,” he said.

STATESMAN, APR 20, 2015

**Values in Civvy Street**  
**Debaki Nandan Mandal**

There is hardly anyone from a petty clerk to a minister who is not manageable with a proportionate amount of gratification. - Nirad C Chaudhuri

The annual Civil Services Day, beginning on 20 April and spread over two days, will surely focus on the Prime Minister’s mantra - “maximum governance, minimum government”. In all likelihood, the main theme will be the context and challenges of civil services in India. A special ‘Debriefing session’ on 21 April - in the presence of the PM - has been scheduled. Participants from the Centre and the states will explain what they have been able to garner from the event.

Since the day he took over as Prime Minister, Mr Narendra Modi has been focused on the bureaucracy. As Chief Minister of Gujarat, his relations with the bureaucracy were cordial and effective. So, when he walked into 7 Race Course Road, the bureaucracy felt

that their achche din of doing no work would now end. They realised that he meant business; would not tolerate pussyfooting and delays.

The Prime Minister's 19-point code of conduct for the bureaucracy, issued last year, was seen as a warning. In one respect, he is different from his predecessors and has deviated from the beaten track. He has refrained from effecting mass-scale transfers of senior officials. The Cabinet Secretary was given a six-month extension. All key secretaries of finance, defence, HRD, home, and external affairs were initially retained. The principle of continuity was sought to be enforced, but subsequently the home, finance, and foreign secretaries were replaced. It is obvious that the PM wants to govern through the bureaucracy.

The Indian bureaucracy is one of the country's most powerful institutions. Bureaucrats know that politicians will never take any initiative without making them either partners in power or beneficiaries of the system. They get automatic promotions, perquisites and salaries and lucrative post-retirement slots which politicians have failed to do for themselves. Therefore, when the PM asked them to be neutral, efficient, and honest, the directive was a little difficult to digest.

However, this begs the question - Was it really necessary to issue the directive? There are enough checks in the system. Even the official code of conduct provides for summary dismissal if officials are engaged in political activity. Rarely is a senior official transferred due to his or her inability to perform because the system does not have any accountability matrix for the bureaucracy. Bureaucrats can only be moved out if they fail to do the bidding of their political masters. The Prime Minister has, however, added a significant provision in his directive which, if carried to its logical conclusion will break the nexus between the civil services and the corporate sector. Specifically, there must be no conflict of interest in matters of governance.

A dangerous fallout of economic reforms has been the politician-bureaucrat-corporate nexus. Contractors and relatives in politics and the civil services make crores without paying a single rupee to the public exchequer. It has been remarked somewhat cynically

that ‘the bureaucracy is a giant mechanism operated by pygmies and cowards.’ Therefore, it would be better for the country if “pygmies” are replaced with “giants”. If a political party needs a strongman with verve and vision, the bureaucracy needs an equally towering personality to lead it. As a matter of fact, fearless and innovative officers have lost the battle to sycophants and incompetent people. The likes of Ashok Khemkas, Durgashakti Nagpals and Kallol Surs belong to a vanishing tribe.

The values of the civil services are highlighted in any comparison with the political executive. What matters most of all is the commitment of the politician to the standards of public life. The political executive must set an example to others in terms of integrity, hard work, sincerity of purpose, austerity, accountability, and probity in public life. It must itself practise what it preaches. There must be a qualitative strengthening of the political arm of the government. Such a political executive can inspire civil servants to maintain high standards of public life.

If we have to uphold values in public life, there is need for statutory guidelines on the minister-civil servant relationship. Here, the role of political masters assumes importance. In the United Kingdom, there are certain guidelines governing the minister’s conduct; they serve as a restraining influence on the cabinet. In the context of the Indian scenario, BR Reddy says in his Code and Ethics for civil servants in India and United Kingdom: “In India, a minister enjoys absolute freedom of an oriental despot who is able to manipulate situations and people to his advantage. There is no code of conduct on what he can do or what he cannot. In all major cases of corruption, the nexus between the politician and the civil servant is very much evident. This is perhaps committed civil service.”

In the prevailing situation, there has to be a set of statutory guidelines defining ministerial responsibility and their relationship with the civil service. The guidelines in the United Kingdom could serve as a model for the NDA government.

Narendra Modi assumed office with a huge mandate and with no compulsion of coalition politics. His leadership is now unquestioned both within the party and the government,

save occasional rumblings of the Hindutva brigade. He is acutely aware of the scams and scandals of UPA-II involving both political and permanent executives which shook the confidence of the people. Even today there are allegations of corruption, favouritism and the like. The ambience needs to be pollution-free. In India, governmental intervention remains a central fact of life that cannot be ignored.

When the Prime Minister addresses the civil servants on 21 April, he will recall that “the most conspicuous gain of the British system of administration was that we imbibed the value of objectivity and impartiality in the discharge of public functions; that the public role of a public servant supersedes his private interests and motivations.” The nation expects him to consolidate this gain at any cost although the timing is a little too late - the 68th anniversary of independence. He needs to apply the same parameters in case of the stakeholders in governance, civil servants and the political executive.

The writer is a former joint secretary to the government of West Bengal

**HINDUSTAN TIMES, APR 20, 2015**

**Govt nod must for babus before accepting gifts over Rs 5,000**

IAS and IPS officers will now need to take prior permission from the central government before accepting gifts worth more than Rs 5,000.

According to the recently amended all India services rules, they also need to inform government if they accept gifts of over Rs 25,000 from their relatives or friends.

No member of the service shall accept any gift without the sanction of the government if the value of gift exceeds Rs 5,000, the new rules say.

A member of the service may accept gifts from his near relatives or from his personal friends having no official dealings with them, on occasions such as wedding, anniversaries, funerals and religious functions when the making of gifts is in conformity with the prevailing religious and social practice, but he shall make a report to the government if the value of such gift exceeds Rs 25,000, they say.



The Department of Personnel and Training (DoPT) has notified All India Services (Conduct) Amendment Rules, 2015.

The Indian Administrative Service (IAS), Indian Police Service (IPS) and Indian Forest Service (IFoS) are three all India services.

"The rules have been amended and ministries concerned have been told to bring them into the notice of all IAS, IPS and IFoS officers," a DoPT official said.

The monetary limits have been revised through the new rules. Earlier, IAS, IPS and IFoS officers were needed to take prior government sanction before accepting gifts if their value exceed Rs 1,000, he said.

"As per the old rules, they were to inform government after receiving gifts from near relatives, friends, or on occasions such as wedding, anniversaries, funerals and religious functions if their value exceed Rs 5,000," the official said.

There are about 4,802 IAS, 3,798 IPS, 2,668 IFoS officers working across the country against their sanctioned strength of 6,375, 4,728 and 3,131, respectively, according to a latest government data.

**HINDUSTAN TIMES, APR 20, 2015**

**Govt may cut slack for tardy but diligent babus  
Aloke Tikku**

The government appears to be having second thoughts about throwing the rulebook at officials who are a little late to work, as long as they do their job well and don't mind staying back if there is a deadline to meet.

The department of personnel & training (DoPT) had last year made it mandatory for central government offices in Delhi to implement the Aadhaar-based biometric attendance system from January 1, and in the rest of the country, by January 26.

In the same order, DoPT made it clear the rules allowed departmental heads to condone late-coming only twice a month.

On all subsequent occasions when the employee turns up at work after 9am, the department was required to deduct half a day's casual leave (CL). And when CL was exhausted, start deducting from their earned leave.

But DoPT – the government's human resource manager – hasn't even started implementing this rule for its employees.

“Monitoring of attendance for the month of January is under process,” DoPT said last month in response to a right to information query, indicating it was in no hurry to crack the whip.

Asked about the delay in acting on its rule, a senior DoPT official told HT there was no reason to go around deducting leaves if the officials were in by a reasonable time, 9.30am, made up for the lost time and did a reasonable job through the day.

Inquiries in some other departments revealed they too were reluctant to act against employees unless there was a specific reminder from DoPT.

“It is unreasonable to expect everyone to be in office before 9 am and then, work well beyond office hours,” a government official said.

It also appeared to have played on the government's mind that if it were to go strictly by the rules, it would end up deducting CL of nearly 70% of its staffers, leading to huge resentment.

BJP leaders had cited introduction of the biometric system and rumours that the Modi government could reduce the retirement age to 58 as two key reasons why central government employees were less than enthusiastic about supporting the party in the Delhi assembly polls.

FINANCIAL EXPRESS, APR 16, 2015

**National Pension System: Tax sops for govt staff**

Government employees looking to increase the equity exposure of their National Pension System (NPS) corpus to above the current cap of 15% may soon have that option.(Thinkstock)

Government employees looking to increase the equity exposure of their National Pension System (NPS) corpus to above the current cap of 15% may soon have that option. An expert committee, appointed by the Pension Fund Regulatory and Development Authority (PFRDA), has proposed the government employees be given the option of investing up to 50% of their NPS fund in equities, as is the case with the corporate-sector staff.

While the regulator said it would take a call on the GN Bajpai panel's recommendation in 2-3 weeks, analysts discounted the possibility of a big rush among the government staff, characteristically risk-averse, to turn more towards equity investments. Even as the combined NPS corpus (asset under management or AUM) of the central and state government employees stood at close to R73,000 crore at the end of March 2015, the average exposure of these funds to equity was a mere 9%, significantly below the ceiling of 15%.

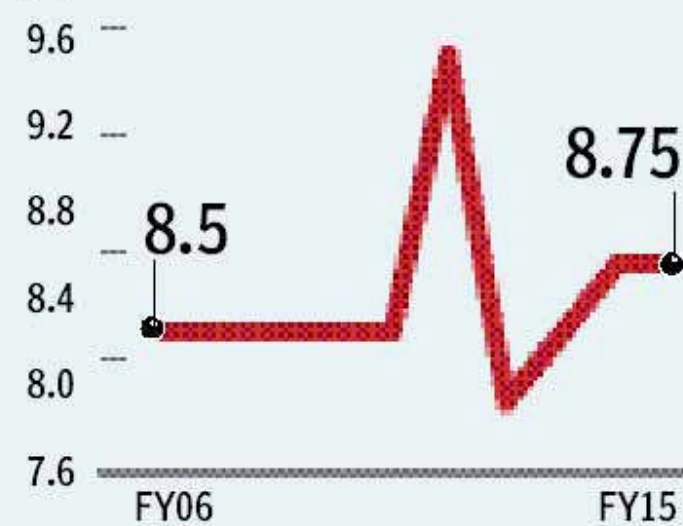
## Central govt scheme

In %, annualised since inception (April 2008)



## EPFO returns

(%)



## Corporate sector

In %, annualised since inception\* (Till FY15)

	Equity	Corp debt
SBIPF	11.44	11.59
LICPF	28.12	13.73
UTIRSL	13.96	9.75
ICICIPF	14.68	11.25
Reliance PF	13.38	9.44
Kotak PF	12.8	11.2
HDFC PF	34.42	13.63

\*: SBIPF, UTIRSL, ICICI PF, Reliance, Kotak LICPF July 2013 and HDFC PF August 2013. Returns data as on February 27, 2015

The private sector NPS users, whose corpus is just 7% of the total AUM of R80,855 crore (as at FY15-end), have barely used up the equity window, with just 16% of their corpus invested in equity instruments.

Yet, there could be tens of thousands of employees who must have hit the equity investment cap and are looking for higher returns that an increased equity exposure might yield (the total number of government-sector NPS subscribers is at 41.4 lakh). Suggesting that the relative under-performance of the stock market for a few years till FY14 must

have added to the government employees turning away from equities, PFRDA chairman Hemant G Contractor said the trend could change in the current fiscal year.

While the annualised return from the central-government NPS was below 11%, the returns from equity investments by the corporate-sector NPS subscribers have been much higher (see chart).

To multiply NPS users' equity investment avenues, the Bajpai panel has also recommended investing the funds in private equities, venture capital funds and exchange traded funds, subject to the overall cap.

HINDUSTAN TIMES, APR 21, 2015

**Centre drops plan to intervene when states transfer babus**

**Aloke Tikku**

The Modi government has backed off from a plan to give the Centre blanket powers to quickly review instances of All India Service officers being unfairly suspended by the states and intends to only carry out minor changes in the deadlines.

Existing rules require the state governments that suspend an officer of the Indian Administrative Service, Indian Police Service or the Indian Forest Service to get their order confirmed within 45 days. And there is little that the Centre can do if the state declares its intention to charge the officer with a major violation.

The Modi government tried to rectify this situation a few months ago and give the Centre powers to intervene if there are reasons to believe “that injustice is being meted out to a member of service”.

Protests from the states, however, appear to have prompted the Centre to drop this clause from its new proposal sent to the states on Monday.

“It is disappointing.... All that we had asked for was some protection for the honest officers,” said a senior IAS officer who had led demands for changing the rules in the aftermath of young IAS officer Durga Sakthi Nagpal's suspension in 2012.

Nagpal was an SDM in Gautam Budh Nagar, UP, in 2012 when she took on the local sand mining mafia and was suspended. Incidentally, Nagpal was last year posted as an aide to agriculture minister Radha Mohan Singh.

The Centre's previous draft had also proposed to drastically reduce the 45-day deadline for the government to confirm a suspension order down to 15 days. The new version gives 30 days. "So once an officer is suspended to fix him, he should not expect any relief before 30 days," an IAS officer lamented.

## CONSTITUTIONS

STATESMAN, APR 16, 2015

**Words that create confusion**

**Nirmalendu Bikash Rakshit**

In recent times, some people have begun to argue that two words of the Preamble to our Constitution have been wrongly inserted, because they have no clear and precise meaning. This is why it is necessary to discuss the issue from a practical viewpoint.

Following the American example, we too inserted a Preamble in the Constitution. Instead of including it in the 'Operative Part' of the Constitution, the makers actually kept it as the Introduction of the legal document. Normally, it has little importance from a legal point of view, but as our Supreme Court opined in the case of *Gopalan vs Madras*(1950), it may reveal the actual intention of the Founding Fathers when the meaning of a written Article is not amply clear.

The Preamble of our Constitution is, in fact, one of the best of its kind ever drafted. In Dr BC Rout's view, "it serves as the beacon-blaze or the guiding star to the people and their rulers" - (*Democratic Constitution of India*, p. 78). It is to be remembered that Ernest Barker, the noted Political Scientist hailed it as 'the Supreme prose-poetry'. In his view, it is 'perfection itself.'

In its original form, it sought to create a 'Sovereign Democratic Republic'. The term 'Sovereign' indicates that internally the state controls all individuals and institutions and externally it is completely free in international relations. The term 'democratic' implies the existence of equality and liberty of all citizens and also their inherent right to choose their own rulers. And the word 'Republic' suggests that the Head of the State in India is popularly elected and that he has no hereditary or proprietary right to rule.

Significantly, various provisions of the Constitution seek to translate these three basic principles into reality. However, two other ideals - 'Socialist' and 'Secular' were added to the Preamble by the 42nd amendment to the Constitution in 1976.

The basic idea behind the term 'socialist' is that exploitation and inequality would end and that socio-economic justice would be guaranteed to all. And 'secularism' ordinarily implies the existence of over-all equality in the religious field and equal freedom of conscience.

If these two ideals are so broadly interpreted, it will be found that 'these concepts were implicit in the Constitution as it was originally passed' - (Dr MV Pylee - An Introduction To The Constitution Of India,p.78). In other words,the original Preamble was enough for our purpose.

In fact, a number of provisions in Part IV of the Constitution dealing with the Directive Principles (Articles 38, 39, 40, 41 etc.) intend to bring about a socialist order of society. Similarly, the religious rights as guaranteed by Articles 25, 26, 27 and 28 surely contain a secular idea. Thus, in the opinion of Dr HH Das, 'the secular spirit was inherent in the Constitution when it originally came out' - (India: Democratic Government And Politics, p. 106). However, he has opined that these words have sought to make these ideas 'more explicit' - (Principles Of The Indian Constitution, p. 86).

But, it must be admitted that these two words are merely clarificatory in nature. So, Dr SC Kashyap has held that they have not made any substantial difference to the nature of the polity - (Our Constitution, p. 64).

But, when such words are inserted in the legal document in an undefined manner, they may generate some confusion. In fact, the term 'Socialism' does not afford a clear and precise meaning. As CD Burns puts it, 'Socialist ideal is a sentiment so obviously common to many who are not professed socialists and not in the programme of any Socialist Party' - (Political Ideals, p. 231).

Thus, various brands of Socialism like 'State Socialism', 'Guild Socialism', 'Syndicalism', 'Communism', Euro-Communism' etc. have come to the fore. This is why CEM Joad has aptly observed, 'Socialism is like a hat which has lost its shape, because



everybody wears it' - (Political Theory, p. 40). It is not clear which brand of Socialism our Preamble seeks to adopt in India.

Similarly, the term 'secular' is also vague and, even, confusing. Dictionaries define secularism as 'pertaining to this world or things not spiritual', 'not concerned with religion', 'irreligious' etc. Encyclopedia Britannica defines it as 'utilitarian ethics'. And the Encyclopedia of Social Sciences accepts it as a 'sphere of knowledge purged of supernatural pre-suppositions'.

In fact, the concept of secularism historically came up in a different shape in the Middle Ages when the Pope dominated over the Christian World. At that time, the Kings of European states were the mere political rulers of their subjects - but their religious life was completely controlled by the Pope of Rome and his subordinate Archbishops and Bishops. So, the royal authority was not at all complete and the system was guided by the 'Doctrine of Two Swords.'

It was Martin Luther, the famous German Professor, who started the Reformation Movement which challenged the extra-territorial authority of the Pope and his associates over the people of Europe. It soon spread over all the European countries. Calvin of France eagerly joined it in order to curb papal authority. However, Britain was initially untouched by it.

But when the Pope rejected the petition of Henry VIII, the King of Britain, to divorce Queen Catherine, he broke with the Roman Church. In 1531, Parliament passed the Act of supremacy which made the King the Head of the British Church and in 1533, the Act of Appeal forbade any appeal to be made to the Pope for his consideration.

Thus, Britain put a topapal jurisdiction in the country. In this way, religion and politics was almost separated and secular states came into being. Moreover, the concept of state 'sovereignty' came up from this struggle. But our Parliament inserted the term 'Secular' in quite a different sense. It means that there is no state religion and that the individual

has absolute freedom of conscience. It also indicates that the state cannot discriminate between two persons for their religious belief, nor can it impose a particular religion upon him.

But, it does not mean that religion and politics have been completely separated. The individual must enjoy his religious freedom subject to 'public order, morality and health' and also in consonance with 'other provisions of the Constitution.' So, the state can step in if and when the individual infringes these limitations. Thus, though the individual has the right to take part in religious rituals, the judiciary can determine which acts are really essential and integral parts of a religion - (Durga Committee vs Hussain, 1961). It can also prohibit the act of excommunication of a person by an religious denomination (Taher vs Talebhai).

Thus, religious freedom in India has not 'diminished the regulatory power of the state' - (Dr AC Kapur - the Indian Political System, p. 141). India has adopted secularism of a unique and different nature. For all these reasons, DD Basu had opined that the insertion of these words was unwise, because, juristically, they are vague and confusing - (Constitutional Law of India, p. 3). In fact, the makers treated the matter in a far better way - Parliament's attempt to bring about an improvement has really ended in smoke.

The writer is a Griffith scholar, author and former reader, New Alipore College

## EDUCATION

ASIAN AGE, APR 17, 2015

### **Gap-year students to be treated at par with fresh passouts**

Gap year students will now be treated at par with fresh passouts for admissions in various undergraduate courses offered by the Delhi University, which is in process of reviewing its admission criterion.

In a meeting of the varsity's 23-member admission committee held on Thursday, it was decided to do away with the any disadvantage to the gap year students. The admission process is likely to begin from June 2 and will be winded up by August 14.

“Earlier some colleges used to take a lenient view of gap year students while few colleges used to deny admissions to them. However, now it will be universally applied to all varsity colleges and gap year students will not have to face any disadvantage,” said Dr Bharat Singh, an assistant professor and a committee member.

Also, for students seeking admission to B Com (Hons) and economics courses it will be mandatory to have mathematics as a subject.

“There will also be a change in the pattern of release of cut offs by the varsity. Earlier, the next cut off list was released on the day admissions concluded for the previous one but now there will be a gap of one day so that data is accurately updated and analysed,” he said.

All the colleges will have to adopt a uniformity in eligibility criteria for admissions unlike earlier when they could have defined their own rule besides those mandated by the varsity.

“The best four policy is also being revised and it will be mandatory to include one language course in the best four percentage. In case of Honours courses if the aspirant has not studied the particular subject in class XII there will be a deduction of 2 per cent while in case of vocational subjects there will be a deduction of 10 per cent,” added Dr Singh.

The admission committee however remained undecided on the implementation of the choice-based credit transfer scheme.

The committee which in its earlier meeting on April 10 had decided to make the admission process online, today also deliberated upon how different issues will be addressed. “While it has been decided that the admission process will go online, discussions are on about what kind of issues will the varsity face and how the problem of logistics and server traffic will be addressed,” Dr Singh said.

INDIAN EXPRESS, APR 22, 2015

**Delhi University teachers protest against govt decision to freeze hirings**

The BJP-backed National Teachers’ Democratic Front (NDTF) will organise a protest march from DU North Campus to Old Secretariat on April 27 against the move.

The decision to freeze regular appointments in 28 colleges — partially and fully funded by the government — till governing bodies are constituted, has many Delhi University teacher bodies upping the ante. The move, they said, goes against their long-standing demand to speed up hiring teacher recruitments.

The BJP-backed National Teachers’ Democratic Front (NDTF) will organise a protest march from DU North Campus to Old Secretariat on April 27 against the move.

“Over 1,500 appointments have been put on hold following the Delhi government’s order,” Rajesh Jha of Academics for Action and Development (AAD), said. Delhi University currently has around 4,500 ad-hoc teachers.

The AAD also submitted a memorandum to Vice-Chancellor Dinesh Singh against the order of the Directorate of Higher Education on April 6, stating that through the move, the AAP was trying to “encroach on the statutory jurisdiction of DU”.

“Governing bodies, under the University Act, Statues and Ordinances never cease to exist even when the term of political nominees of the Delhi government expires. Therefore, a call for stalling interviews has a clear-cut political agenda,” the AAD statement read.

Attacking the Delhi government for derailing the appointment process, A K Bhagi of the NDTF said 16 of the 28 government-funded colleges, received 95 per cent of their funds from the University Grants Commission (UGC).

‘On one hand, the UGC has written to the university asking it to make speedy appointments. On the other hand, the Delhi government has issued this direction. Which direction should the colleges follow?’ a teacher from NDTF said.

INDIAN EXPRESS, APR 17, 2015

**HRD ministry rejects UGC’s recommendations to clear 34 blacklisted universities**

**Utkarsh Anand**

In a tacit endorsement of the UPA regime’s decision to blacklist deemed varsities over grave deficiencies, the Smriti Irani-led Ministry of Human Resource Development (HRD) has rejected University Grants Commission (UGC)’s recommendations to clear 34 out of 44 blacklisted varsities and termed the higher education regulator’s reports as “flimsy” and “untenable”.

In its affidavit submitted in the Supreme Court, the ministry has stated: “UGC’s expert committees have inspected and submitted their reports in 2009 without cognisance to any criteria. The relevant provisions under the UGC Act, Guidelines and Regulations have not been taken into cognisance for inspection and formulation of the reports..it is technically and legally untenable for the ministry to take an informed decision on the basis of such flimsy reports”.

The Tandon Committee, set up by then HRD minister Kapil Sibal in 2009, had recommended blacklisiting of 44 deemed varsities, asserting they were completely unfit

for the recognition that endows an institution not only with authority to grant degrees but also an approval of quality, which in turn can draw students by large numbers. Of these, three voluntarily surrendered their deemed-to-be status or had gone on to become institutes of national importance. Subsequently, many of these universities challenged the report's credibility in the top court.

However, putting a spanner in the controversy, UGC also came up with its own reports, recommending that only seven of the 41 blacklisted varsities should be deprived of the deemed- to-be university status.

With two conflicting reports on the table and none based on any fixed criteria of the respective scrutiny, a bench led by Justice Dipak Misra had asked HRD ministry to come clear on the validity of the UGC report as well as on the manner of conducting inspections.

The response has now stated that HRD ministry has rejected the UGC committee report, thereby turning down the regulator's view that 34 of the originally blacklisted deemed varsities could be let off. It claimed that the reports by the UGC in respect of all 41 varsities, including eight others where the regulator had granted time for corrections, contained no specific advise or recommendation based on which the central government could form an "informed opinion" and take a statutory decision.

The ministry told the court that it was in favour of framing statutory rules to lay down criteria for the inspection of the deemed-to-be universities and that the government would need three months to do so.

Till such time the statutory rules are framed, HRD ministry said, no review of the deemed-to-be universities could be done and the UGC reports are to be ignored. “It is only after statutorily laid down specific criteria coming into existence that UGC should undertake the exercise of rendering its specific and categorical advise to the central government so that the government can form an informed opinion and can arrive at its own decision,” it added. The court will take up HRD ministry’s reply on April 23.

## ELECTIONS

DECCAN HERALD, APR 20, 2015

### **Nasim Zaidi takes over as CEC**

Nasim Zaidi assumed charge as India's 20th head of the Election Commission of India (ECI) on Sunday, promising to make the poll panel more “vibrant, transparent and accountable” during his tenure.

The first big task for the new chief election commissioner (CEC), who succeeded H S Brahma, is in November, when Bihar goes to polls for a new Assembly.

Zaidi, who was serving the poll panel as election commissioner since August 7, 2012, will have now serve as CEC till July 2017, when he attains the age of 65. He was elevated to the post after Brahma, a 1975-batch IAS officer of the Andhra Pradesh-cadre, completed his tenure and demitted office on Saturday. “I feel privileged and honoured that I have been given the responsibility to lead one of the finest institutions the Indian Constitution has provided—a glorious institution that reinforces Indian democracy. I am also conscious of the onerous task at hand. As continuity is the hallmark in the working of the commission, I look forward to building upon the excellent work done by my distinguished predecessors and meet the expectation of the people and all stakeholders,” Zaidi, a 1976-batch Indian Administration Service officer, said after assuming charge.

He said the ECI has a simple vision: free and fair elections. “We have continuously set high benchmarks for ourselves. We will strive to deliver elections that are spotlessly free, fair, peaceful, transparent and highly participative each time. I would like to see the voter happy in his or her interface with the electoral system,” he said. While the ECI will focus on “voter-centric” activities, from enrolment to enabling them with e-services, during his tenure, it will also formulate a strategic plan for 10-15 years based on the principles of independence, transparency, professionalism, inclusiveness and measurable outputs, said Zaidi.



## FEDERALISM

STATESMAN, APR 23, 2015

### **Beyond federalism**

**Arunabha Bagchi**

The most important aspect of this year's budget was the substantial percentage increase in direct transfer of resources to the states as per the recommendations of the fourteenth Finance Commission. As has become a habit by now, the government put up a slogan with this mandatory exercise. This was first termed "Fiscal Federalism." Before long, our Prime Minister changed the slogan to "Cooperative Federalism." This was a nice sounding slogan. I guess it meant cooperation between the Centre and the states in running the country.

Unfortunately, the slogan Mr. Modi's advisors coming from the United States were more familiar with was "Competitive Federalism." This is the favourite slogan of right wing Republicans in the USA for the states there to get rid of regulations coming from Washington for unbridled competition. Thus the final slogan "Cooperative and Competitive Federalism" was born. No one noticed that two mutually exclusive concepts drawn from two different contexts were fused together making the slogan totally meaningless.

With mandated transfer of 42 per cent from the common divisible pool of taxes and other constitutional commitments, the total devolution to the states now stands at 62 per cent of central funds. This means, in concrete terms, direct allocation of Rs 5,26,000 crore to the states, as opposed to Rs 3,48,000 crore last year. This reduction in central government plan outlay has been borne squarely by the social services sector. Our social services sector spending is already among the lowest in the world. Our spending on health and education was 7.4 per cent of GDP in 2012, even lower than far poorer neighbouring countries of Nepal and Afghanistan. In the case of health, allocation has been reduced from last year's Rs. 22,000 crore to Rs 18,000 crore this year (without inflation correction), while primary education saw an astounding reduction of 22 per cent from last year.

The most repugnant was the huge cut in the mid-day meal scheme, the only incentive for keeping children of the lower classes in schools. Announcement of new IITs, IIMs and AIIMSs continued as usual, making the kleptocracy of the chosen states happy with extra funds at their disposal, while increasing hopes of middle class parents throughout India of

sending their children to those institutions, making it easier for them to migrate to the West.

The Finance Commission's decision to give more funds back to the states has been generally welcomed by all concerned. In a country with huge and diverse population like ours, the federal Constitution was essential for all regions to flourish under the watchful eyes of a helpful Centre. Unfortunately, the colonial system of centralisation of power only grew with the passage of time, making a travesty of our Constitution. Maintaining colonial style bureaucracy and starting an all-pervasive Planning Commission made this development inevitable.

Finally, decentralization is on the cards, and there is hope all around. There is also fear as well. What if the process of devolution stops at the gates of the state capitals? Our experiences at the state level since Independence do not generate much confidence. There is no guarantee that the states will use this sudden influx of huge resources to compensate for the reduced spending by the Centre in the social services sector.

Arun Jaitley has royally served the national bourgeoisie in his latest budget. Now they will lobby to get their share of the extra resources states have been allocated in this budget. This is the main motive behind the slogan of "Competitive Federalism." Effectively, it means less spending in social services sectors by all states, particularly in their backward regions that need it most. It is true that politicians and bureaucrats at the state level have a far better idea of the developmental needs of the state than the policy-makers in Delhi. However, the states have historically short-changed their backward and/or tribal regions since Independence. Telangana is a case in point, outside of the greater capital region of Hyderabad. After prolonged struggle and loss of lives, Telangana has finally been carved out of Andhra Pradesh. Similar splits have occurred in erstwhile Bihar, Madhya Pradesh and Uttar Pradesh. There is simmering discontent in Vidarbha and Bundelkhand, among other regions.

Even the more homogeneous population of West Bengal suffers from dramatic regional disparities. The western districts of West Midnapore, Bankura and Birbhum have sizable tribal population and suffer neglect as in other states in similar situations. But the most startling disparity is between the South and the North of Bengal. By contrast, centrally financed development programmes are more region-neutral and are aimed at increasing the overall national welfare. How can we resolve this dilemma?

The way out is to introduce “Fiscal Federalism” at the state level, by instituting abiding State Finance Commission and activating the moribund State Planning Commission. Many of our states have larger population than the major countries of Europe. Germany has an exemplary federal structure that may be followed for devolution of funds from our state capitals to the district headquarters. Our problem is the democratic deficit of our districts.

We talk proudly about our Panchayati Raj without realizing that this has become a cesspool of corruption due to weak political accountability at the district level. Devolution of funds to the states may even see a decrease in social services sector spending in politically less important regions than before. There is every temptation of the state politicians to squander money on short-term fancy projects. It might have been better for the Centre to earmark extra funding to states with spending guidelines. Some observers think that NITI Aayog has an important role to play in this domain.

This is wishful thinking when NITI Aayog has no power of sanction to influence the behaviour of states. Any such attempt would immediately be politicised as interfering in the affairs of the states. There is a political solution to this dilemma. To give districts political clout, we must make the residency requirement mandatory for any candidate running in the state assembly elections from a district in our First Past The Post (FPTP) electoral system.

If a single party wins overwhelmingly in the state election, this requirement may not carry enough weight for the neglected districts. The way out is to institute a Senate in every state, the Legislative Council, but under a new selection procedure. Membership of the Legislative Council must be based on results of the zila parishad elections. Each district would send a certain number of candidates from political parties based on the proportion of votes parties receive during that election. At one extreme, a district may send a number of council members in proportion to its population, while on the other, every district may send the same number of council members. A combination of these two extremes is also a possibility. These Legislative Councils must have roles analogous to the Rajya Sabha at the state level. Given the arbitrariness of the FPTP system of voting, this combination of FPTP and the more desirable proportional representation will guarantee fair share of resources going to the districts that are currently discriminated by politicians from the state capital and the dominant districts. This should be truly the three-tier political representation of our democratic polity. Whether we add the Panchayati Raj as the fourth tier out of nostalgia for our ancient glory is a somewhat irrelevant debate.

## INTERNET

DECCAN HERALD, APR 16, 2015

### **Safeguard Net Neutrality for all**

At a time when various freedoms are under siege around the globe, one precious area still remains largely untouched – access to the Inter-net and what the cyberworld has to offer. So, it is no surprise when multitudes of netizens protest when-ever the establishment, be that the state or corporates, tries to extend its reach and subjugate the Internet in the pursuit of its vested interests. After battles on this front in some countries, it is now the turn of India to stand up and resist a perceived attempt to create a band of privileged websites. This is a serious threat to the prevalence of Net Neutrality which means Internet service providers should not discriminate among websites. In short, both the start-up and the most-established are given equal access to the Net.

The Telecom Regulatory Authority of India (TRAI) set the cat among the pigeons when it came up with a consultation paper to get the views of netizens on whether Internet Service Providers could tie up with commercial web-based entities that would privilege them over other websites. The proposed tie-up between the service provider Airtel and the web-based retailer Flipkart aggravated the already-simmering anger among Internet users. That Flipkart has walked out of the deal indicates there was merit in the uproar as the tie-up would have meant that Airtel subscribers could have accessed Flipkart for free and not paid the normal data charges. The arrangement would have led to more web-based companies tying up with Internet service providers. This would have resulted in a set of privileged web-based companies who would have had higher bandwidth to facilitate faster downloads. The reason for this is that more the visitors, higher the revenue for the service providers from these websites. Those which remained out of these deals would have had at best normal bandwidth, more difficult to access and consequently fewer visitors. In time, they would have lost out to the privileged websites. It is this scenario that the proponents of net neutrality fear and want to nip in the bud, and rightly so.

The potential of Internet is mind-boggling. It affords an opportunity for even a small-time and unknown entrepreneur to come up with an idea that works. In fact, this is how many of the top web-based giants today were when they started, including Flipkart. There are countless rags to riches stories on the Net and it would be extremely unfair if the newly-privileged misuse their clout to dominate the cyberworld. Inno-vative but struggling web entrepreneurs deserve their full and fair share of the Net space.

## JUDICIARY

TELEGRAPH, APR 17, 2015

**Matters of perception**

**In defence of five-star activism Prabhat Patnaik**

At a recent meeting of Supreme Court judges, chief justices of high courts and chief ministers of states, the prime minister, Narendra Modi, is reported to have remarked that "the judiciary should be cautious about delivering perception-driven verdicts, especially when the perceptions were sourced from 'five-star activists'" ( *The Hindu*, April 5). It is possible that he has been misquoted, but since no such claim has been made till now, we have to assume that this is roughly what he said.

If this remark had been made at a meeting of Bharatiya Janata Party functionaries, then one would not worry too much about it. Who says what at a meeting of the functionaries of a political party, even if these statements find their way to the press, can be considered an internal matter of the party, of which not much cognizance need be taken. Even if his remark had been made at a public meeting organized by his party, one would still not have concerned oneself about it. Speeches at public meetings are invariably 'spiced up', a fact one has to make allowances for (and whether it constitutes 'contempt of court' is not a matter to get excited about for someone outside of the legal profession). Bal Thackeray's crude mimicry of Sonia Gandhi in his public meetings of yore, for example, was an instance of such 'spicing'; while some thought it amusing and others found it distasteful, nobody was much concerned or exercised about it.

But Modi's remark was made at a meeting convened by the chief justice of India, a solemn occasion where two of the three organs of the State, the executive and the judiciary, were interacting. His objection to judgments from the judiciary being "perception-driven" was, of course, meaningless, since *all* judgments in life by everybody, not just the judiciary, are necessarily "perception-driven". The real purport of his remark was that judgments should not be influenced by "five-star" activists, which presumably they have been until now with undesirable consequences. Since he was not talking about any specific areas or specific cases, and did not even hint at any specific

judgments, his remarks have to be taken as a general assessment and suggestion for rectification.

As such, they not only amounted to casting aspersions upon the integrity of the judiciary, since they implicitly suggested that it had been amenable to extraneous influence of a baneful kind, but they also gave gratuitous advice to the judiciary on how it should function, which involved an unconstitutional interference in the latter's functioning. If the chief justice of India gave advice to the head of the executive on how the government should run, there would rightly be a wave of protests against such a pronouncement which would clearly transgress constitutional propriety. The same must also hold in the opposite case.

In fact, let alone *ex cathedra* pronouncements of this sort, even judicial verdicts by duly constituted Supreme Court benches have invited the charge of 'judicial over-reach' whenever they have been seen to transgress constitutional propriety by interfering in the activities of any of the other organs of the State. An example is when Somnath Chatterjee, in his capacity as the Speaker of the Lok Sabha, had objected to the Supreme Court's interference in Lok Sabha matters. By this token, Modi's remarks amount not just to an 'executive overreach', but to something even worse, since they refer not to any collective executive decision, but constitute merely a gratuitous, denigrating remark by the head of the executive.

The remark is also obviously objectionable on other counts. It denigrates not just the judiciary but the whole group of social activists who are engaged in defending what they perceive to be people's rights, and, being concerned and law-abiding citizens, repose their trust in the judiciary for this purpose. Many of them come from a relatively affluent background, as do the bulk of the public intellectuals in the country. This is hardly surprising, since it is this background, which also entails their being better educated, that gives them the confidence and the strength to stand up to the might of the State and of powerful vested interests, to defend what they perceive to be the interests of the people. Whom exactly Modi sees as "five-star activists" is not clear, a fact that itself underscores the vagueness, and the inappositeness of the remark on a solemn occasion like the CJI's

meeting; but one would not be wrong in surmising that it is these, necessarily relatively affluent, social activists and public intellectuals, who are the target of his criticism.

Now, if these activists and intellectuals were acting merely to further their own particular vested interests, then there would be some point in attacking their "five-star activism". In fact, it would be perfectly in order for the prime minister, or for anyone for that matter, to remind the judiciary that given the egalitarian thrust of our Constitution, it is duty-bound to give primacy to the interests of the poor over those of the affluent; but this is not germane to the present case, since these relatively affluent individuals and groups are acting to promote not their own particular private interests but what they perceive to be the interests of the people.

It is perfectly possible, of course, that they are wrong in their perception of what constitutes the people's interest; *but this fact has to be independently established, and established by the judiciary.* It is a travesty to claim, as a general rule, that their perceptions must be wrong because they are relatively affluent, that is, because they are the so-called "five-star activists". And it is ironical that the prime minister, whose entourage on his foreign trips has often included the richest of the land, the *habitués* and even owners of 'five-star' hotels, and who obviously sees nothing wrong with their perceptions, should suggest that the relatively affluent activists and public intellectuals, engaged in defending the people's interests and rights, must be wrong in their perceptions just because they happen to be affluent, a part of some "five-star" culture.

In fact if, heaven forbid, the courts, taking a cue from the prime minister's remarks, actually cultivate a distrust towards the perceptions of these so-called "five-star" activists, then the common people will lose whatever little access to judicial remedy of their grievances that they currently have. Political parties, the other major means through which their grievances can be expressed, do not have the wherewithal to pursue the route of judicial redressal of these grievances. They can use only certain kinds of weapons, such as agitation at the ground level, and raising these grievances at the legislative fora, but these have doubtful prospects of success; besides, an *additional* weapon, and a



powerful one at that since a judicial verdict is still accepted as binding upon all, would have been lost to the people.

These so-called "five-star" activists actually play the role of keeping people's faith in the legal system intact; and here the very fact that the judiciary has not cultivated the distrust towards their perceptions that Modi would like it to, and has therefore often given verdicts in their favour, has helped. Had this not been the case, the tendency for some people to take the law into their own hands and to embark on extreme measures to counter the injustice done to them would have been far more pronounced.

For persons, including myself, who see the transcendence of the existing social order as a necessary condition for human freedom, the actions of these so-called "five-star" activists, which serve to keep the people's faith in the existing order intact, may appear at first sight to be counter-productive: their victories on particular issues may appear to obviate the need for social transformation. But this is erroneous. Mere anarchy, such as might ensue without social activism, is not necessarily conducive to social transformation, while every victory on specific issues increases people's self-confidence and hence the prospects for social transformation.

The prime minister's remarks are particularly unfortunate in a context where several persons close to him, including the current president of BJP, are involved in court cases, accused of aiding and abetting the anti-Muslim pogrom in Gujarat in 2002, and of being associated with 'fake encounters'. Given their political power, the pursuit of these cases has been possible only because those seeking justice for the victims are themselves persons from relatively affluent backgrounds, who have a certain 'social standing' and legal knowledge and cannot be easily cowed down. Indeed, by the prime minister's characterization many of them would qualify as "five-star activists". Although the prime minister may not have had this context in mind, his remarks debunking "five- star" activists at this juncture are particularly unfortunate because of it.

The author is Professor Emeritus, Centre for Economic Studies, Jawaharlal Nehru University, New Delhi

STATESMAN, APR 21, 2015

**Disproportionate interest**

**Sam Rajappa**

Lamenting the inordinate delay in the conduct of the trial of former Tamil Nadu Chief Minister J Jayalalitha and four of her associates in the disproportionate wealth case, Justice Madan B Lokur of the Supreme Court had on 15 April observed, “This case is a classic illustration of what is wrong with our criminal justice delivery system. If the allegations that the accused persons used their power and influence to manipulate and subvert the criminal justice system for more than 15 years thereby delaying the conclusion of the trial against them (are true) then it is a reflection on the role that power and influence can play in criminal justice delivery.” He ruled that something drastic needs to be done to remedy the system, if not completely overhaul it, and “as this case graphically illustrates, the time starts now.”

In his opinion, the appeals will have to be heard afresh by the High Court with the prosecution represented by a public prosecutor appointed under Section 24(1) of the CrPC or a special public prosecutor appointed by the State of Karnataka under Section 24(8) of the code. In a separate order, Justice R Banumathi of the Division Bench ruled the SPP appointed for the case in the trial court could continue to be in charge of the case before the High Court as well. “Once Bhavani Singh was appointed as the SPP to conduct the criminal case in terms of Section 301 of CrPC, he can appear and plead without any written authority before any court in which the case is under inquiry, trial or appeal.” The twomember Bench left it to a larger Bench of the Supreme Court to decide whether the unauthorised representation of Bhavani Singh, appointed as SPP in the trial court, appearing in the High Court also as SPP vitiated Jayalalitha’s appeal against her conviction and sentence.

When the issue of Bhavani Singh appearing as SPP in Jayalalitha’s appeal came up in the Karnataka High Court on 2 February, Chief Justice Dhindra Hiralal Waghela observed that when a case was transferred from one State to another, the transferee State alone should appoint the public prosecutor. In Jayalalitha’s appeal being heard in the Karnataka High Court, the Tamil Nadu government has no power to appoint the PP or the SPP. Since Karnataka has not appointed Bhavani Singh as SPP in Jayalalitha’s appeal, his appearance in the High Court is against the law.

Soon after, Chief Justice of India HL Dattu wanted to transfer Justice Waghela as Chief Justice of Orissa. Usually a Chief Justice from a smaller High Court is transferred as Chief Justice to a bigger High Court. The Orissa High Court is much smaller than the

Karnataka High Court. Justice Waghela resisted the transfer. By refusing to grant bail to Jayalalitha, the Karnataka HC wanted to send a strong message that corruption among public servants would not be tolerated. Though Section 389(1) of the CrPC provides for suspension of sentence and bail, its exercise should be limited to exceptional cases. The court also made it clear that it cannot be cowed down by protests and pressure tactics by Jayalalitha's AIADMK supporters. It would be a sublime public policy to keep convicted public servants in leash.

While denying bail to Jayalalitha, the Karnataka HC wrote a 40-page judgment cogently explaining reasons for the denial. In the Supreme Court, Justice Dattu wrote a four-line order to release Jayalalitha on bail, ignoring the court's own direction that reasons for granting bail to a public servant convicted of corruption should be clearly spelt out. What is more, he ordered the Karnataka HC to dispose of Jayalalitha's appeal against her conviction and sentence in three months at a time the court was burdened with thousands of pending appeals.

The disproportionate assets case of Jayalalitha had a charmed journey in the last 18 years. Subramanian Swamy, then president of the Janata Party, filed a corruption case against her in 1996 after obtaining sanction from Mari Channa Reddy, then Governor of Tamil Nadu. Muthuvel Karunanidhi who succeeded Jayalalitha as Chief Minister, took over the case and set up a special court to try it under the Prevention of Corruption Act in 1998 to render speedy justice. Jayalalitha challenged it in the Madras High Court stating the case was politically motivated.

While the case was pending, MS Liberhan took over as Chief Justice of Madras HC. Considering the sensitive nature and importance of the case, he heard it in the First Bench along with Justice D Raju. After the arguments were over and before the delivery of the judgment, Raju was promoted and posted as Chief Justice of Himachal Pradesh High Court. Justice Liberhan had to start the hearing all over again, this time with Justice E Padmanabhan. As the hearing was about to begin, came the news that Justice Liberhan was being transferred to the Gauhati High Court. He had been CJ of Madras HC for hardly six months. In legal circles the transfer order was described as a 'gift' from Chief Justice of India MM Punchi.

When the motive behind the transfer became obvious, then Prime Minister IK Gujral intervened and Justice Liberhan stayed put. The Special Court case resumed and the High Court upheld its constitution. Justice AS Anand succeeded Justice Punchi as Chief Justice of India and Justice Liberhan was given marching orders to Patna and subsequently to

Hyderabad to take over as CJ of the Andhra Pradesh High Court. Jayalalitha returned to power in 2001 and the assets case turned turtle. Witnesses who deposed against her were recalled for cross-examination. Sixty-four of them, including a few IAS officers, resiled from their earlier depositions. The public prosecutor appointed by the Jayalalitha government neither declared these witnesses hostile nor prosecuted them for perjury under Section 154 of the Indian Evidence Act. Commenting on this development, the Supreme Court observed, “The course of justice is being subverted and the public prosecutor is hand-in-glove with the accused.”

It was under these circumstances that a Division Bench of the apex court comprising Justices SN Variava and HK Seema, on a petition seeking transfer of the case to a court outside Tamil Nadu by K Anbazhagan, general secretary of the DMK, ordered its transfer to a special court in Bangalore on 18 November 2003, and fixed a strict timeschedule to complete the case at the earliest. After a series of revision petitions challenging the Supreme Court order, Jayalalitha moved a curative petition before a five-member Bench headed by Chief Justice RC Lahoti. That too was dismissed in 2004, saying that no case had been made out by the petitioner within the parameters laid down for entertaining the petition.

After all this, Jayalalitha managed to drag the case for 10 years in the Bangalore court. Bhavani Singh’s contribution as the SPP in the trial court is not mean. At one stage, an incensed Special Court judge John Michael d’Cunha said in open court, “As the SPP has been repeatedly seeking adjournments since 27 January 2014 without justifiable cause, I am left with no option other than to impose one day’s remuneration of Rs 60,000 for each hearing as cost or to permit counsel of the accused to begin argument.”

The final chapter of the saga is the recommendation of the Supreme Court collegium of judges headed by Justice Dattu transferring Justice Waghela as the Chief Justice of the Orissa High Court on Sunday, 12 April, a court holiday, and obtaining Presidential notification to that effect late in the night, just before the crucial five-judge Constitution Bench was to hear a batch of petitions challenging the constitutional validity of the collegium system of appointment of judges. Que sera, sera.

The writer is a veteran journalist and former director of The Statesman Print Journalism School

## NONGOVERNMENTAL ORGANIZATIONS

HINDU, APR 22, 2015

**NGOs: the good, bad and the ugly**

BALAKRISHNAN MADHAVAN KUTTY

With Greenpeace and various non-profits under the scanner, it is time to revive the idea of an accreditation agency for the sector

COLLABORATE: "It's an opportune moment for the government and NGOs to together clean up their act." File photo shows activists of Oxfam India, Greenpeace India and Global Climate Action wearing a mask during a sensitisation campaign on climate change marking Global Day of Action on climate change

*"In Sheraton hotels in scattered nations, We damn multinational corporations; Injustice seems so easy to protest,*

*In such seething hotbeds of social rest."*

*(‘The Development Set’, Ross Coggins, 1976)*

The newest remix of Ross Coggins’ poem has come from none other than Prime Minister Narendra Modi, when he commented about “five-star activists” in an address early this month to the judiciary. The difference is, Ross Coggins was an insider who wrote a scathing satire on social service workers who travel from rich countries to save the developing world — “although we move with the better classes, / Our thoughts are always with the masses.” Mr. Modi, far from having any intention of guiding India’s non-profits or holding a mirror up to them, seems to have simply anointed himself as a rating agency for the voluntary sector. However, in the background of the heightened scrutiny of NGOs, coming in the wake of the protests against nuclear power plants and mining operations, Mr. Modi’s jibe is more than just an outlier.

The uproar around NGOs today is an opportune moment for the government and the voluntary sector to work together to clean up their act. It is time to again broach the idea of a national accreditation agency for non-profits. The erstwhile Planning Commission had built the groundwork for this in the National Policy on the Voluntary Sector 2007 and had come up with a set of guidelines set forth in the Eleventh and Twelfth Five Year Plans for the sector. Although the policies were not ultimately adopted, the directions were arrived at after extensive consultations with multiple stakeholders and they reflected a positive and collaborative spirit. Most importantly, they were founded in recognition of the nuances underlying the sector and the evolving dynamics of its relationship with society and with government.

The first move was to shelve the idea of importing rankings because the Indian voluntary sector is neither as single-purposed as the hotel industry nor as amenable to hierarchical gradation as the military, two spheres where ratings are dominant. The voluntary sector in

India is diverse in purpose, nature and approach. As rating agencies would admit, standardised measurement methodologies for social sector organisations are still an emerging field and comparisons across sub-sectors would be bananas and limes, far less apples and oranges.

However, intermediary organisations such as rating agencies could definitely be beneficial in building a robust voluntary sector, where the link between performance and incentives is not always holy.

The experience of rating agencies across the world reveals that ratings (alphabets or stars) are helpful, especially to donors, in reducing transaction costs, while making investment decisions based on financial health, to check compliance of statutory norms, etc. This has been found to work especially well with certain sub-sectors such as commercial microfinance but not as well for agencies with multiple bottom-lines, intangible results, or whose primary purpose is to hold the state accountable. These are exactly the non-profit organisations about whom self-serving perceptions are formed and which are exploited, when needed, with a political vendetta. It was, therefore, rightly decided that ratings could not be a stand-alone solution to build credibility or assess non-profits.

### **Accreditation could work**

The second move was to acknowledge that accreditation could be a win-win starting point and that mainstreaming this would be a logical step to take. Accreditation is the process of certifying voluntary organisations based on a set of agreed and codified norms, principles, standards and practices. Credibility Alliance, a network of voluntary organisations in India, has been a pioneer of this in India. There have been similar experiments nurtured by donors and consultancy agencies. Yet, accreditation of the NGO sector has not yet blossomed to its full potential, for it has remained outside the state's engagement. All attempts have been voluntary and were born out of a self-regulatory spirit or donor interest, although the benefits in terms of public perception, investor confidence, and donor guidance are well documented.

It is in this context that a consensus was reached to set up an autonomous accreditation authority — National Accreditation Council of India or NACI — in 2012. However, it only progressed to the extent that a document was prepared by the Council for Advancement of People's Action and Rural Technology (CAPART), a government body, whose existence itself was under the scanner.

During the multiple engagements between 2007 and 2014 between the Indian government and the voluntary sector on institutionalising accreditation, it was decided that NACI will need to be autonomous, have equal representation of both government and voluntary organisations, develop a methodology in consultation with the sector and,

most importantly, respect the diversity of the sector in terms of size, location, nature and theme.

A certificate from NACI will still not be sufficient to avoid broad-brushing or selective marking of non-profits or activists. Yet, if the Prime Minister truly believes in building a credible voluntary sector, it is imperative to move ahead and revive the NACI idea. Without that, “five-star” will only mark the level of trust deficit between the present government and the voluntary sector.

(Balakrishnan Madhavan Kutty is a Harvard graduate in non-profit management, and has supported non-profits across India and the U.S.)

## POLITICAL PARTIES

DECCAN HERALD, APR 16, 2015

### **Janata Parivar parties merge to take on BJP**

### **Mulayam is chief of yet-to-be named outfit**

Six offshoots of the Janata Parivar—the Samajwadi Party, Rashtriya Janata Dal, Janata Dal-United, Janata Dal-Secular, Indian National Lok Dal and the Samajwadi Janata Party—formally announced their merger on Wednesday.

Samajwadi Party (SP) supremo Mulayam Singh Yadav has been elected chairman of the new outfit. The SP chief will also head the party parliamentary board.

The new party will have 15 members in the Lok Sabha and 30 in Rajya Sabha. The leaders declared that they have joined hands to take on the Narendra Modi government.

While announcing the merger at a press conference in Mulayam's residence, Janata Dal-United (JD-U) chief Sharad Yadav said that a committee has been formed to decide the name, symbol, flag and the policy statement of the new party.

The committee comprises former prime minister and Janata Dal-Secular (JD-S) chief H D Deve Gowda, Sharad Yadav, Rashtriya Janata Dal (RJD) chief Lalu Prasad, Indian National Lok Dal (INLD) chief Omprakash Chautala, Ramgopal Yadav (SP) and Kamal Morarka (Samajwadi Janata Party).

Sources said that the leaders are trying to bring back the "wheel" symbol which was blocked by the Election Commission after a split in the Janata Dal. In case they do not get this symbol, they will adopt SP's "bicycle" symbol.

The party name will also be decided according to the availability of the symbol. The outfit will require the word "Samajwadi" to adopt bicycle symbol. For using the "wheel", they will have to add "Janata Dal" to the part name.



All top leaders of the constituent parties, Gowda, Mulayam, Lalu, Nitish Kumar (JD-U) and Abhay Chautala (INLD) gave final touches to the talks which has been going on for the last 10 months.

The merger hit a roadblock over the issue of alliance with other parties in Kerala. The JD-S is in alliance with the Left Democratic Front (LDF) and the JD-U with the ruling United Democratic Front (UDF).

Gowda had made it clear that his party will not leave the LDF. The JD-U, which has merged with the Veerendra Kumar-led Samajwadi Janata Party (Democratic), was also adamant over continuing its alliance with the UDF.

Gowda had even threatened to walk out of the merger-process. The issue was later resolved by Mulayam.

Gowda, however, said that the JD-S would be contesting the Bengaluru civic body polls with its present name and symbol, but clarified that he would later join the new outfit. All leaders of the new outfit unanimously attacked the Modi government. Mulayam said that the government was arrogant and had done nothing to solve the problems plaguing the country.

## POLITICS AND GOVERNMENT

TELEGRAPH, APR 17, 2015

**Nitish steadfast on good governance**

**CM rules out merger impact on development**

Amit Bhelari

Chief minister Nitish Kumar today sent out a clear message that he would not allow the governance - his USP - to suffer after his JDU's merger with Lalu Prasad's RJD and other offshoots of the Janata parivar.

"The merger of the parties will have little impact on the functioning of the government in Bihar. The government will keep on working on the agenda of ' *susashan* (governance)'," he said.

Nitish has consciously been trying to drive home the message that the amalgamation of the RJD and the JDU would not alter his style of functioning as the chief minister. He has been doing so, probably, to counter the BJP's repeated allegation about the return of *jungle raj II* in the state with Lalu joining hands with Nitish.

Nitish won two successive elections in the state (2005 and 2010) in alliance with the BJP on the plank of liberating the state from the "reign of anarchy". Top BJP leaders visiting Bihar never miss the opportunity to remind people about the Lalu-Rabri era, which "symbolised" misrule and absence of governance.

After returning from New Delhi, Nitish spoke to the reporters at the state hangar and said: "The government would keep on functioning the way it functions. The government is focused on the agenda of good governance and development. And whatever time is left before the elections, I shall keep on working for the betterment of the state."

Nitish said his government was surviving on the support of the RJD, Congress, CPI and an Independent MLA. Apart from the JDU, which has 111 MLAs, Nitish has the unconditional support of 24 RJD legislators, five Congress MLAs, one CPI and an Independent MLA.

Nitish's claim of no impact on the governance has hardly impressed the BJP, though. Senior party leader and the Leader of Opposition in the Assembly, Nand Kishore Yadav, told **The Telegraph**: "Nitish does not have any moral right to talk about good governance and development when he is with the RJD. People of the state are aware about its (RJD's) past deeds."

Nand Kishore added: "As far as impact on the governance is concerned, it is very much clear from the fact that the chief minister is forced to hold a separate talk with RJD MLAs. For what is he meeting the RJD MLAs separately? Everyday Nitish is compromising with good governance and development."

A few days back, Nitish did hold a meeting with the RJD MLAs in which he asked them to stick to the agenda of governance. Five cabinet colleagues of Nitish yesterday held a meeting with the RJD MLAs at his 7 Circular Road residence.

Countering the BJP's jibe at the reunion of the Janata parivar, Nitish took a dig at the BJP for making a mockery of the merger and said: "The BJP people are afraid, they know that this merger has weakened them. They are making fun of it to hide their fear."

Samajwadi Party chief Mulayam Singh Yadav made the official announcement of the merger in Delhi on Wednesday. Apart from SP, the other five parties which have come together include the RJD, JDU, H.D. Deve Gowda's Janata Dal (Secular), Abhay Chautala's Indian National Lok Dal and the Samajwadi Janata Party (SJP).

Nitish also slammed the BJP national president, Amit Shah, over his comment on sugar mills in the state during the party's workers' meet on April 14. Shah had alleged that the state government had given land of 12 sugar mills for constructing shopping malls on them.

"Shah must tell where the malls have been constructed on the land of sugar mills. He must also release the pictures of such malls if he is claiming so. He is either ignorant about the facts or making false statement," said Nitish.

HINDU, APR 16, 2015

**Return to a lost paradise?**

**WAJAHAT HABIBULLAH**

It is the responsibility of Kashmiris within the Valley to reassure Pandits returning of their welcome.

The debate over the moves by the Central and the Jammu and Kashmir governments to [resettle Kashmiri Pandits](#) in Kashmir is one that will only bring pain to any well-wisher of the State. To understand this, one has to go back in time, when the second half of the 1980s saw Kashmir spiral out of control, gripped by violence, suspicion and dread. What had begun as an ethnic conflict was soon imparted a religious colour by Pakistan's Inter-Services Intelligence (ISI). The Pandits, a Hindu minority in the Kashmir Valley, were targeted by the Jammu Kashmir Liberation Front (JKLF), even though the organisation had sought to build on the original secular foundations of the National Conference, and by the Hizb-ul-Mujahideen, a secessionist outfit, which sparked their exodus. By 2008, their population, as assessed by the Kashmiri Pandit Sangharsh Samiti (KPSS), was reduced to 651 families from 75,343 families on January 1, 1990. Nearly 70,000 families fled in the turmoil of 1990-92, and even though the violence was brought under control, most of the remaining families left thereafter.

**Years of turmoil**

By 1990 — I was Special Commissioner, Anantnag, in South Kashmir then — the public had ceased to visit government offices. But in early March, several hundred people from the Nai Basti neighbourhood went to the Special Commissioner's office in Khannabal demanding to see me. Because of the disturbed circumstances, I had set up office and residence in the rest house in the district headquarters. Mohammad Syed Shah, generally known as Syed Shah, the brother of the separatist leader, Shabbir Shah, and Muslim United Front (MUF) member of the dissolved State Assembly, demanded to know why Pandits were leaving en masse and in turn why the administration was doing nothing about it. Mr. Shah accused the administration of encouraging the migration so that the Army would be left free to unleash its heavy artillery on all habitations.

When I asked the delegation if it believed that I would be party to such a plan, this was their response: ‘I had been kept in the dark, while they were privy to “secret” information’.

“Places of worship were being used to issue threats to them over loudspeakers.”

That the Pandits were apprehensive was hardly surprising, I said. Places of worship, like the one in Anantnag, where the majority went, were being used to issue threats to them over loudspeakers. I learnt later that these inflammatory sermons, and their reverberating public applause, were audio recordings circulated to mosques to be played over loudspeakers at prayer time. Local Muslims needed to reassure the Pandits of their safety, I said. The administration would provide security whenever a threat to the Pandits was anticipated, but how effective it would all be would depend on unstinted public support, given that the residences of the Pandits were scattered. The gathering concurred and dispersed.

I requested State Governor Jagmohan that he appeal to the Pandits, in a telecast, that they stay on in Kashmir, and assure them of their safety on the basis of the assurances of the Anantnag residents. Unfortunately, the only announcement to this effect was that “refugee” camps were being set up in every district, and Pandits who felt threatened could move to them rather than leave the Valley. Pandits in service who felt threatened were free to leave their stations; they would continue to be paid their salaries. I relate this story because the present flurry of allegations brings a sense of *déjà vu*. The Pandits — more than 1,20,000 in the early 1980s — numbered about 7,000 in the Kashmir Valley, in 2005.

### **Talk of a return**

There has been much talk of the return of Kashmiri “migrants” to their homes in the Valley ever since an elected government took office in the State in 1996. The separatist leaders, Mirwaiz Omar Farooq and Shabbir Shah, have repeatedly asked the Kashmiri

migrants to return. But every time the issue would be raised at the national level, Pandits in the Valley would be attacked brutally and the issue would be put on the back burner.

Any talk, therefore, of their return will continue to be pointless unless those living in the Valley are secure, physically and economically. By 2003, the Pandits were scattered across 270 neighbourhoods in towns and villages. They soon formed a non-governmental organisation, the Hindu Welfare Society, which attempted to document the locations and requirements of their brethren. This body managed to stop another exodus after 23 Pandits were killed in Nadimarg village in early 2003. At the time, the demands of the Valley Pandits were simple: a house in a secure locality and jobs for 500 men and women. They were grateful for Muslim support and the main reason for their staying back was also the need to pursue a livelihood. Their only complaint: official apathy to their plight. Although the State Chief Secretary in 2005-2006, Vijay Bakaya, also a Pandit, was willing to lend them a ear, the State administration remained unresponsive.

### **Data and reality**

On June 21, 2008, on a visit to Srinagar, I met three large groups of Pandits who had stayed on in the Valley; two were from two groups of the Hindu Welfare Society, Kashmir (which had split by this time), and the third, from the KPSS. I had called for the meeting to urge them to come together to place their requirements before the government rather than pursue separate road maps.

I was presented an interim census report by the KPSS, and financed by members of the Pandit diaspora, covering 62 *mohallas* of Anantnag, Bandipore, Baramulla, Budgam, Ganderbal, Kulgam, Kupwara, Pulwama, Shopian and Srinagar, as well as a consolidated survey of land. The conclusions, although subject to reverification, were alarming. The number of Pandits in the Valley was just 3,000. While there was some record of buildings having been occupied by the security forces — houses for which the owners were receiving rent — there was no consolidated record of land and property of this group, which was of justiciable “*munsif*” quality. There was no record of the properties attached to temples, those encroached upon, those leased out, or under occupation. The groups

came up with varying data on unemployed youth, as their job prospects was a primary concern. On another occasion, they had spoken of children castigating parents for having stayed back in Kashmir. Sadly, I learnt that there were about 150 families in the outlying areas who faced penury. However, these numbers were not an unduly cumbersome figure as far as their employment potential in the State services in the Valley was concerned. I received a final list, of 200 young men and women, from the Hindu Welfare Society in April 2010.

“By 2003, the Pandits were scattered across 270 neighbourhoods in towns and villages.”

Let’s get back to the present. In a reply to a question asked recently in Parliament, the Union Minister of State for Home Affairs, Kiren Rijiju, said that the Centre had announced a package of Rs.1,618.40 crore in 2008 for the return and rehabilitation of migrant Kashmiri families, which included a grant for the purchase or construction of houses, renovation of damaged or dilapidated houses, construction of transit accommodation, and cash relief and employment. “The package is being implemented by the Jammu and Kashmir government and till now, one family has returned to the valley availing the benefit of Rs.7.5 lakh for construction of house,” Mr. Rijiju had said in a written reply.

Further, as many as 1,474 State government jobs had been provided to newly appointed migrant youths who stayed in newly constructed 1,010 transit accommodations in south, east and north Kashmir.

### **Central package**

In reply to another question, Mr. Rijiju said that at present, 60,452 families of Kashmiri migrants were registered in the country, of whom 38,119 were in Jammu, 19,338 in Delhi and 1,995 families in other States. Migrants mainly comprised Kashmiri Pandits and Sikhs.

This is the culmination of the Prime Minister's successive packages for the rehabilitation of Kashmiri Pandits, announced in 2004 and 2008. Along with ID cards being given to the migrants, these steps have brought them much needed recognition. In the first of these packages, 5,242 two-room tenements were constructed in Jammu, and 200 at Sheikhpora in Budgam district of the Valley. Of these 200 flats, initially constructed for migrants from the Valley, 31 have been allotted to local migrants within the Valley, including Pandits. But it didn't meet with success as Sheikhpora is not near the town.

This was acknowledged by Mufti Mohammad Sayeed in his last tenure as Chief Minister, when he said that there would no longer be communally exclusive townships. It doesn't require much imagination to realise that apart from the danger of ghettoisation, such a step would render the Pandit community vulnerable. But the present initiative, while building on the earlier ones, seems to have been arrived at without consultation with the community.

Even in the unlikely event of the Pandits resolving to return, the numbers provided by Mr. Rijju would scarcely overwhelm the Valley. However, what would those returning do? What does one do to earn a living? In 2012, as Chairman, National Institute of Technology (NIT), Srinagar, I had visited Jammu to request migrant teachers and staff to return to Srinagar, where the NIT had been headed by a Pandit. All of them rejected the idea.

The answer lies in going much further. What I told my Kashmiri interlocutors from Nai Basti, Anantnag, in 1990, still holds true. The ground situation in the Valley may not reflect a threat to returning Pandits, but it is the responsibility of Kashmiris within the Valley to reassure those returning of their welcome. There can be no quibbling over this.

There has been a long-standing demand for a Minorities Commission in the State along the lines of the National Commission for Minorities (NCM), and supported by at least two past Chairpersons of the NCM, including myself. The State government has been receptive but little has been done. This alone will not encourage the return of migrants.



In the long term, a meaningful plan for the State must include foreign direct investment and development in the form of the much-talked about smart cities, which can be the new townships. This will encourage young Kashmiris, many of whom have achieved excellence in their chosen fields, to invest and think of a new life in Kashmir, providing livelihoods and living space to others.

As peace returns in large measure to Kashmir, is it not time that it joins the rest of the country in marching ahead and in ushering in the economic revolution that all Indians look forward to?

(Wajahat Habibullah is the author of *My Kashmir: The Dying of the Light*.)

## **PUBLIC ADMINISTRATION**

ASIAN AGE, APR 17, 2015

**Government to review system of files rated as ‘secret’**

**Classification rules to change: powers will vest with joint secys**

In the midst of a rising storm over the classified files on Netaji Subhas Chandra Bose, the Narendra Modi government has decided to scrap the system under which almost all data in official files are marked as “secret” by officialdom. The Union home ministry is considering a change in the rules so that at least a joint secretary-level officer will take a call in all ministries/departments on whether a matter should be classified as secret, top secret, confidential or restricted.

At a meeting called by home secretary L.C. Goyal on Thursday with the law and DoPT secretaries, among the proposals discussed was upgrading the level of officers to decide on the classification of files. At present, an under secretary could decide the level of confidentiality, that led to most files being marked secret, sources said.

A high-level government panel has been set up to review the Raj-era Official Secrets Act, which defines the word “secret” and determines how files are classified. While the home ministry is treading cautiously, given the fears the security agencies have voiced in the past, the panel is keen to broaden the ambit of documents available to the public under the Right to Information Act, sources said.

With Prime Minister Narendra Modi pitching for greater transparency and accountability, Cabinet Secretary Ajit Seth has thrown his weight behind the move to review the OSA and directed the home secretary to undertake a full review, officials said.

The panel will take a fresh look at existing instructions for the classification of government documents, and a thorough review will be done for existing classified documents to determine which of these can now be safely declassified, they added.

The Centre’s efforts got an impetus as Netaji’s grand-nephew Surya Kumar Bose met Mr Modi in Berlin recently.

ECONOMIC TIMES, APR 17, 2015

**Legal identity for all is necessary for good governance**

**By Bjorn Lomborg**

Corruption last year cost the world more than \$1 trillion. That is a trillion dollars we can't use to get better healthcare, education, food and environment. A study shows that corruption in India costs each citizen \$87 each year. And corruption is only part of the problem of poor governance—many countries are run ineffectively, lacking accountability, transparency and rule of law.

Running countries better would have obvious benefits. It would not only reduce corruption but governments would provide more services the public wants and at better quality.

It is also likely that economic growth would increase. In a recent UN survey of 7 million people around the world, an honest and responsive government was fourth in the list of people's priorities, with only education and healthcare and better jobs being rated higher. Survey participants from South Asia even placed it third.

But how should we get better governance? This is an important question as the world is considering what goals to set. At the turn of the century, the international community agreed on a far-reaching set of targets to improve the lives of the world's poorest people by 2015: the Millennium Development Goals. They focused on health, poverty and education and did a great deal of good. But they didn't mention governance.

This September, the world's 193 nations aim to set the next set of targets for the year 2030. They want to look across all major areas, and they want to include some targets on good governance. Without it, tackling problems like nutrition and environment becomes harder—if there is corruption, most of the money for food may go elsewhere, and if there is little institutional control, ambitious environmental rules may just be flouted.

It is vitally important that we choose the best targets for 2030. To help the world's governments pick the best targets, my think tank, the Copenhagen Consensus Center, has asked 60 teams of experts to do an economic analysis of the more promising proposals,

showing which targets will cost little and do much good—and which ones will cost lots but do little good, essentially providing a level playing field to compare widely different targets.

Mary E Hilderbrand of the Center for International Development at Harvard has written the main paper on improving governance. As she points out, it is obvious that wellgoverned nations are better than illgoverned ones. But there is one major problem: we don't know much about how to get good governance. A study of 80 countries where the World Bank had programmes to improve governance showed that governance improved in 39% of countries but worsened in 25%—what could look like a moderate success.

However, all the countries the World Bank didn't help had similar success and failure rates—suggesting that the World Bank programmes had made no difference.

The simple point is that while everyone can agree it would be great to get rid of corruption and have more transparent and accountable government, we often know very little about how to achieve it. That is why proposed targets like “Substantially reduce corruption and bribery in all its forms” sound great, but are essentially well-meaning slogans with little content.

Indeed, Hilderbrand finds that many proposed targets are too generalised and some even a poor use of resources. However, she does find one target that would do a lot of good for each dollar spent. “By 2030, provide legal identify for all, including birth registration.” This may sound like a very unambitious step to those of us lucky enough to live in prosperous democracies where such things are taken for granted, but it would be a major step forward for many developing countries.

Importantly, this is a measurable outcome, so progress can be monitored. It also means that there must be functioning public services to provide registration facilities and maintain records. Building this capacity in a single well-defined area would provide a clear model for how other services can be provided effectively. It is also unlikely in any

case that a registration service would exist in a vacuum; an effective one would almost certainly be a sign of an emerging public service competence.

There are also real benefits to each citizen of having a proper legal identity. It helps them to claim their legal rights, for example, and would certainly also help to establish property rights, which are vital to allow individuals to prosper and the economy to grow. Elections become less vulnerable to corruption when voters are properly registered. And, as an economy grows, a proper legal identity is essential for opening a bank account or getting a driving license.

Good governance is important. But instead of platitudes we should focus on measurable, attainable targets that will actually make a big difference for the next 15 years.

(The author is Director of the Copenhagen Consensus Center)

## **RAILWAYS**

DECCAN HERALD, APR 20, 2015

### **IRCTC to offer baggage insurance for passengers**

In a move to provide passengers more facilities for booking tickets online, the Indian Railway Catering and Tourism Corporation (IRCTC) is planning to offer a new service of “baggage insurance” for them.

Under this, a customer will be offered additional services like insurance coverage for baggage while booking e-tickets on the IRCTC website.

As per the offer, the passenger can claim the insurance money in case of loss or theft of the baggage. Goods like laptop, mobile phone or any other valuable articles will be covered as part of the travel insurance package.

The tie-up is being formalised with the New India Assurance with the details being worked out. “We are formalising a tie-up with a leading insurance company for offering baggage insurance service to e-ticket customers,” said a senior IRCTC official, adding that “a customer will be given an option to avail the insurance coverage, which will not be mandatory”.

The insurance premium will depend on the length of the journey and also the class of travel. “We are trying to make the offer as the best travel insurance services for train passengers by including other options like hospitalisation during the journey,”he said. With over 2 million passengers travelling everyday and about 52 per cent opting for e-ticketing, IRCTC hopes that a significant section of passengers will opt for the insurance service.