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CIVIL SERVICE

TRIBUNE, AUG 10, 2016

Haryana employees to join nationwide strike on Sept 2

On a call by central trade unions, government employees held a state-level rally at HUDA Ground here today in protest against the “indifference” of the government to their long-pending demands.

Their demands include increase in minimum wages to Rs 18,000, implementation of labour laws, scrapping of contractual system in government and private sectors, regular jobs for contractual employees and permanent recruitment in all government departments.

The other demands pertained to registration of labourers involved in construction activities and provide them with smart cards.

The protesters, including several women, raised slogans against the government and announced to join the nationwide strike on September 2 if their demands were not met.

Employee union leaders — Amit Yadav, state president Indian National Trade Union Congress (INTUC); Baldev Ghanghas, president, All-India Trade Union Congress (AITUC); Jai Bhagwan, state general secretary, Centre of Indian Trade Unions (CITU); and Dharambir Phoghat, state president, Sarv Karamchari Sangh (SKS) — hit out at the government in their speeches.

Phoghat accused the government of not controlling inflation and said labourers should be provided with work throughout the year. He demanded that foreign direct investment (FDI) in all sectors should be stopped.

“The merger of the banks should be stopped,” said Yadav, adding the government’s attitude towards the demands was not sympathetic.

The leaders raised the issue of willful loan defaulters and demanded stringent legal action against them.

They criticised the government for imposing the Essential Services Maintenance Act (ESMA) on employees and said such kind of dictatorial decisions should be revoked.

They pledged to make the September 2 strike a success.

BUSINESS LINE, AUG 8, 2016

PMO makes staff salary public; IAS officer Khulbe highest paid

The monthly salary of all officers working in the Prime Minister's Office (PMO) has been made public as part of suo motu disclosure under the RTI Act with senior IAS officer Bhaskar Khulbe the highest paid at Rs. 2.01 lakh.

Khulbe, who is Secretary to the Prime Minister, gets a monthly remuneration of Rs. 2.01 lakh, according to details of the salary as on June one, 2016 put on the PMO website.

Nripendra Mishra, Principal Secretary to the PM, National Security Adviser Ajit Doval and P K Mishra, Additional Principal Secretary to Modi get Rs. 1,62,500 per month, plus pension, each. All these top bureaucrats are retired civil servants.

Six Joint Secretaries in the PMO — Tarun Bajaj, Vinay Mohan Kwatra, T V Somanathan, A K Sharma, Anurag Jain and Debashree Mukherjee — get a monthly salary ranging between Rs. 1.55 lakh and Rs. 1.77 lakh, it said.

Rajeev Topno and Sanjeev Kumar Singla, both private secretaries to the PM, get a monthly salary of Rs.1.46 lakh and Rs. 1.38 lakh respectively.

Sharat Chander, Information Officer, and J M Thakkar, Public Relations Officer in the PMO, get a monthly remuneration of Rs. 1.26 lakh and Rs. 99,000, respectively, according to the PMO website.

Five other bureaucrats including the PM's close aide Sanjay R Bhavsar, working as Officer on Special Duty (OSD) in the PMO, draws monthly remuneration of around Rs. 1.1 lakh, it said.

Besides Bhavsar, four other OSDs are Hiren Joshi, Pratik Doshi, Hemang Jani and Ashutosh Narayan Singh.

The PMO has also made public details of monthly remuneration given to Secretary to former Prime Ministers Atal Bihari Vajpayee and Manmohan Singh.

N C Jhingta, Secretary to Vajpayee, gets Rs. 1.42 lakh while G Muralidhar Pillay, Singh's Secretary, draws monthly remuneration of Rs. one lakh (plus pension), the PMO said.

These disclosures have been made under Section 4 of the Right to Information(RTI) Act that casts an obligation on all public authorities to suo motu disclose, among others, details of remuneration given to all its employees for the sake of transparency.

STATESMAN, AUG 10, 2016

Only for IAS officers - I

Tuktuk Ghosh

The Lok Pal and Lokayuktas Act, 2013, has been amended by Parliament. The Government acted with uncharacteristic urgency and introduced an amendment to Section 44 on 27 July in the

Lok Sabha, without it having been cleared by the Union Cabinet, by invoking Rule 12 of the Transaction of Business Rules. It was passed by voice-vote. The Section pertains to the contentious provision of declaration of assets and making them public. According to the Rules notified under the Act, every public servant shall file a declaration, information and annual returns about assets and liabilities as well as of his spouse and dependent children as on 31 March, before 31 July of that year.

The stand of the Government was that it was merely trying to facilitate the effective implementation of the Act and there was no intention or design to dilute it. The Bill now stands referred to the Standing Committee on Personnel, Public Grievances, Law and Justice, which is expected to submit its Report before the next session of Parliament. The deadline has, as a result, been deferred for the fifth time since the Act came into force in January 2014.

What triggered the amendment was the huge uproar at categorising of office-bearers of NGOs, Trusts and Philanthropic Foundations etc. as public servants if the entities received foreign funding of more than Rs 10 lakh or Government grant of more than Rs 1 crore. It must be acknowledged that the mobilisation against this categorisation, which was dubbed as an absurdity and a joke, was massive and tremendously impactful. It is not often that Government acts with such stupefying alacrity, though admittedly responding to grievances is what democracy is all about.

What stands out is the inescapable impression that Government beat a strategic retreat, at the very last hour in a bid to buy time, as it invariably does in sticky situations, faced with the combined clout of those who mattered in the political establishment and the corporate universe. Crucially, the crux of the problem, the definition of a public servant, remains tantalisingly ambiguous till the fresh legislative exercise is completed and consequential administrative follow-up action initiated.

Be that as it may, Government employees are indisputably public servants. They have also won a reprieve courtesy this brouhaha. However, it must be recorded that their consistent and unanimous articulation of strong reservations to the Rules in question since 2014 had not been met with quite the same palpable empathy as was on display this time around. Why the differential treatment? Many guesses may be hazarded.

As Government would have us believe, the fight against corruption is on. India still ranks a shameful 76 out of 168 in the latest Corruption Perception Index of Transparency International. Rules can be made even more stringent, as the Minister of State for Personnel announced while moving the amendment in the Lok Sabha. Almost in keeping with the spirit underlying this

proclamation and arguably to reiterate its earnestness, the DoPT has drawn up a set of instructions focussing exclusively on the Indian Administrative Service (IAS).

The premier Service has more than its fair share of virulent critics, within and outside the system. Submissions made against its guaranteed, assured edge over other Services to the 7th Central Pay Commission and the buzz around dismantling its privileged stranglehold on all key appointments have been commented on ad nauseam. So while the IAS itself may find it difficult to appreciate and accept this unwanted exclusivity, there may be very few on the outside who may even want to take note, as is evident from its skimpy coverage by the media.

Before the details are examined, it must be said that the underlying purport remains somewhat vague and lends credence to the raw gut-feel that it is, in essence, more of a muted prelude to something potentially disruptive of prevalent governance norms, prompted by an agenda not clearly discernible.

The DoPT website carries the draft Office Memorandum relating to processing of requests from private persons for sanction of prosecution of an IAS officer serving in the State Government/Central Government, under the Prevention of Corruption Act, 1988 (OM No. 142/16/2013- AVD 1-21.7.16). Comments and views have been sought from "stakeholders" by 12 August 2016. The context in which the OM has been framed is particularly interesting and resonates with the current debate around the definition of a public servant.

It recalls the judgment of the Supreme Court of 30 January 2012 in Civil Appeal No. 1193 of 2012 in Dr Subramanian Swamy versus Dr Manmohan Singh where it had been observed that there is no provision either in the PCA 1988 or Code of Criminal Procedure 1973, which bars a citizen from filing a complaint for prosecution of a public servant who is alleged to have committed an offence. It had further stated that if the Competent Authority is satisfied that the material placed before it is sufficient for prosecution of the public servant, then it is required to grant sanction. If the satisfaction of the Competent Authority is otherwise, then it can refuse sanction. In either case, the decision taken on the complaint made by a citizen is required to be communicated to him and if he feels aggrieved by such a decision, then he can avail appropriate legal remedy. It was also observed that in future every Competent Authority shall take action on the representation by a citizen for sanction of the prosecution of the public servant, so as to identify and obviate the areas causing delays in processing of such proposals.

In 2012, the Supreme Court was critical of the then PMO for not acting on Swamy's plea for over a year to prosecute the then Telecom Minister, A Raja, in the 2G Telecom scam. After six letters from him between 29 November 2008 and 13 March 2010, Government replied on 19 March

2010 that CBI had already lodged a case against unknown persons on 21 October 2009 and the question of sanction would only arise after completion of the investigation. This was not accepted by the Court. The judgment upheld the right of the citizen to seek sanction for prosecution of corrupt public servants.

From the facts of the case and the observations of the Court, there appear to be no compelling grounds for IAS-centric orders to be contemplated. The references have, all through, been to public servants and not specifically to the IAS . Hence the perplexity it has instantly evoked. It cannot justifiably be claimed that the maximum complaints from citizens relate to the IAS. If so, it would be a matter of grave alarm. Unfortunately, this is the negative, derogatory message that is likely to echo in the public mindscape -- inadvertently or otherwise.

(To be concluded)

The writer is a retired IAS officer and comments on governance issues.

STATESMAN, AUG 11, 2016

Only for IAS officers - II

Tuktuk Ghosh

There are no known precedents for Service-centred orders in matters of tackling corruption. Nor can it be the start of a new trend. To have a series of cloned orders for different Government services on an identical subject, lined up on multiple administrative assembly lines, is bizarre. Whether the OM has the concurrence of the IAS officers in the relevant decision-making chain is worth a probe. If yes, it will be an eye-popping surprise. If no, it may well be indicative of their creeping marginalisation in the broad scheme of things. In the interest of transparency, it is incumbent on the Government to be upfront about the core issue of the intriguing IAS-centricity. It cannot remain an "official secret" .

Whether or not the IAS Association has formally taken it up is not known . Perhaps it will. With the recent gag orders relating to social media, now neatly pigeon-holed into the All India Service (Conduct) Rules, it is not likely that serving officers will express individual opinions as freely as they may want to.

Having customised the instructions for the IAS, one would have expected to come across substantive content. Disappointingly, they deal merely with iteration and streamlining of existing procedures and guidelines of 28 July 2014 and 20 May 2016, rather than altering them in any fundamental sense. The minor change that can be detected is in directing the instructions more pointedly to the State Governments and Central Ministries, elaborating the steps to be followed

in drawing up preliminary and detailed Reports as well as informing complainants in the event of no prima facie case being made out of alleged misconduct.

However, it must be underscored that the time-line of three months, which is supposedly the highlight of the OM, does not relate to any of these processes which is where delays are located, more often than not, going by empirical and anecdotal evidence. It kicks in for the Competent Authority under Section 19 of the PCA , only from the date of receipt of complete proposals, with all relevant materials and Reports from the concerned State Governments/Central Ministries. The primary source and reasons for delay thus remain largely unaddressed.

DoPT would have done well to put out in the public domain the time ordinarily taken in putting together such Reports and grant of sanction for prosecution for IAS officers , in particular, to allow for a more nuanced understanding of the implications of these instructions.

The problem, as emerges from a simple reading of the draft instructions, is that citizens have been sending requests for sanction of prosecution without "proper proposal and supporting documents". These are more in the nature of complaints which cannot be acted upon. It is this perceived gap which is sought to be filled by getting the State Governments/Central Ministries to swing into a more energised, efficient investigative mode and put together actionable Reports for the Competent Authority in the Cadre Controlling Authority to sanction prosecution. Enhancing bureaucratic ease of functioning for the upper crust in the governmental hierarchy appears to be the more important consideration.

Surprisingly, though extremely vital, there is no institutional safeguard-mechanism provided to guarantee impeccable quality of the Reports, ensuring their transparency, as also enforcing accountability for their findings and recommendations. This missing link is very stark. The accompanying checklists which are meant to do the job, are essentially oriented towards procedural issues. Investigations en route to churning out Reports, are known to go along well-worn, predictable circuits. There can never be enough documents or evidence if the intention is not to nail the alleged wrong-doer.

On the flip side, the unending detective-act can end up as a handy, lethal weapon of career destruction in the already well stacked arsenal of the political executive, keeping officers perpetually on tenterhooks, to bring on a spirit-smashing, cave-in moment, as and when required. The plot seems to have been lost, almost deliberately so.

It would not require a wild leap of imagination from here to crash-land on a grim scenario of mushrooming, innovative start-ups specialising in designing "proper proposals, with complete

documentation" to back up complaints of all hues against IAS officers, who head virtually all Departments/Ministries in State and Central Governments. A vicious lynch-mentality may emerge, of which there is so much evidence around us today.

We have seen this with the RTI Act, its stupendous achievements notwithstanding. If there are major apprehensions of the inhibiting force of the 5 Cs and the sub-optimal performance they engender amongst IAS officers, Government must anticipate and stanch the dark spin-off effects of ill thought through exercises such as this.

All this should not be dismissed as over-analysis because of the IAS factor. There is a strange mix of the banal and inscrutable in the draft O M which does not quite add up. The timing raises unanswered questions about precisely what developments or thinking may have prompted it. In the absence of this critical input, it is akin to mindless squirting of quirky inanities that lead nowhere.

Amendment to the PCA 1988 is pending in Parliament. So is the Whistle Blowers Protection Amendment Bill. Where exactly do these blip-instructions fit in the perspective plan of the overarching legal and administrative architecture geared to rooting out deeply entrenched systemic corruption? SoS flags for a comprehensive review and total overhaul of this unwieldy and creakingly uncoordinated governance superstructure have gone largely unheeded, though they should have topped the priority list for Government.

Envisioning and working through transformational change is what the PM has tasked. While feedback may be collated from stakeholders, the draft should be either put on hold, in sync with the response to Section 44 of the Lokpal Act, pending more meticulous examination and openness, or simply pulled down. The inherently discordant, mixed signals stump instead of inspiring comfort or confidence.

It is not one Service but the all-out crusade against corruption that must always occupy centrestage. Continuing the lead in this historic crusade, it is imperative for IAS officers to affirm their dignity by rejecting this embedded unfair profiling.

(Concluded)

DEFENCE, NATINAL

TRIBUNE, AUG 13, 2016

Unhappy with 7th pay panel, armed forces write to Modi

Four key issues highlighted

- First, the 7th pay panel's recommendations have "artificially suppressed" salaries of the service officers. In each rank, service officers have ended up being lower in pay scales
- Second, non-acceptance of the demand for non-functional upgrade has widened the gap with other Central employees
- Third, the military service pay for junior commissioned officers and jawans should be Rs 10,000 instead of Rs 5,200
- Finally, the 7th pay panel's new formula for pension lowers the benefits of soldiers/officers with 100 per cent disability

Ajay Banerjee

Seeking a quick redress against shortcomings of the 7th Central Pay Commission (CPC), the three armed services — The Army, IAF and the Navy — have collectively written to Prime Minister Narendra Modi and Defence Minister Manohar Parrikar.

The Ministry of Defence (MoD) has not issued the notification in regard to enhanced pay like other Central Government employees, who will get higher wages from September 1. The notification has been held up as issues raised by the three services are being considered.

The three forces have recently sent a collective letter through the office of the Chairman of Chiefs of Staff Committee (CoSC) – the CoSC being the senior most among the Chiefs of the three services. Air Chief Marshall Arup Raha, the IAF Chief, is the present CoSC.

A letter from the services to Modi and Parrikar seeking better wages is not unprecedented. After the Sixth Pay Commission, the services had faced a similar "lowering of status". The then CoSC, Admiral Sureesh Mehta (now retired) had shot off a letter to the UPA-I regime. A high-powered committee was set up in 2008 under Pranab Mukerjee (then a minister in Manmohan Singh's Cabinet) to study the matter.

The services, in their letter, have pointed out four key issues that need to be addressed and lift the morale of the forces. The first is how the salaries of the service officers have been "artificially suppressed". The formula applied for basic pay fixation is different than the one applied to other Central Government employees. As a result, in each rank the service officers have ended up being lower in pay scales.

In the government, facilities like car, housing, or sanctions for air travel depend upon the basic pay.

The second is the non-acceptance of the demand for non-functional upgrade (NFU). After the last pay commission (the sixth), the government allowed “non-functional scale upgradation” and allowed Group-A officers to get the same scale as a Joint Secretary, but after 24 years of service.

Strangely, the armed forces are neither classified as group “A” services nor are they termed as “Central services” like the IAS or the IPS and did not get NFU. Now, with others getting NFU the gap gets widened.

The third issue is higher military service pay (MSP) for junior commissioned officers (JCOs). They rise from the lower ranks (jawans). The 7th CPC has clubbed the MSP of JCOs and jawans at Rs 5,200. The demand is to have it at Rs 10,000 for the JCOs. The MSP for officers between Lieutenant-rank and Brigadier-rank is common at Rs 15,500.

The fourth main issue is lowering of disability pension. As per the new formula, okayed by the 7th CPC, soldiers/officers with 100 per cent disability will see their pensions reduced from the current levels. However, in case of the disabled of other services their perks will rise.

In March this year, the MoD had conveyed to an empowered committee headed by the Cabinet Secretary that the status, pay and allowances of the armed forces be kept above all other “fighting” arms of the government. Defence Minister Manohar Parrikar had also taken up the case that issues of status, pay and allowances for the forces have to be paramount.

EDUCATION

ECONOMIC TIMES, AUG 10, 2016

MHRD's new project Vishwajeet aims to put IIT in top league of global rankings

NEW DELHI: It's called Project VISHWAJEET. The name — which means Conqueror of the Universe — may suggest it is a defence mission, but it isn't that. The project is aimed at catapulting Indian Institutes of Technology to the top league of global academic rankings. The game plan is currently being worked on at the Ministry of Human Resources Development. VISHWAJEET will aim to pick the IITs with greatest potential to climb up the global pecking order and then ensure close focus on them, backed with funding, so that they excel on all parameters. The IIT Council is set to discuss the plan with all IITs and other stakeholders at a meeting presided over by HRD Minister Prakash Javadekar on August 23. Among a handful of Indian institutes that figure on global listings like QS and Times, IITs are mostly ranked the highest. However, their positions on the overall global list aren't very enviable, standing mostly at 200 and below. The Indian Institute of Science was ahead of IITs at 147 in the 2015 QS World University Rankings. Five IITs made it to the rankings in 2015 with IITDelhi at 179, IITBombay at 202, IITMadras at 254, IITKanpur at 271 and IITKharagpur at 286. It is expected that IITs among the top 250 will be selected for Project VISHWAJEET. VISHWAJEET will focus on identifying on which parameters the chosen IITs may be lagging behind and work in a targeted manner to address the shortcoming. For instance, QS Rankings rates institutes based on six indicators: academic reputation, employer reputation, student-faculty ratio, citations per faculty, international faculty and student ratio. Times Higher Education rankings have a set of similar five performance criteria. Indian institutes typically fall behind on the internationalisation parameters and also academic reputation when seen globally. Minister Javadekar recently observed that the local institutes were lagging behind on the rankings due to "perception" issues. The IIT Council will also look at such associated issues like opening up the IITs to foreign students—a plan that is expected to take off with the JEE 2017 entrance test which will be held abroad as well. Other issues expected to be on the agenda are proposals to bring in a campus recruitment format for faculty to catch the pool of young and new PhD holders. Also in the works is a proposal to bring in a programme, Prime Minister's Research Fellows, to encourage research at IITs. The plan is to select the best of students to take up research, fund and invest in their research work and create an ecosystem for them at the IITs. The move is aimed at as much as

retaining the best talent at the local institutes as also boosting research and creating a new faculty pool. Special funding will be earmarked for this. Reforms in the M Tech admission system as well as better paid teaching assistantship formulas are also planned. Other topics to be discussed by the IIT Council include setting up of Tinkerers' Labs at all IITs and the conduct of JEE 2017.

DECCAN HERALD, AUG 10, 2016

A step backward

Rama Kant Agnihotri

Contemporary research has shown that multilingualism is an asset for language learning, scholastic achievement, cognitive growth and social tolerance

In the context of “language policy” (put in quotes because in reality we hardly have any), the ‘Report of the Committee for Evolution of the New Education Policy 2016’ (MHRD), in general, makes welcome observations, often borrowing from earlier formulations on the issues of language.

In many aspects it does echo the suggestions made in the earlier documents including the National Curriculum Framework of 2005 (NCF 2005) and the Position Papers on the Teaching of Indian Languages and on the Teaching of English, two of the NCERT’s National Focus Groups’ set of 21 papers that are constitutive of NCF 2005. However, in some significant ways it falls far short of NCF 2005.

To the extent the report recognizes the multilingual innate potential of a child (6.13.12), it deserves our appreciation as it does for noting that ‘even (my emphasis) differently-abled children who do not use the spoken language develop equally complex alternative sign and symbol systems for expression and communication with ease and facility’. One is not sure (note the ‘even’ above) whether Sign Language being not just a set of signs and gestures but as potent and communicative a rule-governed system as say Sanskrit or Hindi is recognized; one is also not sure whether the problems confronting the visually, orthopedically and mentally challenged persons are being fully appreciated. One does not need to recommend the creation of committees and commissions (9.24.25) for these purposes.

This is an area where problems and solutions are well recognized; the issue really is one of not appreciating the idea of inclusion in its true spirit. It is no rocket science to say that we should have a Signer in each class where needed; nor does it need an intensive five-year plan to suggest that books in Braille and software like Jaws and embossing facilities should be available at all sites irrespective of whether a visually impaired person is around or not (who knows who may need it when!!); again it should not be difficult to realise that it is not just the set of people presently called ‘disabled’ who need accessible physical and intellectual spaces. All of us do.

It is also commendable that the report recognizes that ‘primacy should be given to the mother tongue as the medium of instruction in the initial stages, before the child enters primary school. This is imperative, as repeated studies have indicated that basic concepts of language and

arithmetic are best learnt in one's mother tongue (6.13.13).' However, it is not just language and arithmetic but all systems of knowledge are transacted and constructed through language. And why should the use of mother tongues be limited to initial stages? Do we ever wish to adopt the agenda of making our own languages media of serious discourse or not?

More seriously, it is perhaps not appreciated that situations which are constituted by heterogeneity will not admit of any homogeneous solutions. If children are born with an innate multilingual potential and if India has such a diversity of languages, is it not obvious that each classroom will inevitably reflect that fluidity? The theory and pedagogical practices of such classrooms can then not be conceptualised in the terms of 'a language'; they will have to be thought through in terms of multilinguality. That in fact is the direction in which contemporary research is moving and NCF 2005 initiated that process in India also. Proficiency in Hindi, Oriya, English, Tamil or Angami will be achieved through the prism of multilinguality; the techniques of using that potential available in the classroom started emerging in the 1990s. In fact, contemporary research has shown that multilingualism is an asset for language learning, scholastic achievement, cognitive growth and social tolerance. The ultimate goal of any language teaching enterprise must therefore be enhancing proficiency in that language and nourishing multilingualism. That the study of Hindi and English needs to be encouraged is important. However, this has to be done not at the cost of the languages of children in the classroom but in a theoretical and pedagogical paradigm that sustains and promotes multilingualism. The basic tenet of multilinguality is that the voice of every child is equally important and must find a space in the classroom processes. All these aspects were explicitly recognized in NCF 2005 Position Papers.

Then there are issues of Sanskrit, Hindi, English and the Three Language Formula (TLF). There is no doubt that Sanskrit is an important language for a variety of reasons and needs special emphasis both as a classical and modern language (6.13.19 and 6.13.20). Yet, it may not be true to say that it is so for the whole country since a greater part of the South and North-East and the whole tribal belt across India may have very different priorities. One also needs to appreciate that our children may benefit equally from the study of say Greek or Persian. Coming to Hindi, the threat that members like Durgabai felt in the Constituent Assembly Debates (CAD) seems to persist when one hears that 'Hindi is the most prominent and wide-spread language in India (6.13.3)', though recognizing in the same breath that a large number of people counted therein actually speak the 'dialects of Hindi spoken in the Hindi belt, such as Braj Bhasha, Haryanvi, Bundeli, Kannauji, Hindustani, Awadhi, Bagheli and Chhattisgarhi'. Even a moment's reflection would make it clear that if at all these languages should be called the 'mothers' of Hindi than its dialects, which is a socially loaded, stigmatized word for a lay person.

There are also the issues of Hindi and English being the Official and Associate Official languages (6.13.4) and the 8th Schedule. The spirit in which the 8th schedule was created is perhaps misrepresented (6.13.6). It is important here to return to the CAD and realise that it was largely to accommodate the fears of the non-Hindi speakers that Hindi had to be recognized as the 'official' and not the 'national' language, the space for continuing English as an additional official language kept and the 8th schedule intelligently called just 'Languages' (not 'official' or 'regional' languages). Its strength has grown from 14 to 22 over a period of time not so much for any official or linguistic purposes as for political expediency, social identity, psychological

strength and a kind of national aura. In principle, it does not from the point of the constitution lend any special status to the language in question; any social group that makes the effort can have its language included in it.

So far English is concerned I think the time is ripe in India to put a question mark on the aura and power associated with it. Two aspects already indicated above concern education in the mother tongues and the cause of multilinguality. We will also need to appreciate the difference between the facts of the matter and the aura to create which the whole English language industry invests millions of dollars and sterling. English is neither the most widely spoken language nor the most powerful one either in India or abroad. It is projected as an aspirational goal (6.13.16) and is claimed to be the most powerful language of computers. A UNESCO 2009 study found that the number of English websites showed a yearly decline from 75 % to 45 % during 1996 and 2008 and it has not improved since. Languages like Chinese, French and German don't turn to English for help when working on the internet. In the case of number of web-pages multiplying during 2001-2011, the percentage increase in Chinese, Spanish and Russian has actually been far greater than English. We have languages like Bangla, Tamil, Marathi, Malayalam etc. (the count is really amazing); do we wish to empower them as languages of art, serious discourse and computers or keep celebrating the greatness of English at the cost of our languages. What is generally not appreciated is that if technology empowers X, it has the same potential to empower Y.

In the case of TLF, the Report does recognize the failure of the states to implement it and recommends that states ensure primary education in the mother tongue (which, given the classroom diversity), states should be allowed to choose their own second and third languages (6.13.26). However, why is there still an insistence on some kind of TLF, one does not understand. Perhaps we love our fossils more than our living beings.

(Having retired from the University of Delhi as Professor of Linguistics, the author is Professor Emeritus at Vidya Bhawan Society. He can be contacted at: agniirk@yahoo.com)

INDIAN EXPRESS, AUG 8, 2016

Allahabad school 'bans' national anthem; principal, 7 teachers quit

The order was passed by Mohammad Zia-ul Haq, Manager of MA Convent School in Sadiabad locality of Allahabad. Situated in the densely populated Muslim dominated locality, the school has a total of 330 students.

Written by **Ishita Mishra**

The principal said she was contemplating legal action against the school manager.

A private school in Allahabad has reportedly barred students from singing the national anthem, Vande Mataram or Saraswati Vandana during Independence Day celebrations on the ground that they are “un-Islamic”. Protesting against this, the principal of the school and seven other teachers resigned on Friday.

When contacted, Mohammad Zia-ul Haq, manager of M A Convent School in Sadiyabad locality of Allahabad district, said the decision was taken following objections from some Muslim parents.

“The national anthem has a line, ‘Bharat bhagya vidhata’, which is against Islam as Allah is our bhagya vidhata. How can we say Bharat has made our destiny,” he said. “In the national anthem, the country has been described as being bigger and more important than mazhab (religion) and khuda (god), which is unacceptable for any true Muslim,” said Haq.

“Even the Supreme Court has said that you cannot force anyone to do anything which is against their religion,” he said.

Haq said this was not the first time that the school had barred the national anthem, Vande Mataram and Saraswati Vandana. He said this has been the practice ever since the school was set up.

“The national anthem has never been sung on the school campus, and cannot be allowed as it is un-Islamic. I run a school and have to abide by the parents,” he said. “The teachers left the job as they had some other issues with the management,” claimed Haq.

However, the principal, who joined the school just over a year ago, differed. “The school has 200 Hindu students while the remaining 130 are Muslims. How can he ban the national anthem and

Vande Mataram citing religious reasons. I left the school as soon as I heard about this. Seven more teachers also left as this is not acceptable at all,” said the principal, who did not want to be named.

The principal said she was contemplating legal action against the school manager.

Meanwhile, Allahabad District Magistrate Sanjay Kumar said the school, which is till Class VIII, is not recognised. “I am going to take strict action against the school management. We will give them an opportunity to be heard. I am meeting the manager in the evening and will decide the next course of action,” said Kumar.

ELECTIONS

HINDUSTAN TIMES, AUG 9, 2016

It's time to hold simultaneous elections for Lok Sabha and state assemblies

M Venkaiah Naidu

Electoral reforms are crucial to enable governments to deliver and fast-track progress by ensuring that the wheels of administration move at a fast clip and do not get bogged down by prolonged elections.

Successive governments have been working towards making the conduct of elections free, fair and relatively seamless. As a result, electoral malpractices like rigging, booth capturing, impersonation and the use of money power have been curbed to a large extent.

However, one of the most worrying threats to our democracy is the brazen distribution of money by candidates to voters. A method has to be evolved to tackle this growing menace.

The lure of money can at times tip the balance in favour of a candidate who gets an unfair advantage vis-a-vis more able opponents with fewer monetary resources.

One of the crucial reforms that needs all-party consensus is the proposal to hold simultaneous elections to the Lok Sabha and state assemblies. Frequent elections, as we see today, disrupt governance by bringing development to a standstill. It is not only these, but elections to municipalities, panchayats or even cooperative keep the political parties and politicians occupied.

Prime Minister Narendra Modi had recently flagged the issue of simultaneous elections to Lok Sabha and state legislative assemblies and wanted the Election Commission to look into the feasibility of synchronising them. The main reason for this is that holding frequent elections imposes an onerous burden on the country's exchequer.

However some people have raised doubts about this proposal. It cannot be anybody's case that development will not suffer if frequent elections have to be held.

One of the negative fallouts of frequent elections is that political parties will always look for short-term gains through populist schemes rather than coming up with long-term, development-oriented programmes.

On countless occasions, the laying of foundation stones for important projects or even calling tenders have to be put off when the Model Code of Conduct comes into force. Similarly, no new schemes are announced and transfers are put on hold. On the face of it, these decisions might appear to be routine, but the virtual suspension of administration hampers development.

Former deputy prime minister and veteran BJP leader, LK Advani had once pointed out that for those running the government, this vast country of ours with its huge population “is in a perpetual election mode”. He had also observed how impending elections even in a remote corner of the country influences decision-making in New Delhi.

Advani had also met President Pranab Mukherjee and the then prime minister, Manmohan Singh and made a suggestion that both Lok Sabha and state assemblies should have fixed tenures and that there should be no midway dissolution of these institutions.

While simultaneous elections were held for Lok Sabha and state assemblies from 1952 to 1967, this process was disrupted from 1971 when the then prime minister Indira Gandhi dissolved the Lok Sabha and advanced the elections, which were scheduled to be held in 1972 along with state assemblies. This set in motion a long cycle of holding separate elections.

Regarding doubts on the feasibility of having fixed tenures for Lok Sabha and Assemblies in the context of a ruling party losing its majority in the House, I feel that after the no-confidence motion, a confidence motion should also be allowed. That is to express faith in an alternative dispensation to ensure that there is no breakdown in governance.

Simultaneous elections would also help in keeping down expenditure for both the government and the political parties. It would make political parties come out with distinct strategies for addressing national and local issues, making it easier for the voter to choose suitable candidates. The switch will also help leaders to devote time and energy towards good governance and development instead of bothering too much about electoral strategies.

It will be a huge task in terms of numbers and logistics. But there would not be a need to deploy security and election personnel time and again. Similarly, the need for duplication would be avoided when it comes to transporting polling material, EVMs and setting up polling booths, if the elections are held simultaneously.

My suggestion is to have a fixed timeline and wrap up all elections to the Lok Sabha, state assemblies, municipalities and panchayats within a month. Besides, the law should be amended to ensure that nobody has the right to postpone elections except under extraordinary circumstances like a threat to national security or an unprecedented natural calamity.

Holding elections at the grass-roots level should not be left to the whims and fancies of state governments. There have been numerous instances in states when municipal and panchayat elections were not held on one pretext or the other for several years. If democracy has to flourish, this kind of situation should not be allowed.

M Venkaiah Naidu is Union minister for urban development and information and broadcasting
The views expressed are personal

EUROPEAN UNION

TELEGRAPN, AUG 11, 2016

Life after Brexit: - Britain must now readjust its relationships with other countries

Krishnan Srinivasan

Britain joined the European Economic Community in 1973 when it comprised eight members and there was no political project of "ever closer union". The enthusiasm for more integration may now diminish but the recent past has revealed the European Union leadership at its worst; the European Commission president, Jean-Claude Juncker, said the split with Britain was "not an amicable divorce... there is no democratic choice against the European treaties", echoing the Brussels propensity to hold successive referenda "until they get it right" - twice in Denmark in 1992 and 1993, and twice in Ireland in 2001 and 2002. In 2005, the French rejected the Constitution, which was later finessed by the Lisbon Treaty and change of president. The Hungarian prime minister, Viktor Orbán, plans to hold a referendum on whether the EU has the right to prescribe a mandatory settlement of non-Hungarians there. If, as expected, the note is 'no', it is not clear how Brussels will react.

The plain fact is that the EU has never been popular in Britain and now is an exceptionally difficult time to convince any electorate about the merits of EU membership with the economic and human costs of preventing the collapse of the Eurozone, an anaemic growth rate, high unemployment and waves of refugees. Among many other EU members, a similar referendum would have produced a similar result.

Britain is made up of four distinct nations, three with devolved powers. Northern Ireland and Scotland voted to remain and Wales to leave. Does this mean that their distinct votes in the referendum must be respected? To remove Northern Ireland from Europe without its consent is politically risky, since the all-Ireland dimension of the 1998 peace agreement is fundamental and predicated on Britain and Ireland being members of the EU. The split along geographical, generational and class lines highlighted Britain's fault lines and the nation ended more divided than ever. This is reflected in the political parties: the majority enjoyed by the prime minister, Theresa May, is tenuous and her party fractured, the Labour Party has a bitter leadership contest and the big winner of Brexit, the leader of the United Kingdom Independence Party, Nigel Farage, was forced to resign by his party's leading financier and may end his politics in the House of Lords. The next general election in 2020 will be a *de facto* referendum on British relations with the EU, unless there is a second referendum before then.

More than two-and-a-half million people have petitioned Westminster against the referendum result and three quarters of the current Parliament is in favour of Remain. The high court is now hearing a case to determine between popular sovereignty or parliamentary sovereignty.

There is uncertainty about Britain's next moves. May's government will have to negotiate with the devolved regions even before it negotiates with Brussels. It will be hard to seek membership

of the European Economic Area, which is the integrated market, because, judging from Norwegian and Swiss precedents, even a customized trade agreement will involve contributing to the EU budget and accepting free movement of labour. Some EU members have already warned Britain that free movement of people is a Lisbon Charter-based right and precondition for access to the single market. But only a sharp reduction in immigration will satisfy the British public. The United Kingdom is the favoured destination for the rest of the EU owing to its higher minimum wage, generous welfare benefits and the English language which is the second language of the rest of Europe. The difference between Britain and Europe with regard to immigrants is that the UK fears more immigration from the EU because of free movement of labour but Europe's concerns are concentrated on the mainly Muslim influx from the wider Middle East.

What lies ahead is a thorny and unprecedented renegotiation of Britain's relationship with its neighbours. The UK will have to decide when to signal its intention to leave and start negotiation, and cannot be rushed. Germany and France have elections next year, and May has indicated that the start date will not be this year. While there is a two-year period envisaged for the exit negotiations, it is extendable by the heads of EU member states. Owing to Britain's considerable weight and the transatlantic alliance, the EU will want to maintain strong links, including trade ties, with Britain. Big economies like Germany and France wish to avoid disruptions to market and financial conditions.

The counter impulse is from the French government, which wants to drive a hard bargain to outflank the rising influence of Marine Le Pen's Eurosceptic National Front. Paris also has covetous eyes on London's financial business, which generates 22 per cent of Britain's gross domestic product with only 13 per cent of the population. Exit negotiations may drag along for many years and much can happen in the interim. Apart from trade, among the many issues that will have to be renegotiated are agriculture and fisheries, visa-free travel, mobile tariffs and air services. In the end, Charter revision may not prove impossible because other members would welcome reconsideration of some provisions.

Other countries, such as Greece, seeking to leave the EU is unlikely unless a governing party, or a considerable percentage thereof, seeks to leave. Since it is a member of the Eurozone this seems even less likely. So this is an improbable prospect in spite of the growth of populist parties that seek to take over the governments in Germany, Italy and France. Conversely, Scotland leaving the UK to join Europe will not appeal to the many EU members who fear separatism.

Britain's departure from the EU will create problems for countries like China and India, which have invested heavily in Britain. Relations between the EU and major Asian economies have been dominated by trade and commercial policy, and its internal problems will affect its foreign initiatives. It will have less bargaining power and, as uncertainty breeds protectionism, this will affect its overseas investment.

The Indian government and business are weighing the developments, along with anxieties about Brexit's effects on global growth. India will have to negotiate a new basis of commerce with its important trade and investment partner, but this cannot happen before London's own

negotiations with the EU are concluded. Indian business tycoons have divided opinions; some hope for a reduction of UK tariffs and non-tariff barriers as a result of Britain renouncing EU standards, while others who had invested in the UK with an eye to exporting to the integrated market, may be forced to relocate. India is the third biggest investor in the UK at a higher value than in the rest of Europe combined, and employs over one lakh people. The seven-year-old draft of a trade agreement between India and the EU will not be expedited by Britain's departure. A change in the exchange rate with the sterling losing value will make British exports and inward tourism to Britain more competitive. There will be no change in access by visitors to Britain since visas were needed previously, and family reunions will not be affected. Nor will the rupee dominated funds launched in the UK. The introduction of a points-based work permit system should help Indian professionals to enter Britain in fields like engineering, medicine and information technology, and give them an advantage over less qualified EU citizens, but the 18,000 students will face more stringent requirements for residence.

The Commonwealth connection will gain prominence. Like Indians, Commonwealth citizens will benefit in access to jobs in Britain. The Commonwealth will receive more attention from Whitehall after decades of neglect, attributed by some to the priority given to the EU. There are many voices in the Leave camp urging a greater focus on trade with traditional partners in the Commonwealth, which now amounts to 10 per cent of British exports, but the system of British 'Commonwealth preference' enjoyed by Commonwealth countries before Britain joined the EEC is not likely to be revived unless there is a complete breakdown in the EU-UK negotiation.

The author is a former foreign secretary of India

TELEGRAPH, AUG 13, 2016

Far too many others : - Brexit has led to a baleful focus on non-EU immigrants

Sunanda K. Datta-Ray

He assumed I regretted going back. No, I assured him, I had been holidaying in Britain, and was glad to be returning home. We need visitors like you, he said, and seizing my hand, pumped it vigorously. We were sharing a couch in the scandal-ridden, now-disappearing British Home Stores, waiting for our spouses.

He pushed a trolley in a North London supermarket and his reasoning reflected the attitude of British and American immigration officers, as Zia Haider Rahman's monumental 2014 novel, *In the Light of What We Know*, makes clear. I discovered in 1968 when I represented my newspaper in London that the late Lord David Ennals, the Labour politician who was then parliamentary under-secretary of state for home affairs, also thought like them. I described to Ennals the hassles I had to face in entering the country because the British still pretended the Commonwealth was one happy family whose citizens didn't need a visa. Britain's representative in Calcutta had given me an utterly meaningless "entry certificate" which warned it didn't

guarantee entry. Heathrow officials took no notice of it. Indeed, judging by their prolonged and searching questions, they seemed to view it with the deepest suspicion.

Ennals wasn't discomfited. Now, I could stay in Britain for the rest of my life, he declared as if conferring a favour. I could not, I retorted, showing him the six-month permission stamped in my passport. Nor did I want to. Had I intended to settle in Britain, I could have done so many years earlier after university or, later, after my first reporting jobs in British newspapers. A British passport could then be had virtually over the counter. But while I enjoy travel, especially to and in Britain, it's on my own terms. The immigrant's rootlessness has never attracted me. That was something Ennals, like the North London trolleyman and Britain's Border Force, couldn't understand. They were convinced good foreigners hope to go to London before they die. Given Mamata Banerjee's effusions, the stereotype may not be too far off the mark.

Not surprisingly, that assessment of Third World yearning breeds a certain contempt that was evident in the two comments quoted above. It prompted the recent demonstration in Newcastle upon Tyne with placards reading "Stop Immigration. Start Repatriation". Nearby Hartlepool indicated the connection between leaving the European Union and anti-foreigner sentiment. Hartlepool recorded one of the biggest margins of victory for the Leave campaign. It's also one of the country's most deprived regions. When ordinary people in such places are asked to identify the most important issues in their lives, they seldom mention Europe, sovereignty or multiculturalism. They speak of immigration, the National Health Service and the economy.

It is assumed such areas think the solution to poverty lies in reducing the number of outsiders who eat into the welfare and employment cakes. Even if the answer lies in injecting more funds to revitalize industry, create more jobs and upgrade the infrastructure, the obvious first step seems to be to cut numbers on a last-in-first-out basis. Hence the recorded rise in hate crimes, the "go back to your country" graffiti, the praise for China, Japan and South Korea whose high growth is attributed to excluding foreigners, and the campaign to ban veils and sharia courts and keep out Muslims. Incidents of anti-Semitism went up by 11 per cent in the first six months of this year. Jeremy Corbyn's recommendation of a peerage for the distinguished human rights lawyer, Shami Chakrabarti, has drawn criticism because her report on-Semitism in the Labour Party is thought to whitewash the problem. David Cameron's target of rehabilitating 20,000 Syrian refugees by 2020 is unlikely to be realized.

Rahman makes the American-born ethnic Pakistani in his novel say the closest he comes to feeling American "is when a US immigration officer snaps the navy blue passport shut and hands it back with a smile and with the greeting, 'Welcome home.'" British immigration officers can also smile. When my wife's fingerprint proved elusive — all that housework, she maintains — on our return from Oslo, the bearded Asian immigration officer at Heathrow told us of a 95-year-old Chinese woman whose fingers were also smooth as silk. "She was hardly a terrorist but I had to keep her until I got a print!" But as Rahman's narrator, who also has British and Pakistani passports, says, "If an immigration officer at Heathrow had ever said 'Welcome home' to me, I would have given my life for England, for my country, there and then. I could kill for an England like that."

Immigration officials, members of Britain's Border Force, are not important in themselves. Their

significance lies in reflecting lower middle class prejudices and also perhaps in providing a clue to aspects of official thinking that cannot be articulated, certainly not at a time when India is reportedly eager to conclude deals with non-EU Britain. Rahman didn't take that into account. He is also blissfully unaware of the alleged vulnerability of immigration officials who need protection from violently aggressive passengers. A prominently displayed notice warns that "Abuse Will Not Be Tolerated". Under it is the solemn reminder that Her Majesty's government takes "extremely seriously" any attempt to "intimidate" the staff "by verbal or physical abuse". Passengers who run amok are threatened with prosecution, imprisonment or fines. Another official communication "We Welcome Your Feedback: Border Force Complaints and Compliments" allows passengers to pour out their thoughts in a generous 16 lines across two columns. But can dumb insolence or the unnerving effect of loaded questions, innuendoes, intrusiveness and sarcasm be so neatly capsuled? It's ironical that a sour or surly reception by a Border Force that seems unwilling to accept that not every Afro-Asian visitor is potentially an illegal immigrant or that Britain needs the money foreigners spend — should contrast so sharply with the warmth beyond the airport. I use a cane sometimes and am overwhelmed by the offers of help from complete strangers on buses and trains.

It was enjoyable, therefore, to find immigration officials out of their depth when they were forced to deal with Asians in an atypical situation when my wife and I landed at Southampton from a cruise ship we had boarded in Lisbon. The other passengers being all British or American, there were no landing cards, fingerprinting machines or computers to call up history. No wonder the immigration official looked uncomfortable. As unprepared for us as Britain is about leaving the EU, he had to accept what we said and let us through. It must have been galling for a tribe that once marched in support of Enoch Powell chanting "Six, seven, eight, We shall not integrate!" Our driver had a pragmatic explanation.

Immigration knows only the rich go on cruises. So they take it easy in Southampton." If so, it was a battle between instinct and reason. Sir Owain Jenkins, who spent 29 years in Calcutta with Balmer Lawrie, quotes a former colleague of mine, Shree Krishna, telling him after visiting London in 1956, "Far too many coloured people, far too many." Shree Krishna "went on to talk about empires in decline and Imperial Rome crowded with barbarians — 'the Forum blue with Britons'. Then he turned to me as the only Englishman present: 'All right now with full employment. But when jobs are scarce there will be trouble. It won't be good for us — and it won't be good for you. You must stop it'".

Nobody did, Jenkins laments, "the more's the pity, and today — in 1986 — Shree Krishna's prediction is all too well fulfilled". That was 30 years ago. EU membership hadn't yet intensified anti-foreigner feeling. Nor had withdrawal from the union focussed baleful attention on non-EU immigration.

JUDICIARY

HINDUSTAN TIMES, AUG 10, 2016

Judicial overreach: It's the order of the day

Fali S Nariman

In England, excessive judicial interference with executive action is called 'judicial activism', a leading lawyer there once poked fun at the Judges. Adapting Lord Acton's hackneyed dictum: "Power tends to corrupt, and absolute power corrupts absolutely" was for those who indulged in too much judicial activism.

In India, excessive judicial interference with laws and executive action is called 'judicial overreach', an expression used by Manmohan Singh, the former prime minister. In my experience, however, the expression is used pejoratively by governments — Central and state — and by other public bodies only when they lose their cases in courts. When they win (a more frequent occurrence), they ought to but do not praise the judges for their judicial rectitude.

The complaint is that a written Constitution (like ours) that confers power on courts to strike down laws made by Parliament and state legislatures is undemocratic; it is said that it enables unelected judges to thwart the will of the people expressed through their elected representatives. There is something to be said for this complaint, but in my view it is too late to ventilate it.

For 66 years, we have been working (or trying our best to work) a Constitution — federal in nature — with subjects of legislation separately allocated to the states and to the Union. The Constitution also contains a chapter on Fundamental Rights (Part III): All laws and all executive action inconsistent with its provisions are declared (by the Constitution) to be "void". There has to be a final arbiter who must decide this, and under the Constitution, the arbiter is the courts — high courts and the Supreme Court.

The real reason, for 'judicial overreach' is, that since all power grows by what it feeds on, judicial power also tends to grow by accretion; by the indifference or ineptitude of Constitutional bodies — set up to pass laws and to deliberate on vital affairs of the State — of not being able to effectively do so. 'Judicial overreach' then is the direct result of legislative as well as executive neglect or inaction: Poor and dilatory performance, not only in the making of laws, but also in their implementation.

If judges need to introspect on the excessive use of ‘judicial review’ (and I agree that some of them do need to reflect) our lawmakers, in turn, also need to ask themselves whether they are fulfilling the aspirations of the people who have put them in the driving seats of governance.

In India’s constitutional history, the experience of judicial power has been vacillating — expanding at times, contracting at other times. During the Emergency (June 1975 to March 1977), it had contracted to almost a vanishing point, thanks or rather no thanks to the majority judgment in ADM Jabalpur (1976). But the role of Parliament has not been all that heroic either. After Article 31B and the Ninth Schedule were added to the Constitution (by the First Constitutional (Amendment) Act of 1951): All laws — whether Central or State — which Parliament chose to place in the Ninth Schedule, received absolute constitutional immunity; they were immune from all judicial reviews, even where such laws violated fundamental rights, and even when such laws had been already struck down by the courts. All such laws got automatically revived “notwithstanding any judgment decree or order of any court or tribunal”. This total denial of judicial review was tolerated (over the years) only because its sole purpose was to save from constitutional challenge the take-over by the State of large tracts of land held by zamindars (and the like); and the vast majority of laws inserted in the Ninth Schedule were land reform laws.

But when it was held that on a textual interpretation of Article 31B, laws that were placed in the Ninth Schedule were not confined solely to land reform laws, Parliament and the government of the day did something which was contrary to the spirit of a liberal Constitution: The dreaded, internal security law MISA (1971) was placed in the Ninth Schedule, making its noxious provisions impervious to all judicial review. Parliament also enacted the Prevention of Publication of Objectionable Matter Act 1976, and also placed it in the Ninth Schedule: It was a law avowedly to control and muzzle the free press. It was only when the Janata government came to power in March 1977 (after the end of the Emergency), that the new Parliament (in a fortuitous moment of legislative wisdom) deleted MISA from the Ninth Schedule, and wholly repealed the ‘Press Gagging Act’ (as that law came to be known).

In India, every law, every action of officers of State and of public bodies is within the reach of the courts’ ample jurisdiction under Articles 32 and 226 of the Constitution. There is therefore no judicial ‘overreach’. There are only instances of excessive, sometimes unwarranted, interference with laws and governmental action. But the fact is that judicial review of all laws, and all

governmental action, has come to stay — having been authoritatively declared to be a basic feature of the Constitution — not amenable to the Amending Power in Article 368.

Fali S Nariman is eminent constitutional jurist. The views expressed are personal

PARLIAMENT

ECONOMIC TIMES, AUG 12, 2016

A new Sansad Bhavan won't be a repository of our history, freedom struggle

By Neerja Chowdhury

When Sumitra Mahajan, the Speaker of the Lok Sabha, wrote to the central government last December mooted the idea of a new Parliament building, few lawmakers paid serious attention.

After all, her predecessor Meira Kumar had floated the idea and nothing had come of it. Suddenly last week, however, the urban development ministry reportedly supported Mahajan's proposal. Some members of Parliament reckon the idea is to provide additional office space but Mahajan has actually recommended building a new Parliament building, either on the present site or across Rajpath.

The ministry apparently favours locating it near Vayu Bhavan with a tunnel connecting it to the present one.

Kissa Kursi Ka

Her reasons are threefold. First, the 88-year-old building is showing signs of 'distress'.

Second, the chambers housing the Lok Sabha and Rajya Sabha will be unable to accommodate additional MPs after the 2026 delimitation exercise after the 2021 census. Third, more space is needed given the requirements of parliamentary committees, visitors, officials and the security apparatus. Let us examine all the three arguments for an expensive new Sansad Bhavan, though the estimated cost has not been spelt out.

Even when the present Parliament House was proposed a century ago, many had argued against it on the grounds of prohibitive costs. Even today, many would make an economic argument against it; besides, just running the Parliament costs about Rs 29,000 a minute.

Despite persisting income disparities, India is not a poor economy today and our parliamentary democracy is too precious to be weighed only against money anyway. But it goes without saying that taxpayers' money must be used judiciously. The cost argument, however, only deflects from

the main reason why the Parliament should not be relocated. The more compelling reason against a new Parliament building is the historic and iconic character of the present Sansad Bhavan that represents, in the words of a parliamentarian, “the very spirit and soul of India”.

Its round sandstone structure symbolises the world’s largest democracy — for all its shortcomings and challenges — with our national elections representing the biggest organisational exercise in the world. It still creates a sense of awe in many parts of the world that a poor backward nation embraced parliamentary democracy in 1947 and has surged forward ever since.

The present Parliament building may be showing signs of ‘distress’ but this is not an insurmountable problem given the capabilities of modern technology. The Senate and Congress building on Capitol Hill in Washington DC date back to 1793 but are still going strong with proper repairs and extensions. So also Westminster, which houses British Parliament. No new building was even suggested though the Houses of Parliament were destroyed twice: in 1834 and 1940. In 2026, the Lok Sabha strength may well increase but is there really a need to earmark a seat for each MP? This is not the case in the House of Commons in Britain. Front rows are ‘reserved’ (but only by convention) for leading government and opposition functionaries. Otherwise, MPs can sit anywhere.

Shifting House

Rare are the occasions when our Lok Sabha is full.

There was a time when the presentation of the Budget would see the house crammed with MPs; that is not the case today and quorum bells have become frequent. In the event of a confidence motion, why not just put additional chairs on the sides and back of the Lok Sabha chamber? Even if the strength of the Lok Sabha doubles, can’t the Central Hall — where the Constituent Assembly had its first meeting — be converted into the Lok Sabha and the present Lok Sabha into the Upper House? These are not new ideas. They were talked about when the idea of giving one-third reservation to women was being debated. One of the possibilities under discussion then was to have each constituency, given their burgeoning size, represented by a man and a woman.

The ill-designed Library Building is underutilised; so is the Parliament Annexe. As it is, a huge structure is under construction near the Parliament Annexe to house additional offices. If there is further need, a multistorey state-of-the-art building can be constructed on the present site in place of the large car park that can be relocated underground.

Every Lok Sabha Speaker would want to leave her imprint on Parliament. What happens to the Parliament building concerns not just the government but also the Opposition. It requires a wide-ranging debate and all-round consultations to address genuine needs and decide what should remain untouched. So far, neither the government nor the Speaker's Office has provided concrete information on what basis this 'need' has been determined. At least, it has not been put in the public domain. History gives a nation its identity.

The Parliament building is a repository of India's history, struggle for freedom, efforts at nation-building and the sacrifice of the tall and notso-tall figures who have made the country what it is today. Sansad Bhavan symbolises all this. And symbols play no small role in keeping a nation's spirits high.

POLITICS AND GOVERNMENT

TELEGRAPH, AUG 12, 2016

A separate demand- Politicians must face up to the present realities in Kashmir

Swapan Dasgupta

Those familiar with the Indian experiences with insurgencies may have noticed the recurrence of some catchphrases and keywords. The need to "win the hearts and minds" of the local population, the importance of assuaging the hurt "psyche" and, subsequently, to apply the "healing touch" are familiar features of political and well-meaning interventions. We saw this during the decade-long Punjab troubles in the aftermath of Operation Blue Star, the assassination of Indira Gandhi and the anti-Sikh riots. In the case of the Kashmir Valley that erupted after the kidnapping of Rubaiya Sayeed in 1989 and the ethnic cleansing of Kashmiri Pandits, the platitudes were combined with pleas for even greater regional autonomy and the reversion to the state's pre-1953 status.

The past 33 days, since the death and funeral of the Hizbul Mujahideen commander, Burhan Wani, have once again witnessed turmoil and turbulence in the Kashmir Valley. The mass demonstrations of people clamouring for '*azadi*', the bouts of stone pelting, the death of more than 50 demonstrators and the grievous eye injuries caused by 'pellet guns' have created considerable concern in India. It prompted a day-long debate in the Rajya Sabha and forced the government to convene an all-party meeting on August 12 which the prime minister, Narendra Modi, will attend. There are expectations that an all-party delegation may, in due course, travel to Srinagar to engage with local politicians and members of civil society.

That the political class should be agitated over the resumption of curfews, stone pelting and the creation of new martyrs that fuel victimhood is understandable. In spite of the criticisms of a democracy that is said to look the other way on issues centred on national security, the reality is of a political class that misses no opportunity to score political points. Some of this was in evidence in the parliamentary debate when, in spite of the appeals to speak in one voice, the leaders of political parties missed no opportunity to take sideswipes at their opponents.

Much more than the snide asides, there were two facets of the debate that I found disturbing. There was, to begin with, a dreary repetition of all the old clichés, including the overuse of *Kashmiriyat*. Secondly, in clinging to old shibboleths, many of the politicians seemed intent on turning their faces away from some cruel realities.

It is the second issue that should be of concern. For a very long time, the political debate on Jammu and Kashmir has centred on the demand for more regional autonomy and an insistence that the special status conferred by Article 370 is left uncompromisingly intact. In the past, the two main regional parties - the Abdullah family-led National Conference and the Mufti family-led People's Democratic Party - have at various points made greater autonomy their political plank. On the other hand, the two national parties in the region, the Congress

and the Bharatiya Janata Party, have underplayed this dimension. The BJP, in particular, has always proudly flaunted its traditional opposition to any special status for Jammu and Kashmir on the ground that it was inimical to national integration. The party's participation in a coalition government with the PDP may have prompted a tactical silence on Article 370 but the party's pro-integrationist stand remains intact.

Yet, for the moment, this debate about regional autonomy has become strikingly irrelevant. Apart from a few Left leaders who speak about India's record of 'betrayal' of commitments to bless Jammu and Kashmir with exceptional autonomy, the federal issue has not really featured in the recent debate on Kashmir. The debate has largely been on either State excesses or 'azadi'. This is a dangerous development. As late as last year, there were emerging strains in the PDP-BJP relationship over the alleged non-fulfilment of a generous financial 'package' from the Centre. Last Tuesday, following the assertion of the prime minister, Modi, that he would rather see Kashmiri youngsters carry books and laptops than hurl stones, an indignant former chief minister, Omar Abdullah, expressed his disappointment that the Kashmir troubles were being posited as a development issue. In a tweet that left his own stand delightfully ambivalent, Abdullah posted: "Azadi that PM spoke of not the Azadi protestors want. They want Azadi from India..."

Regardless of his own position on the issue, Abdullah was at least trying to shed some light on the nature of the present movement that began with the death of the glamour boy of the terrorist movement. All ground reports, particularly from the smaller towns in south Kashmir, quite clearly indicate that the protesters have embraced both separatism and Pakistan with visible enthusiasm. In a revealing media report from Quimoh, the main market town of Kulgam district, there is a description of the frenzied pro-Hurriyat Conference and pro-Pakistan rhetoric. The report quotes Habibullah Badami, a religious leader linked to the separatist Hurriyat Conference as telling his congregation: "We are all together and we will fight... for Azadi. They (India) want to establish Pandit colonies here, India wants to set up Sainik colonies, and we are not feeling safe in Kashmir."

The point to note is not the untruths and the exaggeration but the fact that the anti-India movement has graduated one big step higher. In social media intervention, Syed Ali Shah Geelani, a veteran separatist leader of the Jamaat-e-Islami and a force in the Hurriyat Conference, posted: "Army, BSF, CRPF, JK armed police, it's all same to us... They are the face of occupation." Geelani approvingly quoted a media report where one protester is reported to have declaimed: "We want to demolish every symbol of the Indian state and whosoever represents it."

Indeed, it has become fashionable in certain circles for Kashmiri intellectuals to quite openly embrace separatism. The writer, Basharat Peer, who earlier functioned as an India facilitator for the *New York Times* (whose hatred of the present dispensation in Delhi is visceral) wrote on Facebook: "Eleven funerals today in Kashmir. One day, one blessed day we will perform the last rites of this brutal occupation." What is noteworthy is the bid by the separatists to use the imagery and language of the Palestinian movement, knowing well that this appeals to a certain section of the permanently aggrieved in the West.

What is not equally highlighted are two additional facets. There is, first, the rampant misuse of religious places, particularly mosques, for separatist mobilization. This was highlighted by the chief minister, Mehbooba Mufti, in an angry speech she delivered at Baramulla on August 2, a speech that, curiously, was blanked out of the mainstream media. Secondly, the explicitly pro-Pakistan turn the separatist movement has taken. Contrary to a simplistic misconception that '*azadi*' stands for Kashmiri independence - the proverbial third alternative - the cruel alternative is that the shambolic state of Pakistan appears as the new Islamist utopia.

These realities in Kashmir have to be faced up to by a political class that still lives in the past and still talks of *Kashmiriyat* as a benevolent form of Sufi culture that blends enlightened practices from multiple faiths.

It is good to try and "separate the people from the separatists", as a communist leader put it. Indeed, the political isolation of the hard core separatists from those who are merely swimming with the tide is imperative. But what Punjab and earlier experiences in the Kashmir Valley clearly point out is that no political recovery is possible until the State regains control.

It is good to talk but it is better to talk from a position of strength.

PUBLIC ADMINISTRATION

TELEGRAPH, AUG 8, 2016

Modi and vigilantism- The good *gau rakshak*

Mukul Kesavan

The prime minister's 'town hall' meeting was intended to showcase the way in which Narendra Modi had brought governance to the people through initiatives like MyGov and apps that allowed citizens to communicate digitally with the Prime Minister's Office. It was Modi's prime time commercial for himself. Above the prime minister, as part of the stage setting was an electronic screen that juxtaposed Modi's photograph with the MyGov logo; the aura of sole proprietorship that is the prime minister's signature political style was neatly (if unintentionally) captured by that graphic.

The event's news-making moment was Modi's criticism of vigilante *gau rakshaks*. These men, said the prime minister, were bad people who were wicked by night but who, come daylight, donned the mantle of cow-protection. He asked state governments to compile dossiers on these so-called *gau rakshak* groups. In passing, the prime minister gave his listeners a short glossary of terms that would help them distinguish between real cow-protectors and these impersonators. *Gau-bhakt*s and *gau sewaks* were genuinely committed to the care and nurture of cows while the scoundrels who styled themselves *gau rakshaks* used the piety of that designation to harass others.

This was a potentially important moment. From the time Mohammad Akhlaque was lynched in Uttar Pradesh for allegedly eating beef to the leisurely caning of a Dalit family in Gujarat for skinning a dead cow, Modi had treated vigilante atrocities as white noise, as static to be tuned out. Earlier in his speech he had seemed to double down on this Olympian position when he complained about an editorial tendency to blame the prime minister for everything. Bad things that happened in *panchayati* and municipal jurisdictions were blamed on him. Failings that were properly the responsibility of state governments were laid at the prime minister's door. This was wrong; it weakened the system by not holding the proper tier of government to account for its failings.

This passive-aggressive lament about being blamed for things that were below his pay grade didn't suggest that Modi was going to unbend enough to notice cow-vigilantism, but he did. It made him so angry, he said. People were setting up shop, he said, in the name of cow-protection. Many more cows died from eating plastic waste than were slaughtered. The prime minister told us a story about the time he had organized a cattle camp in Gujarat and found two buckets of plastic waste in a cow's stomach. The real problem was plastic waste...

Except that the real problem isn't plastic waste. Modi got it right the first time. The real problem

is people setting up political shop in the name of *gau raksha*. People like Modi. People like ministers in his cabinet, Haryana's chief minister, MPs and MLAs, sangh parivar associates, who, through the general election campaign of 2014, in the aftermath of the lynchings of 2015 and in the run-up to the provincial elections in Bihar, spoke darkly of a 'pink revolution' in north India, created ferocious anti-cow-slaughter laws, blamed dead men and their families for provoking righteous Hindu wrath and used the cow for a single political end, Hindu consolidation.

The political shop in question is a pan-Indian behemoth. The *sangh parivar* built the cow-protection brand; the lumpen who use it as their calling card are its franchisees. In its time in office, Modi's party has given *gau raksha* State sanction and approval. It has created a penumbra of impunity for those who would take the law into their own hands. The equivocation, the apologetics and the victim-blaming that we saw after a sequence of lynchings last year, coupled with Modi's epic silence, encouraged bigots lower down the political food chain to give their inner beast free rein.

This isn't metaphorically meant; Bharatiya Janata Party state governments have put systems in place that have helped institutionalize vigilantism. They have turned cow-protection into a protection racket. Two national newspapers, the *Hindustan Times* and the Indian Express, carried stories detailing the way in which administrative innovations in Punjab (where the BJP runs a coalition government along with the Akalis) cleared the ground for the organized extortion of cattle traders by *gau rakshaks*.

The root of the problem is the Gau Sewa Commission formed in Punjab in January 2015. The commission made a no-objection certificate from a deputy commissioner mandatory for those wishing to transport cattle, another layer of *sarkari* paper that has proved remarkably hard to get. Not only does this lead, inevitably, to bribery and rent-seeking, it creates a circumstance where Gau Raksha Dals and Shiv Sainiks prey on trucks and force cattle traders to pay them off. These vigilantes are now confident enough to charge trucker unions nearly four lakhs for a licence that allows their trucks free passage for six months. More ominously, the Express reports that the main victims of vigilante assault are Sikh drivers and migrant labourers.

Punjab's Shiv Sena president recognizes the existence of the extortion racket but, like the prime minister, claims that the fault lies with false *gau rakshaks*. "The real gau sewaks raid dairy farms where cows are starving," he says. "Extortionists target trucks to make money." The 'false *gau rakshak*' is rhetorical sleight of hand, a form of misdirection. The false gau rakshak is simply the true *gau sewak* who happens to get caught beating people up, for profit or for pleasure.

If you haven't seen the video clips of the beatings administered to Dalits in Una in Gujarat, you should take a deep breath and watch out of a sense of civic responsibility. You will see thin, bare-bodied men, wilting with distress, being caned by well-fed youths wearing denims and tee-shirts. It's very nearly impossible to watch. A row of captive Dalits are inspected by men who then take turns to beat them with rods and metal slats. The men doing the beating are curiously impassive, till the moment they hit their victims. Then they lay into them, two-handed, and go down the row, swinging with real enthusiasm. Other men stand around them in a ragged circle, shooting videos of the action with their camera phones. I've never seen anything like this tableau;

it's like slave-owners working their property over because they can. The vileness of it is that these freelance sadists aren't just inflicting pain, they are also performing. These men are the young masters of Gujarat's universe: this is the logical terminus of the politics of cow-protection.

Modi didn't mention this specific incident; perhaps he hasn't seen the video. He did, however, illustrate the false *gau rakshak's* instrumental use of the cow with a story. In the old days when there were battles between badshahs and *rajas* (read Muslim and Hindu rulers), the badshahs would station a herd of cows ahead of their vanguard on the battle-field. The *rajas*, constrained by their reverence for the cow, wouldn't attack the badshah's host and the battle would be lost. The implication was that the false *gau rakshak* was like the bad badshah who played upon the piety of Hindu kings to win his battles.

Modi can't help himself. Even the stories he tells to criticize Hindu vigilantism have Muslims as their villains. The prime minister and the party he represents aren't self-critical about *gau raksha*; they can't be - it's the fire they are forged in. They can, however, be strategic about it. The lynching of Muslims is one thing; the savaging of Dalits, potentially a part of the Hindu body politic, is quite another. To separate the false cow protector from the true cause of cow protection, to ignore the political economy of cow protection, to turn the conversation from the violence of vigilantism to a constructive awareness of plastic waste, was the work of a moment. Governance comes in many guises; on Saturday the prime minister showed us one aspect of it. He flagged vigilantism... then finessed it.

RAILWAYS

ASIAN AGE, AUG 8, 2016

Railways plan big shakeup of officer cadre

MANISH ANAND |

After redesignating Railway Board members on functional lines, the railway ministry is now planning to seek Cabinet approval soon for its next big reform: of merging about 10 different cadres into just two — technical and civil — in a bid to optimise manpower capacity, besides cutting down on red-tapism.

The railway ministry is ready with a Cabinet note based on the recommendations of high-power committees led by Rakesh Mohan and Bibek Debroy respectively for the rationalisation of manpower, that currently stands at about 13.50 lakhs. “We are not going to stop with redesignation of Board members on functional lines, but are going right at the bottom to eliminate all reasons for the duplication of work and additional workforce. We will soon seek the Cabinet’s nod for the creation of just two cadres — civil and technical — by merging the existing 10 with them,” a senior railway ministry official said.

The Union Public Service Commission, on behalf of the Railways, now recruits officers in various cadres, that include the Indian Railway Traffic Service, Indian Railway Personnel Service, Indian Railway Accounts Service, the Railway Protection Force, and the Indian Railway Services of Civil Engineering, Electrical, Mechanical, Stores, Signals and Medical Services.

“As is the case with MBAs and their specialisation, the technical recruits can similarly specify what they want to specialise in, but we cannot be in a situation where they will stick to their specialisation and not touch other areas. The move will lead to rationalisation of manpower when unnecessarily too many people are tasked to do small things, which can be done by a few,” said the official, who added that the changes in recruitment policy would be notified after Cabinet approval.

The objective of the move, the official said, was to enable the transformation of the officials into managers with their respective specialisation. By creating a cadre of civil officials, the Railways may also open the door for the entry of IAS officers as well as qualified MBAs into managerial positions in the Railway Board as well as in the various zones and divisions.

Earlier, the Railways had redesignated the positions of board members, with the member (engineering) now being member (infrastructure), the member (mechanical) as member (rolling stock) and the member (electrical) as member (traction) to ensure a unified command structure at the higher level, which will be supplemented with changes in the recruitment policy for officials lower down in the hierarchy.

TAXATION

TRIBUNE, AUG 9, 2016

The unease of doing GST business

Sushma Ramachandran

The consumer's perspective should also be considered

The passage of the good and services tax (GST) Bill in Parliament comes 14 years after the idea was first mooted and a decade after negotiations began. First these were between states as the empowered group of finance ministers tried to bring about a compromise formula to satisfy all stakeholders. This was achieved not just by hard bargaining but by the central government agreeing to compensate states for revenues expected to be lost owing to the new tax.

Next came the equally hard part of negotiations by political parties. When it came down to actually passing the Bill, a regime change had taken place and the NDA had formed the government. It was now for the Congress, which had spearheaded the Bill, to create obstacles for its final passage through Parliament. The NDA government had to seriously consider the Opposition's amendments to the Bill because without its support, it would not have been possible to clear it in the Rajya Sabha. As we all know, this is just the beginning of the process as the GST Bill requires a Constitution amendment and needs ratification by a two-third majority in at least half of the state assemblies. Even so, it is a major economic reform that is well and truly on the way to becoming a reality.

What is this path-breaking reform that is being described as a game-changer for the Indian economy? Basically, it means that most existing taxes will be done away with and replaced by a single-point levy. It removes a huge plethora of bureaucratic paper work. It is a single tax at the final point of consumption. It does away with the multiplicity of taxes at every level of the supply chain from the manufacturing to the sale point.

Among the many taxes that it eliminates is the onerous octroi that makes trucks wait for hours on end while moving from one state to another. Thus in effect, it makes India a large single market. Comparisons are being drawn with the European Union since in the Indian federal structure states levy their own multiplicity of taxes. This has pushed up the level of taxation on the citizens to a very high level. By replacing these numerous central and state taxes with a single levy, the burden of taxation on the people should come down in an ideal GST scenario.

The fact that India is on the right track can be gauged from the fact that 140 other countries have also adopted the single goods and services tax. Studies have shown that not only have government revenues increased dramatically in most of these countries but there has been a rise in the gross domestic product as well.

What the impact of GST will be on the economy is the question being asked by the layman. The first is the simplicity of operation for both industry and service providers. Manufacturers will find life much easier as they will only pay a single-point tax instead of the numerous excise, octroi and other levies that have to be paid at each tier of the production process. The second is ease of movement throughout the country as goods can be moved from state to state without having to stop to pay octroi. The third is that services will become more expensive as these are now being taxed at a lower rate than the proposed new levy. The fourth is that government revenues should increase as simplification is an incentive to pay tax rather than evade or avoid it. And finally, the ease of doing business will improve, which in turn should lead to more investment, thereby giving a push to economic growth.

This may all seem very fine but the fact is these positive developments would happen only if GST is implemented in an ideal manner. In its present avatar, the tax is being rolled out as a compromise formula. All stakeholders are hoping that it will be improved upon as time goes by. Some economists had even urged that GST should not be launched in this hybrid form as it will not achieve the objectives of a single uniform tax. In the current format it will not be a single tax as originally envisaged because of pressure from state governments. There will be a central tax, a state tax and a third inter-state tax. Not only that, key taxable items like alcohol and petroleum products have been kept out of the purview of GST. These are seen as huge cash cows for the Centre and states, so GST will not be applicable to them. As for the stated aim of keeping the tax rate at 18 per cent, it looks like a distant dream as yet. Studies have shown that some states have taxation levels as high as 27 to 28 per cent. No wonder lobbying has already begun to seek a rate of 22 per cent or higher. This is despite expert reports that show 18 per cent as a revenue neutral rate. In other words, at this rate the same revenue will be raised as in the past if applied to all goods and services.

The Congress has called in this context for a people's campaign to keep the GST rate at 18 per cent. Former Finance Minister P. Chidambaram has pointed out in a recent interview that there are enough people to speak for the central and state governments which are demanding higher taxes and more revenues. Who will speak for the people is the question being asked by him. While one can attribute the call for such a campaign as a political ploy by the Opposition, there is surely need for the consumer's perspective on this issue. Right now as GST is launched as the most significant economic reform since Independence, it is time for someone to speak for the

tax-paying citizens. Ultimately, it is they who will bear the burden of the new levy which may end up being unduly high and vexing rather than coming as a relief from the complexity of taxation as it exists today.

TRIBUNE, AUG 11, 2016

W(h)ither federalism?

Pritam Singh

The GST takes away an important source of revenue and autonomy from the states in setting development priorities. It strengthens concentration of economic power at the Centre.

It is worrying for Indian democracy and federalism in India that the Delhi-centric media is trying to portray the passing of the GST (Goods and Services Tax) Bill in the Parliament as a moment of celebration. It is being couched in the language of emerging consensus and a possible beginning of the end of confrontational politics.

It is important to interrogate the content of this claimed consensus, rather “manufactured” consensus, as a worrying development. The passing of GST neither strengthens the interests of democracy nor of federalism. This BJP-led move (supported by the Congress party and meekly accepted by the Left and almost all regional parties) is another step in the trend towards concentration of economic and political powers at the Centre.

From Independence onwards, there has been an ongoing battle between the forces of decentralisation and diversity and of centralisation and homogenisation. The first battle was won by the forces of centralisation in the framing of India's Constitution, that was adopted on November 26, 1949 by the Constituent Assembly and brought into operation from January 26, 1950 onwards. The Constitution describes “India that is Bharat,” as a “Union of States”. A motion in the Constituent Assembly to designate India as a “Federation of States” was rejected. The contestation over the use of the word “Federation” or “Union” in the Constitution to characterise the Indian Republic was not a mere semantic quibble, it signified a sharp ideological conflict between the centralist tendencies and the decentralist tendencies oriented towards federalism. This conflict has continued in post-

Independence India. For example, in a Memorandum on Centre-State Relations, issued in 1977, the Left Front-led government of West Bengal vehemently opposed the term “Union of States” and proposed that the Preamble to the Constitution should be amended to include the word “Federal” in the Republic’s description.

In the division of powers between the Centre and the states that was specified in the Constitution, the Union List (under the jurisdiction of the Centre) has the largest number of entries, that is 97,

followed by the State List, with 66 entries and the Concurrent List (under the joint jurisdiction of the Centre and the states) with 47 entries. The Concurrent List is concurrent only in name; it is virtually the Centre's list. In a situation of conflict on an item in the Concurrent List, the overriding power called the “residuary power” is with the Centre. It is not only in the number of entries that this division is highly biased in favour of the Centre, it is also in the nature and quality of the entries in the three lists that this division is highly biased in the Centre’s favour.

Most items with elastic sources of revenue (direct taxes, such as the income tax) are with the Centre and those with relatively inelastic sources of revenue (indirect taxes, such as sales tax or value-added tax) are left with the states. Major items of developmental expenditure, such as public health, road transport and irrigation are the states’ responsibilities.

So the states are hit with a double whammy — their revenue resources are limited and expenditure responsibilities are enormous. The states’ financial dependence on the Centre is, therefore, structural in nature. This structural nature of states' financial dependence on the Centre which undermines federalism is all the more glaring if we keep in mind that the states have not lagged behind the Centre in their efforts for additional tax mobilisation, except for a blip during the 1960s and the early 1970s.

The crucial factor for financial dependence of states on the Centre is their very narrow tax base in relation to their revenue expenditure as well as the Centre's tax base.

It is in this context that the introduction of the GST takes away an important source of revenue and autonomy from the states and, consequently, further strengthens the concentration of economic power in the hands of the Centre in setting the development agenda.

The argument that it streamlines the multiple layers of taxes and creates a unified national market is a thinly veiled argument in defence of the interests of big business which does not want barriers to its powers to access natural resources for profit making. No wonder, big business has welcomed this move with massive clapping of hands. In essence, it has been big business — both domestic and foreign — which has been the driving force behind this move. It is because of the power of big business that both the “national” parties, the ruling BJP and the opposition Congress, have come together on the GST. Despite many other differences, the BJP and the Congress regimes have been united in one strategic objective: strengthening the centralisation process in Indian political economy. I applaud Tamil Nadu for being consistent in opposing this growing trend towards centralisation. It is a shame that all the regional parties, including Punjab's Shiromani Akali Dal (SAD), which historically has a proud tradition of advocating devolution of powers to the states, have been unable to see the underlying trend towards

centralisation behind the GST move. The SAD is so terrified of being labelled “anti-national” by the Delhi-centric media that it has virtually stopped putting any resistance to the centralising trends. On the parliamentary Left, the absence of Jyoti Basu is felt. He took a lead in organising a meeting of the Left and regional parties in Calcutta to demand greater devolution of powers to the states. Now the only hope lies with Tamil Nadu and its political parties for taking a lead in organising a country-wide opposition to this BJP-led, Congress-supported move towards greater centralisation. One lesson from global history — right from Stalinist Russia in the 1930s to Erdogan-ruled Turkey today — emerges that there is a direct link between growing centralisation and authoritarianism.

The writer, a Professor of Economics at Oxford Brookes University, is the author of “Federalism, Nationalism & Development.”

TELEGRAPH, AUG 9, 2016

Firm and careful step - Only the first stage of a major reform has been crossed so far

Bhaskar Dutta

The first giant step towards the implementation of a single goods and services tax for the country as a whole has finally been taken. Showing rare bonhomie, the Rajya Sabha voted to pass a constitutional amendment bill that will allow the Centre and the states to draft appropriate GST legislation. The next step is for the majority of states to ratify the bill. This will mark the end of the first stage of a reform process which was first mooted over a decade ago when the then finance minister, P. Chidambaram, mentioned the idea of a GST in his 2006 budget speech. He had mentioned April 2010 as the deadline for its implementation. Unfortunately, politics came in the way of its adoption with Opposition parties of the day fighting tooth and nail to oppose what has typically been labelled the biggest overhaul of the Indian tax structure. This is not a hyperbolic statement because the GST truly represents a watershed in the structure of Indian public finance.

The single tax structure will replace an array of taxes such as central excise tax, value-added tax, octroi and various other state taxes - as many as 17 according to one report. The GST is, of course, an indirect tax and will be levied only at the final point of sale. The incidence of taxation on the retailer will be lower than that under a non-GST system since the retailer can offset the tax that was due on the value of the product at previous stages of production. In other words, the cascading effect of 'taxes on taxes' will be avoided under the single tax. This can in principle reduce the final cost to the consumer, though much will depend on the tax rate that is finally imposed after discussions with various stakeholders.

There is no doubt that the structure of indirect taxes has been rationalized, with the number of tax rates being lowered over time. Nevertheless, there are still a number of different rates of

excise taxes. Each budget brings about some change in the rate structure, particularly in the list of goods which are exempt from taxes. It is not always clear why these changes are made. Some changes are clearly *ad hoc*, and one cannot escape the feeling that in at least some of these cases, lobbyists have achieved their goal. The single rate of tax, with a clearly laid out rationale for why some goods are put in the exemption list, will hopefully eliminate the power of lobbyists, as well as any elements of ad hocism.

The GST regime is very likely to provide a boost to the capital goods industry. Full input tax credits are currently not available for capital goods. This will change once the GST is introduced. This will obviously reduce the cost of capital goods and so promote greater investment. The GST regime will also require an extensive IT infrastructure to account for the chain of transactions taking place from suppliers of raw materials to the final users - this will be required in order to provide the appropriate input tax credits. An important side benefit of the IT infrastructure is that it will now become much harder for suppliers at various stages to hide their transactions or evade taxes. So, there will be some (involuntary) increase in tax compliance.

The uniform single tax for the entire country will also eliminate tax competition between states. 'Competition' is often equated with greater efficiency. However, not all forms of competition are beneficial. The tendency of different states to attract larger flows of investment typically induce state governments to offer all kinds of incentives, including lower taxes. Tax competition can result in what economists call a "race to the bottom" with tax rates being driven very low. While this may have resulted in a larger aggregate level of investment for the country as a whole, this has come at the cost of significantly lower state tax revenues. Once the GST rules out tax rates as a mode of competition, states may well be forced to compete by offering better infrastructure, such as assured power supply, improved connectivity and so on. Of course, improved infrastructure generates significant positive externalities.

An apt comparison that has been made recently is that the GST will convert the entire Indian state into a giant common market, much like the European common market. An obvious benefit of the single market is that it will facilitate inter-state movement of goods. There will no longer be any delays at state borders, haggling over whether appropriate state taxes have been paid, whether paperwork is in order. (It never is since state officials need to make a fast buck). One estimate puts the cost saving as a result of this seamless movement across state borders at 20-30 per cent, though these back of the envelope calculations need to be taken with a dose of salt.

What will be the appropriate tax rate in the GST regime? A finance ministry committee, chaired by the chief economic adviser, recommended a range between 17-19 per cent. However, there is no guarantee that the final rate will actually fall in this range because a host of factors will have a role in determining the chosen rate. The usual trade-off will come into play - a high rate will be inflationary while a low rate will reduce aggregate tax collection. Tax collection will be helped by the fact that a much larger array of services will be brought into the tax net. Some states may still demand a relatively high rate under the apprehension that their share of tax revenue be adversely affected. Some of their fears will have been removed by the Central government assurance that all states will be compensated for any revenue losses for 5 years.

Arun Jaitley has announced that the GST regime will be put in place by April next year. This is a very tight deadline since many intermediate steps will have to be completed before the GST actually becomes reality. First, a majority of state legislatures have to ratify the bill. Since all parties except the All India Anna Dravida Munnetra Kazhagam voted in favour of the Constitution amendment bill in the Rajya Sabha, this should normally not cause any headaches to the finance minister. However, strange things can happen in Indian politics, and so it is better to keep one's fingers crossed. Next, the GST council, which consists of the Union finance minister and representatives from all the 29 states, has to approve the eventual rate. The mechanism through which the rate is chosen will have a major influence on how quickly the council can reach a decision. The council will arrive at a decision quickly enough if a simple majority is enough to take a decision. At the other extreme, a single state such as Tamil Nadu can hold the entire process at ransom if a consensus is required. Finally, Parliament will have to approve the chosen rate as well as the list of goods and services that are exempt from the tax. A risk-averse person should not bet on the April 2017 deadline being achieved.

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TRANSPORT

TIMES OF INDIA, AUG 11, 2016

Meters to be must for app taxis

Rumu Banerjee

- Transport minister Satyendar Jain said that a draft policy has been finalised and it will be released within a month
- He added that meters and transparent pricing have been made mandatory
- The draft policy has incorporated digital meters with GPS along with a fare set by the govt

Representative image

NEW DELHI: Delhi government seems to be finally getting ready to regulate taxi aggregators. Transport minister Satyendar Jain on Wednesday said that a draft policy has been finalised and it will be released after public consultation within a month.

Jain, who compared the draft taxi aggregator policy to the premium bus policy tabled earlier, added that meters and transparent pricing have been made mandatory. "A meeting with the stakeholders will be held soon along with a public consultation before we send the draft policy to the LG for approval," he said.

The draft policy has incorporated digital meters with GPS along with a fare set by the government. "No one will be allowed to charge more than the fare set by the government, though they can charge less if they want to," clarified Jain.

The minister hoped that with this move the surge pricing employed by the taxi aggregators may get curbed. "Companies will have to announce all fares transparently," he said.

The taxi aggregator policy will be specifically tailored for app-based taxi services, much like Karnataka has done. The city taxi scheme, which had been announced last year, was not accepted

by taxi aggregators as it described them as transport providers and not an application-based service provider, said government officials.

The policy also states that only taxis would be allowed to ply and not private vehicles. Also, commercial vehicles with an aggregating firm will have to register under this scheme to be able to operate in the city. This is besides the licence that the aggregating company will have to take in order to ply.

Jain added that the fares would be decided by a fare fixation committee of the government once the policy is in place. Delhi High Court had recently asked the state government to make an app-based cab services policy.

Meanwhile, autorickshaw unions in the city have welcomed the move that these taxis would have to ply by meter and fares set by the government. "The app-based taxi services were not following the law and trying to take away our business. If they go by meter, then we have no issues," said Rajender Soni of Bharatiya Mazdoor Sangh. Auto unions had gone on strike last month to protest against Ola and Uber.

Top Comment

Opportunist AAP govt. trying to rob middle/ upper middle class to pay to their vote bank auto/taxi walas so that they can tamper the meter. Only a stupid can deny the accuracy of GPS technology.**Prerna Singh**

Times View

The draft policy seems to suggest that digital meters will be made mandatory even though the taxis will be GPS-enabled to allow them to be monitored for the safety of passengers. This makes no sense. Forcing the taxis to instal an additional device when they already have one that measures the distance they have travelled is an unnecessary additional cost. When you take into account the fact that meters can and have been rigged while the GPS is something the customer

TRIBUNE, AUG 13, 2016

SC lifts ban on high-end diesel cars

But 2000-cc car-makers will have to pay 1% green cess in Delhi, NCR

R Sedhuraman

The Supreme Court today lifted the eight-month-long ban on the sale of high-end diesel cars, including sports utility vehicles (SUVs), with 2000 cc engines and above in Delhi and the National Capital Region (NCR).

A three-member Bench headed by Chief Justice TS Thakur allowed the sales to be resumed on the condition that car manufacturers would pay 1 per cent of the cost as green cess, to be known as environment protection charge.

The cess would be collected by the Central Pollution Control Board and kept in a separate account in a public sector bank till the case pertaining to the sale of diesel cars was disposed of, the Bench said.

The cess would be calculated on the ex-showroom price of each car. The transport authority would register such cars only if shown the cess payment receipt by the buyers, the court made it clear.

The Bench had banned the sale of such diesel cars on December 16, 2015, as part of efforts to bring down the level of air pollution in Delhi and the NCR. It was then felt that big diesel cars were primarily responsible for the rising air pollution. Luxury car-makers subsequently approached the apex court, pleading that diesel cars were increasingly being used all over the world as it was found that diesel was not the main reason for pollution. New technologies used in refining crude and making diesel car engines had made it a safe fuel. In fact, the fumes emitted by these vehicles were better than the quality of Delhi air, they had contended.

The Bench today clarified that the option of increasing the cess would remain open, but this would only have prospective effect. It would also hear the government's arguments that the judiciary had no power to levy any cess.

WOMEN

HINDUSTAN TIMES, AUG 11, 2016

RS passes bill increasing maternity leave to 26 weeks, and other benefits

A bill increasing maternity leave from 12 to 26 weeks was passed by the Rajya Sabha on Thursday, a step that benefits about 1.8 million women in the organised sector and aims at increasing the strength of the working women force.

The bill, which will now go to the Lok Sabha, will lead to the ratification of International Labour Organisation convention number 183 that provides for at least 14 weeks of maternity benefit to women.

It also facilitates 'work from home' for nursing mothers once the leave period ends and has made creche facility mandatory in respect of establishments with 50 or more employees.

Employers will have to allow women employees to go to the creche four times during duty hours, which will also include her rest period, the bill said.

Once the new law is enacted, India will jump to third position in terms of the number of weeks for maternity leave after Norway (44) and Canada (50), labour minister Bandaru Dattatreya said while replying to a debate on the legislation.

Speaking before the bill was passed, Dattatreya said a maternity bonus of up to Rs 3,500 will also be given to women staff.

The Maternity Benefit (Amendment) Bill, 2016 was passed by voice vote, even as some members sought norms for paternity leave so that parents can share the responsibility of raising children.

The Maternity Benefit Act, 1961, protects the employment of women during the time of her maternity and entitles her full paid absence from work, to take care for her child. The new law will be applicable to all establishments employing 10 or more people.

The Bill provides for increasing maternity benefit from 12 to 26 weeks for two surviving children. On Wednesday, the cabinet had given ex-post facto approval to these amendments.

“The very purpose of this Bill is to increase the working women force because in the work force, participation of women is decreasing day by day,” Dattatreya said.

Women and child development minister Maneka Gandhi said her ministry had recommended raising maternity leave from 12 weeks to eight months but it was considered too long for the employer.

The legislation will go a long way in ensuring that the future generations are healthier, she said as she noted that after giving birth, a woman’s body needs to heal over a period of time. “It is a very stressful time for the mother, who should be with the child”.

Highlighting that there are more nuclear families now, Gandhi said the bill has its roots in malnutrition, as breastfeeding the child is recommended which is not possible unless the mother is in physical proximity of the child.

She said the government is thinking of introducing direct benefit transfer for women and it is “under consideration”.