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BUSINESS LINE

BUSINESS STANDARD

DECCAN HERALD

ECONOMIC TIMES

HINDU

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AUDIT

ECONOMIC TIMES, JAN 20, 2014

CAG picks holes in govt spending worth Rs 3 lakh crore

By *Pradeep Thakur*,

account for 2012-13 providing details of actual expenditure of the last financial year. However, the auditor has questioned the fairness in accounting saying the expenditure data provided by the CGA and those obtained through the e-lekha data and the finance accounts had huge difference.

NEW DELHI: Raising doubts on the genuineness of the government's plan expenditure, the **Comptroller and Auditor General (CAG)** has written to the **finance ministry** saying its data provided on schemes worth over Rs 3 lakh crore for 2012-13 "points to serious deficiencies".

The auditor said a detailed scrutiny had revealed that government in several cases was giving post-dated sanctions - in some instances sanctions were granted by the finance department authorizing expenditure later than March 31, 2013 when the expenditure was for the period between 2010 and 2013.

In one such case, expenditure was made in the years 2000 and 2001 while sanctions were given in 2010-13, the auditor told the finance ministry.

The federal auditor also accused the **Controller General of Accounts (CGA)**, the government's official account keeper, of sending incomplete data and not responding to its communications despite repeatedly seeking information and clarifications.

The **CAG** is in the process of finalizing the Union account for 2012-13 providing details of actual expenditure of the last financial year. However, the auditor has questioned the fairness in accounting saying the expenditure data provided by the CGA and those obtained through the e-lekha data and the finance accounts had huge difference.

The e-lekha is the government's financial management application, an electronic payment and accounting gateway meant to provide efficient and accurate data on its expenditure.

The central plan schemes monitoring data provided by CGA has put central plan expenditure at more than Rs 3 lakh crore while e-lekha has shown the same to be Rs

10,000 crore less. The expenditure figure provided by the government's finance accounts is similar to that given by e-lekha.

Sources said the auditor has raised questions on authenticity of government accounts in view of such contradictions in data.

The scrutiny of accounts has also revealed that in several cases, payments were released when the finance ministry had not even sanctioned those expenditure. At least Rs 500 crore of such expenditure has been pointed out.

The union accounts for 2012-13 should have been complete by October-November and tabled in Parliament in the winter session. However, the process of account finalization is unlikely to be completed in the next few months and may not be tabled in the only Parliament session left for the government in February.

Last year too, the auditor had to write repeatedly to the finance minister to secure data for the union account preparation which came in January 2013 for the accounts for 2011-12.

CIVIL SERVICE

DECCAN HERALD, JAN 17, 2013

R K Singh stripped off personal staff

Shinde finally hits back, says Singh is not a retired official but politico

The war between former home secretary R K Singh and Home Minister Sushilkumar Shinde escalated on Thursday with the Union Home Ministry withdrawing around 10 officers, including security personnel, given to the retired bureaucrat.

For the first time, Shinde reacted to Singh's allegation that he, as the home minister, tried to jeopardise the investigations into the IPL match-fixing scam, interfered with the transfers and postings of Delhi Police and that he was in touch with a Dawood aide.

Though he refused to elaborate, Shinde sought to debunk the allegations saying they were politically motivated.

The personal staff of the former home secretary, mostly drawn from different paramilitary forces, were withdrawn a day after Singh claimed that Shinde was not capable of remaining as a minister.

Singh had retained the staff even after his retirement for various secretarial work and domestic chores. Sources said the staff have been asked to report to their respective organisations immediately.

A retired bureaucrat is not allowed to retain personal staff. However, the former Home Secretary, who retired on June 30 last year and joined the Bharatiya Janata Party (BJP) recently, will continue to enjoy the security cover of the Delhi Police, sources said.

'A BJP man'

In his reaction, Shinde said he no longer considered Singh as a former home secretary but saw him as a politician and BJP man.

"Singh is now a political man. His allegations are political in nature. He is now with the BJP. I do not see him as a former home secretary but as a BJP man. I will not react to his allegations," he told reporters here.

The Minister said his party and ministerial colleagues had already reacted to Singh's allegations. The Congress has questioned the "opportunistic" and "low" behaviour of the officer.

TELEGRAPH, JAN 21, 2013

Govt to recruit 16000 SC, ST employees

PRANESH SARKAR

The Mamata Banerjee government is set to launch a recruitment drive ahead of the Lok Sabha polls for Scheduled Caste and Scheduled Tribe candidates for around 16,000 posts lying vacant in various departments.

Senior government officials said a proposal to begin the drive was likely to be placed before the cabinet on January 25.

Sources said preparations to implement the plan had been made and chief secretary Sanjay Mitra had approved the move at a meeting in Nabanna on January 16.

“The government is in a hurry to start the recruitment process before the Election Commission declares the Lok Sabha election dates,” an official said.

“The recruitment process will be held up for a few months if we fail to start it before the poll dates are announced as the model code of conduct will come into effect. If the process begins before the model code kicks in, it will not have to be stopped. The chief minister is keen to begin the recruitment drive as soon as possible so that she can reach out to the SCs and STs before the Lok Sabha elections,” an official said.

Senior officials said according to the provisions of the West Bengal Scheduled Castes and Scheduled Tribes (reservation of vacancies in services and posts) Act, 1976, 11,904 posts meant for SCs and 4,437 for STs were lying vacant in 16 departments.

The act lays down that 22 per cent government jobs have to be reserved for SCs and 6 per cent for STs.

Recently, the state government started reviewing whether the departments had the required number of SC and ST employees.

So far, 16 departments, among them public health engineering, animal resource development, school education and commerce and industries, have sent reports on their employee strength and the number of SC and ST staff members.

“After analysing the figures, it was found that at least 16,341 posts reserved for SCs and STs in different categories — from section officer to peon — are lying vacant in these departments. As this could send a wrong message to the people against the backdrop of the chief minister’s assertion that lakhs of jobs had been created, the government has decided to go for the recruitment drive,” another official said.

According to the plan, the drive will start by mid-February.

The departments have been asked to immediately inform the recruitment agencies — the staff selection commission and the public service commission — about the drive so that the process can be started as soon as the cabinet approves the plan.

Senior government officials said as the majority of the vacancies were in the Group C (lower division clerk) and Group D (peon) categories, the recruitment process would be undertaken by the recently formed West Bengal Staff Selection Commission.

“For these posts, the commission may opt for just walk-in interviews to give at least some appointments before the elections. The same process had been followed when the government recruited more than 3,000 Group D employees on a contractual basis around a year ago,” an official said.

According to officials, the government will have to spend an extra Rs 300 crore to pay salaries to the employees to be recruited.

HINDU, JAN 20, 2014

**Haryana govt. staff to go on strike from today
All departments directed to maintain law and order**

Over two lakh employees of the Haryana Government, unhappy over their demands not being met, will go on a three-day strike from today (Monday) even as the State imposed Section 144 to quell the agitation.

Lashing out at the government, Haryana Karamchari (employees) Coordination Committee accused the government of trying to create differences between various unions of the employees.

“By imposing Section 144, the State Government instead of inviting employees for a talk has created a situation of direct clash with employees,” the Committee’s general secretary Subash Lamba said on Sunday, and asserted that employees would definitely stage demonstrations from today (Monday).

Demands

Asking various unions to withdraw their decision to strike, the State Government has imposed Section 144, banning assembly of five or more persons.

Chief Secretary S. C. Chaudhary said the government has fulfilled “maximum” demands and assured that remaining demands would be “sympathetically considered”.

All departments have been directed to take necessary steps to maintain law and order and ensure essential services do not suffer on account of the strike, an official spokesman said.

Besides, instructions have been issued for patrolling in sensitive areas, the spokesman said, adding the police force will be used against those who damage public property.

The employees have been pressing for various demands, including abolishment of contractual system and outsourcing of work, filling up of vacancies, regularisation of part time employees, and cancellation of 3,519 permits to private bus operators. - PTI

Over two lakh employees unhappy over their demands not being met

‘Government has fulfilled “maximum” demands and assured that remaining would be considered’

DECCAN HERALD, JAN 17, 2014

Bihar babus scramble to join poll fray

Abhay Kumar:

Tirhut Commissioner K P Ramaiah was to retire on July 31 this year. But all of a sudden he has applied for voluntary retirement scheme (VRS), which, sources say, may be granted by March 31. Another serving IAS officer of Jharkhand cadre, Vimal Kirti Singh, has also applied for VRS.

What’s common between the two IAS officers, apart from the fact that both have applied for VRS, is that both may throw their hats into the political ring and contest in parliamentary elections in Bihar.

While Ramaiah, who has worked tirelessly to uplift dailits and other downtrodden communities, is believed to be preparing to contest the Lok Sabha poll from the Gaya reserved constituency, Singh is reported to be toying with the idea of contesting from Rajput-dominated Maharajganj in North Bihar.

Ramaiah, however, has denied nurturing any political ambition. “I have applied for VRS due to personal reasons,” he said while denying speculation about his foray into the rough-and-tumble of politics.

But then, Ramaiah and Singh are not the only bureaucrats whom political parties are eyeing as suitable candidates. The Bharatiya Janata Party (BJP) has already roped in former Union home secretary R K Singh to contest the Lok Sabha elections from either Ara or Supaul in Bihar.

Singh, who retired earlier this year, was offered the job of “Infrastructure advisor to chief minister”, but turned down Nitish’s offer. After joining the BJP in the presence of party president Rajnath Singh, he went on to castigate the UPA government as well as the Nitish regime in Bihar – the two governments he had served as a top bureaucrat over the last 10 years.

Another top retired bureaucrat, R S Pandey, who earlier served as steel secretary and then petroleum secretary at the Centre, has also plans to test political waters after retirement. Pandey is mulling over the proposal of contesting the Lok Sabha elections from Valimikinagar in North Bihar.

TIMES OF INDIA, JAN 16, 2014

**DoPT training manual wants babus to use humour to defuse stressful situations
Yes, service with a smile**

The central government's personnel department has prepared a manual to guide bureaucrats in ways to enhance their competency, of which one aspect is the use of humour to lower tension. Generally speaking, sensitive use of humour is an effective way to lighten a tense situation. Bureaucrats in particular need to be reminded of this as a lot of people they engage at work approach them as supplicants. Power dynamics here can easily transform even a mild mannered bureaucrat, sometimes unknowingly, into an overbearing tyrant. The manual should serve as a timely reminder that to lighten up is an effective way to brighten an outcome.

The personnel department's manual covers a range of soft skills needed to make bureaucrats more effective. When juxtaposed with other qualities such as empathy and clear communication, humour has the effect of a force multiplier. Too often in India, humour has unfortunately been seen as a licence to crack insensitive jokes. But when placed in an empathetic context, it is a soft skill that can pre-empt inflexible positions being taken by people with differing views. In contemporary times, a bureaucrat who can defuse tensions between opposing parties and get them to focus on common interests can perhaps do more for social harmony and economic progress than grand ideas.

Stiff-necked people who take themselves seriously are seldom effective when they have to work in a team. Self-deprecating humour makes it easier to relate to people and a leader who does this never comes across as intimidating. Our problems are serious enough. They do not have to be made more challenging by a dour bureaucracy. 'Lighten up' is an approach to life that makes it easier to cope with its vicissitudes. Not just for bureaucrats, but for us all.

COUNTERVIEW

**Waste of paper and time
Chandan Nandy**

India's sprawling and unwieldy bureaucracy, mired in red tape, wastes a lot of time on inane rules and procedures. Add to all this a crash course in cracking jokes and the country's already dysfunctional civil service will make a joke of itself. The bureaucracy must instead focus on making itself lean and mean so it is better able to deliver

governance and advance other priority issues, including development and growth that people across states are now crying out for.

It would serve the bureaucracy well to pull out its dusty manuals to get rid of archaic and cumbersome procedures, which would go a long way in restoring public faith and confidence in an institution that was created with the aim to offer state services to the people. It is doubtful whether the new training manual, whose objective is to instil among civil servants empathy that would supposedly enable them to understand the thoughts and concerns of people, will work wonders with grumpy and dissatisfied civil servants. The new manual will only make the stifling bureaucracy appear even more ridiculous than it already is.

No classroom or training manual can inculcate humour, which is an individual quality. Instead of churning up misguided nonsense, the department of personnel and training must focus on improving bureaucratic efficiency and work culture which should be the sine qua non of any institution responsible for delivery of government services in the 21st century. These are daunting tasks but by no means impossible to achieve if the notoriously convoluted bureaucracy sets itself the target to be more flexible and forward-looking. In short, public servants should individually and collectively focus on becoming more responsive to public needs, concentrating on the delivery of services rather than on pointless manuals.

HINDU, JAN 16, 2014

Public servants obey court orders only after contempt notice: HC

K.T.SANGAMESWARAN

The Madras High Court has said there is a disturbing trend among public servants of obeying court orders only after it issued notice for their appearance.

A Division Bench comprising Justices Satish K.Agnihotri and K.K.Sasidharan made the observation while treating as closed a contempt petition filed by a woman. The authorities issued an order appointing her as a Sub-Inspector of Police nearly a year after the court order.

A.Baby Uma was provisionally selected as a Sub-Inspector; but she was not given the appointment order. It was then her court battle began. The Director-General of Police said she was denied appointment as a discreet enquiry revealed that her conduct was not satisfactory. She challenged this order. Even though a single Judge set aside the DGP's order, relief was denied stating that the selection had become final. This was taken up before a Division Bench which in its judgment of November 26, 2012 directed the DGP to issue the appointment order by December 2012 and depute her for training immediately.

Since that order was not complied with, she filed the present contempt petition. In December last year, the government submitted that the petitioner would be given appointment shortly. After the court directed the authorities to report compliance, the DGP passed an order on December 18, 2013 appointing the petitioner as SI and deputed her for training.

The court observed that though the authorities had complied with the court order, the fact remained that this was nearly an year after the date prescribed by the Bench.

The Bench made it clear that compliance of the court order after the prescribed period or after initiating contempt proceedings would not automatically absolve the contemnors from contempt proceedings. Each case should be decided on its own facts and circumstances considering the peculiar background facts.

CORRUPTION

HINDU, JAN 16, 2014

Bihar chief minister Nitish Kumar to axe 576 govt staffers on corruption charges

[Law Kumar Mishra,](#)

PATNA: Call it the AAP effect. The Bihar government has decided to wage a war on corruption and 576 officers and employees are likely to be dismissed from service within two months over graft allegations. Chief minister [Nitish Kumar](#) on Wednesday reviewed the progress in the investigation of [corruption cases](#) against these officers and employees.

Since departmental proceedings against 187 of the 576 government employees are in the final stages, it is expected that they would be dismissed within a week, chief secretary A K Sinha said after a meeting with the CM. Nitish has asked the chief secretary to hold weekly meetings with the department heads and district magistrates (DMs) to review the progress in investigation of corruption cases.

During a videoconference with DMs and SPs in the presence of top officials, Nitish said the government has zero tolerance against corruption. He said the government would not revoke suspension of [corrupt officers](#) as they contest their cases in court with government money.

The DMs have been given more powers to deal with corruption cases. Now, they will not need to approach the departments concerned for taking action against officers and employees. Since most of the complaints come against block development officers (BDOs) and circle officers, the DMs have been empowered to suspend or transfer them, the chief secretary said.

At district level, more police and civil officials will be posted to strengthen vigilance units. The CM suggested that the vigilance department be strengthened on the pattern of the CBI.

Officials have been directed to speed up departmental proceedings against those facing corruption allegations and initiate dismissal process in such cases. The government would introduce a crash course at Bihar Institute of Public Administration and Training to train officials in speedy disposal of department proceedings, the chief secretary said.

DGP Abhyananad said 55 police officers faced corruption charges last year and 42 of them had already been dismissed. He said the agents and touts would also face action and their properties attached under the Money Laundering Act. Police conducted raids at several district transport offices in Ara, Sheikhpura, Madhepura, Gaya and Biharsharif last week and caught over two dozen touts, DTOs and motor vehicle inspectors.

DG (vigilance) P K Thakur said 19 corrupt officials, including chief engineers, superintending engineers, jailers and BDOs, were convicted last year. S K Negi, principal secretary of vigilance department, said the six special vigilance courts had ordered the attachment of property of 11 corrupt officers.

DEFENCE, NATIONAL

BUSINESS STANDARD, JAN 16, 2014

Despite army chief's restraint, Pakistan gets hard-line message

Ajai Shukla

[Army](#) chief General [Bikram Singh](#)'s unmistakably optimistic assessment of the situation on the borders, in Afghanistan, and in Jammu & Kashmir has ironically evoked a sharp rejoinder from the Pakistani military's public relations wing. The reason - with the Indian media reporting only hard line statements, cherry-picked from the army chief's overall positive appraisal, the sense conveyed was of hawkish posturing, rather than the positive mood that Gen Singh tried to strike.

Speaking at his annual Army Day press conference on Monday, the army chief had made an important statement on ceasefire violations. Insisting the army would not be easily provoked, he stated: "Our country wants to move head. These (ceasefire violations) are issues at the tactical level. And, tactical level operations should not impinge on the strategic initiatives of the nation, which are for growth of the nation in a regional context. They are part of the grand strategy of the nation. My job is to ensure that I engage the adversary where necessary to the quantum of force that is required and do not escalate the situation into one that will impinge on the strategic initiatives."

He said after the two armies' operational chiefs, the director generals of military operations (DGMOs), held talks last month, relative calm had been restored on the Line of Control ([LoC](#)). He stated: "I think it is a move in the right direction to ensure that the ceasefire holds and the environment over there is conducive for development on both sides and the aspirations of the locals. A large number of locals in those areas suffer (in firing incidents) and the ceasefire looks after their aspirations."

The army chief added, "At the moment I am quite positive... We are having the meeting of two brigade commanders the dates for which have not been fixed. The DGMOs are speaking to each other on the hotline on a regular basis. We are hopeful that this will result in ensuring ceasefire along the LoC."

At the same time, Gen Singh revealed the Indian Army was responding to firing with firing. "Let me assure you that action has been taken. If you see the Pakistani media, I was watching Geo TV on 23rd December, they were talking of one (Pakistani) officer and nine jawans being killed, and 12 or 13 being wounded. This has happened due to the firing of your soldiers on the ground," he asserted.

The army chief was upbeat about the Line of Actual Control (LAC) between China and India, stating the Border Defence Cooperation Agreement the two countries signed last October would ensure "better understanding and bonhomie and peace and tranquillity on the borders."

Taking a broader strategic view of patrol violations on the ground, he said, "This agreement is going to further strengthen the understanding at the LAC level and even at the army headquarters level and also at the national level. Our endeavour is to move ahead in right earnest to ensure that we maintain peace and tranquillity to enable the strategic and national initiatives to fructify and consolidate."

In contrast to the [foreign ministry](#)'s pessimistic assessments about Pakistani influence growing in Afghanistan after the [NATO](#) troop drawdown this year, the army chief believes the Afghan National Army (ANA) would hold its own against any challenges. "Given the capacity that has been given by the international community, along with our contribution, the ANA and police forces should be able to deal with the situation."

While Indian intelligence agencies have sounded dire warnings about jihadi fighters from Afghanistan being funnelled into J&K after NATO leaves, the army chief was far less pessimistic, conveying this was no more than a possibility. "A good army man hopes for the best but caters for the worst. From that point of view, it is axiomatic, it is imperative that we see that there might be a certain spillover from Afghanistan into Jammu & Kashmir. There are certain inputs alluding to this already. And therefore we need to be on our guard," he said. Asked about the possibility of withdrawing the Armed Forces Special Powers Act (AFSPA) from J&K, the army chief did not reject the idea as flatly as the army has done in the past. He said, "We need to look at what happens in Afghanistan in 2014 before we can (consider revoking AFSPA). Perhaps it may be prudent to watch and wait for a while."

HINDU, JAN 20, 2014

Compulsory military service for men in UAE

The UAE has decided to make military service compulsory for all adult males, but keep it optional for women. "UAE's Prime Minister revealed the decision on his official Twitter handle on Sunday.

EDUCATION

PIONEER, JAN 18, 2014

BIHAR GOVT TO AXE 2,734 FAILED TEACHERS

In a bold move the Bihar Government has decided to sack altogether 2,734 teachers who failed to clear the competency test twice. Earlier in November last year over 10,000 teachers had failed to pass the test who were asked to appear in the competency test for a second chance before being sacked.

The State Government takes such periodical tests of teachers to improve the educational level and standards in Government schools in Bihar. If a teacher fails in such periodic competency tests for two consecutive terms he/she is sacked.

A total of 24 per cent contractual teachers have failed in the competency in November last year. Out of 43,447 teachers who took the test 32,833 could clear it but the rest had failed to come up to the mark. All were given chance for the second time but altogether 2,734 could make it again to face their removal from the job.

The State Government has been conducting such eligibility tests for schoolteachers since 2008. "Now after the result of the second test has come the department has completed its formalities to sack those teachers who could not pass the competency," said an official of the State Education department.

State Education Minister PK Shahi has said that the department has already begun the process to sack those teachers after they failed to clear the test for second time. "The Government has no option but to follow the rules," he said.

Earlier in 2012, the State Government had sacked 151 teachers after they failed to clear two consecutive competency tests. Following regular complaints of poor standard of teachers and teaching in Government schools, the State Government had mulled the idea to take periodic competency test for the subjects of english, mathematics, hindi and general knowledge up to Class 5.

Of late, there have been regular complaints that despite the State Government's ambitious measures like Balika bicycle Yojna and scholarships for the students the standard of education in the schools has been falling badly. The primary teachers were often caught on camera unable to spell even the days of week and colours in some Government schools of the State.

Reports also came in that at most of the schools the teachers visit the campus once in a month to draw their salary and have kept a ghost teacher from the local area to manage their absence. "The test was to review their ability to teach. If they failed to clear it, the Government has made it clear that they should either improve in the second attempt or be sacked from teaching services," said State Education Secretary Amarjeet Sinha.

Meanwhile, the State Government has published the service records of nearly 3.5 lakh teachers at 70,000 Government schools online. It's a first such move to put service records of 3.42 lakh teachers of primary and middle schools online. It is also said that computerisation of the records was executed by a private agency with the World Bank's assistance.

TELEGRAPH, JAN 21, 2014

Govt moves UGC
PRIYA ABRAHAM

Bhubaneswar, Jan. 20: The state government has written to the University Grants Commission asking it to restrain deemed universities from conducting entrance tests of their own.

“The credibility of such entrance tests is doubtful and cannot be termed as all-India tests. It violates the University Grants Commission (UGC) regulations,” said the state technical education department in a letter to the grants commission.

The department also said that the fee structure of the deemed varsities must be regulated by the fee structure committee constituted by the UGC or by the state government to ensure that they were not collecting capitation fee from the students. The department suggested these measures while submitting its views on the draft regulation on technical and professional education solicited by the UGC. The department suggested that not less than 50 per cent of seats of deemed universities functioning in the state be filled up through the merit list generated for the state candidates through counselling conducted by the state government.

“The remaining seats of the deemed universities should be filled up through central counselling conducted by the CBSE at all-India level,” the government suggested.

Observing that deemed universities are admitting a large number of students in different disciplines, the department said that the varsities should apply to the UGC for obtaining approval of the commission in respect of various disciplines and courses. The government further proposed that like the practice followed by the Medical Council of India, the UGC should also seek a no-objection certificate (NOC) of the state government from the deemed-to-be universities every year when it came to the running of higher technical programmes.

“If such NOC will be called from the state government by the UGC, there will be some check and balance in their functioning and effective control of the state government to curb the erratic functioning and the whimsical steps taken by the deemed to be universities in respect of admission of students, fixation of intake in each branch, collection of fees and conduct of courses,” the letter from the state government read, adding that it would then be in a position to oversee the overall functioning of these institutes.

DECCAN HERALD, JAN 17, 2014

'Teachers should give suggestions to bring in reforms in education system'

Primary and Secondary Education Minister Kimmane Rathnakar has asked the teachers to give suggestions to the department on bringing in comprehensive change in the education system. The government is ready to accept the suggestions and advices.

He was speaking after inaugurating the centenary celebrations of the Government Model Higher Primary School at Nidaghatta on Wednesday. Though all expect a change in the education department, they do not speak about how to improve the education system.

Teachers too approach the department seeking solutions for their problems. But they never comment on what kind of changes they look forward in the education system. It is necessary for the teachers to think about providing quality education to students, he stressed.

“The Central and the State governments are releasing funds to the education department. The State government has earmarked Rs 18,000 crore for primary and secondary education in the budget, of which, Rs 11,000 crore is spent on providing salary to teachers. The remaining Rs 12,000 crore will be spent on Akshara Dasoha.

Remaining amount will be spent on Ksheera Bhagya and other schemes. Funds reserved for the education department is not misused, he clarified, to the allegations that funds are misused in the department.

Commenting on confusion prevailing over the contents of textbooks in primary and secondary education, the Minister said that he had convened a meeting with the higher officials on the very next day of taking charge, to discuss on solving the issues surrounding contents of textbooks. “I will ensure that no such problem will recur in textbooks in the next academic year. The tender process for distributing textbooks and bicycles has been completed. Steps will be taken to reach the textbooks and bicycles to the offices of respective block education officer between May 10 and 15,” he assured.

On the problem persisting in transfers in primary education department, he said honest efforts are being done from his side to solve the problem this year. The department has received 14,000 to 16,000 applications seeking transfer related to spouses. If all the applications are considered, 20,000 schools will have to be shut down in the State. Therefore, it is better for teachers not to roam around to Bangalore and other places for transfer, he advised.

Kimmane also admitted the delay in providing salary to retired teachers. Henceforth, the process of releasing the salary will be completed before six months of retirement. He warned of suspension, if the officers fail to violate the directions.

Freedom fighter H S Doraiswamy said that the citizens should raise their voice against injustice. “We should wake up from deep slumber to save democracy.”

He said that all of us should strive to eradicate corruption from its roots.

Akhila Bharatha Sharana Sahitya Parishat President Go Ru Channabasappa also spoke. MP Jayaprakash Hegde released a souvenir. MLA C TRavi presided over the programme. Ex servicemen, donors for school and retired teachers were felicitated on the occasion.

FOREIGN INVESTMENT

DECCAN HERALD, JAN 17, 2014

Wrong signal

The Aam Aadmi Party (AAP) government's decision to withdraw the permission given by the previous government in Delhi for foreign direct investment in multi-brand retail is wrong and unwise. It shows not only an inadequate and faulty appreciation of the case for FDI in an important area but also ignorance of a basic norm of administration.

The AAP's election manifesto had promised controls on FDI in retail. A blanket withdrawal of permission might be taken to be the fulfilment of a promise but its implications will only be negative. Chief minister Arvind Kejriwal has defended his decision with the argument that FDI in retail will reduce employment opportunities in Delhi. He has accepted that retail outlets with foreign investment would give greater choice to the consumers but feels that the feared loss of jobs is an overriding concern.

The argument of loss of jobs is not correct. Organised retail might actually expand employment, and the neighbourhood shops will not offer many more job opportunities in future. This has happened everywhere where big retailers have started operating. In Delhi Indian big retail will continue to operate without competition from the more organised and efficient foreign retailers. Large retailers and competition among them will actually help to bring down prices, thus benefitting the consumer.

At the same time producers will also gain from higher remunerative prices. The reduction in the number of middlemen between producers and consumers will help both. Organised retail will also create an infrastructure for procurement and preservation of goods for trade and introduce a more efficient supply management chain. All this has been discussed and debated in the country for long and it is unfortunate that the AAP government has taken a decision without wider consultations on its merits and demerits.

The decision can be faulted on another ground also. The AAP government's decision on FDI in retail will send out a wrong signal to investors. Consistency and continuity of policy are necessary to create confidence among investors. The country has suffered in the past because of policy reversals and resulting uncertainty when it is in need of creating a better investment climate. The AAP government's decision might prompt other governments to review their own decisions about FDI in retail. Rajasthan has already given such an indication. They will be denying the benefits of a major policy reform to the majority of the country's people.

HEALTH SERVICES

PIONEER, JAN 17, 2014

GOVT RESERVES 30 PC P-G MEDICAL SEATS FOR RURAL DOCTORS

In a decision that can improve the healthcare services in rural areas, the state Government has reserved 30 per cent of the post-graduate seats for those MBBS doctors who have completed their mandatory stint of rural services. It also announced free X-ray facility for patients in all state-run hospitals.

These decisions were taken in the Cabinet meeting held here on Thursday.

The Government spokesman said that doctors who have worked in the primary health centres (PHCs) and community health centres (CHCs) in far flung areas of the state would have 30 per cent seats reserved for post-graduation courses.

This would motivate MBBS doctors to go to rural areas with the intention to get the benefit of reservation facility, the spokesman said.

The Uttar Pradesh Provincial Health and Medical Services, an association of Government doctors, hailed the decision. Secretary of the association, Dr Sachin Vaish, said that it was a long-pending demand and with its implementation, doctors would be motivated to go to villages. "We thank Chief Minister Akhilesh Yadav for taking such a historic decision," Dr Vaish said.

The state-run hospitals are facing a crunch of MBBS doctors willing to work in rural areas. Despite many advertisements by State Service Commission to appoint

doctors and the proposal to appoint retired doctors on ad hoc basis over 1000 posts are lying vacant. The doctors are not willing to serve in rural areas as a result of which PHCs and CHCs are facing staff crisis. In another decision, the Government announced free X-ray facility for patients in all government hospitals. This decision would be implemented with immediate effect.

Earlier, the free X-ray facility was available to only Below Poverty Line (BPL) card holders while other were required to pay Rs 30 per X-ray.

The Government also decided to set up an Institute of Driving Training and Research in Rae Bareli, the parliamentary constituency of Congress president Sonia Gandhi.

The institute would be set up in collaboration with the Union Government while the state would allocate land for it.

The Cabinet has approved 11.755 acre of land for the institute in village Datauli in Sadar Tehsil of Rae Bareli and has asked Centre to release funds for the said project.

In another decision, the Government decided to transfer 41.744 hectare of land of Sugar Corporation mill in Rampur to the Jail department so that the existing District Jail may be shifted out of the city limits.

The Cabinet decided to allocate funds for the shifting of the jail in the 2014-15 budget.

In other decisions, the Government decided to set up an international airport in Kushinagar in eastern Uttar Pradesh on PPP (people public participation) model and also increased the retirement age of the employees of Uttar Pradesh Urdu Academy from the existing 58 years to 60 years.

Besides, the Government also decided to increase the honorarium of the aaganwadi workers from Rs 1500 to Rs 2250. The hike would be effective with retrospective effect from July 4, 2013. With the aim to streamline urban transport, the Cabinet

approved creation of Dedicated Urban Transport Fund and asked the department to formulate guidelines for the scheme.

The Government also decided to construct Agra-Lucknow Expressway on the lines of Engineering Procurement and Construction system.

In another decision, the Government approved creation of Loni as a separate tehsil in Ghaziabad district.

INDUSTRY

HINDU, JAN 20, 2014

Home Ministry cautions against giving oil blocks to Chinese firms

Sujay Mehdudia

The Union Home Ministry has “advised” the Petroleum and Natural Gas Ministry to not give exploration and production contracts for oil and gas blocks to Chinese companies for security reasons. In its advisory, the Home Ministry said some of the blocks proposed for oil and gas exploration in Rajasthan, Punjab and Gujarat were located close to the border with Pakistan.

INTERNATIONAL RELATIONS

STATESMAN, JAN 18, 2014

Foreign policy & federalism

It is absolutely necessary that the central government must consult the state concerned, take care of its grievances, and take it on board while making a decision. At the same time an effective foreign policy requires that the Centre will be in a position to draw the line and assert that the national interest must trump any other interest ~
RAKHAHARI CHATTERJI

Commentators on India's foreign policy during the last five-six years have noted confusion at best and paralysis at worst. The last time the government took a determined stance on foreign policy was in 2008 when it concluded the civil nuclear agreement with the United States, but then that agreement has become a non-starter. This situation contrasts sharply with the confident views articulated by responsible foreign policy officials less than a decade back. For instance, in a public address at the India International Centre, New Delhi, the then Foreign Secretary Shyam Saran said in February 2005: "India is today one of the most dynamic and fastest growing economies of the world...Countries across the globe are beginning to see India as an indispensable economic partner...Should not our neighbours also seek to share in the prospects for mutual prosperity India offers to them?...The challenge of our diplomacy lies in convincing our neighbours that India is an opportunity not a threat..." A year-and-a-half later, in September 2006, his successor, Shiv Shanker Menon said at the Council of World Affairs in New Delhi: "Politically, our neighbourhood policy is now based on the recognition that what can best secure India's interests in the region would be building a web of 'dense interdependencies' with our neighbours...We want a neighbourhood policy which is capable of adjusting, capable of shaping events..." (both cited in SD Muni's book, *India's Foreign Policy: The Democracy Dimension*). The presentations of Mr Saran and Mr Menon displayed India's strong confidence especially in dealing with its neighbourhood. Today, only a few years later, we find India to have become wholly irrelevant to the critical phase in its democratic transition that Bangladesh is going through, an irritant at best to Sri Lanka, virtually inconsequential with regard to the pregnant internal developments in Nepal or Maldives. Our links with Afghanistan are uncertain and tenuous and there is no forward movement in our relationship with Pakistan. To make matters worse, in all these countries we confront a domineering presence of China. The tragic event of 26/11 and the 2008 global financial meltdown, signifying drastic changes in the global distribution of power, had dramatically altered the optimistic external scenario that India could enjoy till that time. Such turbulence is not unexpected in any country's foreign policy environment. To get over it, a country needs a strong government, an institutionalised yet supple foreign policy mechanism, and a leadership with farsightedness. While there is an ongoing debate on the first and the third of these parameters, I want to draw attention to the second.

The primary institutions for framing and implementing foreign policy are of course the external affairs minister, the bureaucracy attached to the ministry and also the Prime Minister and his office. As is the normal practice in a federation, in India too, the powers relating to foreign affairs are given exclusively to the Union government. Therefore, the primary institutions mentioned have the ultimate authority to act in the arena of foreign policy in the name and for the interests of the whole country.

The monopoly power and authority of the central government with regard to foreign policy was never in doubt. In the post-Partition years, the country was conceived as a very centralised federation. Constitutional experts in the first two decades after the implementation of the “more unitary than federal” Constitution had to search for operative federal features, and the best they could do was to describe our federation as “a unitary system with some federal features.” It was claimed that the distribution of powers in the Indian federation has led to “apoplexy at the Centre and anaemia in the states.” It would be fantasy for such ‘anaemic’ states to ever think of poaching on the Centre’s monopoly over foreign policy.

But politics has a certain volatility, perhaps more than other arenas of our life. The process of centralisation in India’s federal polity, having peaked in Indira Gandhi’s time, started to melt and because of certain well-known factors, the ‘anaemic’ states started having a strong impact on the Centre since the 1990s. Yet, the conclaves of the Opposition leaders and non-Congress chief ministers in the 1980s claimed broader political space for themselves and larger economic and financial resources, not a say in foreign policy. Hence, in the declaration of the Gujral doctrine or in the initiation of the Look East Policy, no state felt concerned or thought of registering an expression of protest.

More recent events, however, are sending out a different signal. The West Bengal Chief Minister’s stance on the proposed Teesta water-sharing agreement or a pact on the exchange of enclaves with Bangladesh and the Tamil Nadu government’s insistence that India must boycott the Commonwealth Heads of Government Meeting in Colombo are cases in point. In both instances, the position of the states either stalled or substantially altered the Centre’s foreign policy construct. More such instances of State intervention in the Centre’s exercise of powers relating to foreign affairs need not be ruled out in the days to come.

India has turned 180 degrees from the hyperactive Centre of the Indira Gandhi era to an inactive Centre, so much so that it is incapable of asserting its constitutionally granted authority to make the country interact as a single sovereign entity on the global platform. If this state of affairs is allowed to continue, India will certainly lose out. Yet it is possible to take a more nuanced view as well.

In the early years of the American federal system, the states sometimes defied the central government's demands for meeting its treaty obligations. However, by the 20th century, the US federal government decisively established its grip over foreign affairs. As regards India's policy towards Sri Lanka, Tamil Nadu has always exerted pressure on the Centre. But in the past, while Nehru would give Tamil Nadu a hearing, it was not allowed to dictate policy. Mrs Gandhi, with a highly centralised federation in place, could easily continue with the same tradition. Rajiv Gandhi, before he decided to airdrop food in Jaffna in 1987, had reportedly 'flown in' the Tamil Nadu chief minister, MG Ramachandran, to Delhi for consultations (The Statesman, 5 June 1987). What transpired was never known, but the Prime Minister was not influenced by Mr Ramachandran. On the Farakka treaty with Bangladesh, the Centre accorded considerable weightage to the suggestions of the then Chief Minister, Jyoti Basu.

In our federal structure with so many states sharing international borders and eco-systems with other sovereign states, there is every possibility that India's policy towards a neighbouring country can adversely affect a particular state within this country. Therefore, it is absolutely necessary that the central government must consult the state concerned, take care of its grievances, and take it on board while making a decision. At the same time, an effective foreign policy requires that the Centre will be in a position to draw the line and assert that the national interest must trump any other interest.

The writer is former Dean of Arts, Calcutta University, and UGC Emeritus fellow

JUDICIARY

HINDU, JAN 18, 2014

Justice in judicial appointments

With a proactive role based on the power of judicial review, the higher judiciary in India has attained an unprecedented significance. However, in the areas of judicial management and appointments, there is little scope for euphoria. In selecting judges for the constitutional courts, the collegium system has exposed itself. In the words of Justice Krishna Iyer: “There is no structure to hear the public in the process of selection. No principle is laid down, no investigation is made, and a sort of anarchy prevails.”

Dr. B.R. Ambedkar warned against the system of judges selecting judges by saying that “to allow the Chief Justice practically a veto upon the appointment of judges is really to transfer the authority to the Chief Justice which we are not prepared to vest in the President or the Government of the day”. However, no sane criticism of the collegium system would advocate for restoration of political supremacy in judicial appointment. The country is presently seriously debating on the issue and attempting legislation.

My recent visit to the U.K. Supreme Court reminded me of the progress that a modern constitutional democracy has made in judicial management in general and appointments of judges in particular. India cannot afford to ignore the quality of the British judiciary in the ongoing efforts to bring radical changes, especially because we have adopted the Anglo-Saxon system.

The judges in the higher judiciary in the U.K. are appointed on the basis of recommendations made by the independent Judicial Appointments Commission (JAC). Regional representation in appointments is ensured. The Judicial Commission has a representative and participative character. The procedures are transparent. There is no predominance either of the judiciary or of the executive. There is no ‘collegium syndrome’, much less any ‘kin syndrome’. Nor is there any political highhandedness.

The JAC is an independent body which is given the task of selecting candidates for judicial offices in courts and tribunals in England, Wales and also tribunals which have jurisdiction over Scotland and Northern Ireland. There is fair and open competition which ensures assessment of *inter se* merit. The process is lengthy and complex. However, it is more effective and accountable.

The Constitutional Reform Act (CRA) 2005 was recently amended by the Judicial Appointments Regulations, 2013. There are 15 members in the JAC including the Chairman. All of them, except the three judicial members are selected through open competition. Apart from the members from judiciary and legal profession, there are also judicial officers who are not legally qualified and also eminent persons from the public.

There is a well-designed and systematic selection process for induction of Judges at all tribunals and courts including the High Court. It involves the request for vacancy

position, advertisement, receipt of applications, shortlisting, references, candidate selection, panel decision, statutory consultation, checks, decisions on selection, submission of report to the Lord Chancellor and finally the procedure for quality assurance which includes review of the progression of the candidates and observation of the interviews and test results.

The statutory consultation is a mandatory requirement as per the CRA. It is an integral part of the selection process. After the finalisation of selection, the JAC recommends the name of the candidate to the appropriate authority. JAC thus selects the Lord Chief Justice, Heads of Division and the Lord Justice of Appeal.

Selection to Supreme Court

However, the JAC on its own cannot select justices for the U.K. Supreme Court. It is governed by Sections 25 to 31 and Schedule 8 of the Constitutional Reforms Act 2005 as amended. Sections 50 to 52 of the amended Act say about the minimum benchmark for appointment as justices of the Supreme Court. Experience at the bar is given due importance. The Lord Chancellor should constitute the Selection Commission by addressing a letter to the president of the Court who chairs the Commission. The president should also nominate a senior judge in the U.K., who should not be, however, a Justice of the Supreme Court.

Thus the system in the U.K. inherently guards against the vices of the collegium system. There is a member of JAC from England and Wales, Judicial Appointments Board (JAB) in Scotland and JAC in Northern Ireland. Again, and significantly, at least one of the representatives of such a commission should be a layman. Thus the judicial appointment is no more a matter concerning only lawyers or judges. It is meant for the public, for there is no republic without the public.

In the process of appointment to the U.K. Supreme Court also there is a mandatory consultation process with a group that includes senior judges in the Supreme Court to the Chancellors of the High Court and the President of the Family Division. Likewise, there should be consultation with the Lord Chancellor, the First Minister in Scotland, the First Minister in Wales and the Secretary of State for Northern Ireland. Thus regional representation is ensured.

The report should be finally submitted to the Lord Chancellor who should again consult with the judges and politicians who are already consulted by the Commission. Only thereafter the Lord Chancellor can recommend the name of the candidate to the Prime Minister who in turn should advise the Queen to issue formal orders of appointment. Consultation in the U.K. does not mean concurrence by the judges as it occurs in India after the Supreme Court judgments in 2nd Judges' case (1993) and the 3rd Judges' case (1998). And it makes a very big difference.

India has now accepted the need for a Judicial Appointments Commission in principle as evident from the cabinet decision on August 23, 2013 that was followed by introduction

of a Bill in that direction. But whether the composition of the Committee, with two “eminent jurists”, is vulnerable to political intrusion that could jeopardise the independence of the judiciary, is a fundamental question being widely asked.

We should restructure the committee by enhancing its democratic character and by ensuring procedural fairness. We cannot, however ignore the global trend in the realm of judicial appointments which is more towards independent commissions. The United States Institute of Peace has published a ‘Report on judicial appointments and judicial independence’.

It says that judicial council “promises to be a happy medium” between the extremes where neither the judges nor the political heads have the final say. A duly constituted commission is capable of reconciling the need for independence with accountability. About 60 per cent of the countries have adopted the system of judicial council in some form, according to the said report.

Screening of cases

In sharp contrast to the Indian situation, there are days when no cases are listed at all in the U.K. Supreme Court. Appeal is not a matter of routine. Nor it is a matter of right. Leave to appeal is not automatic. Only when there is a substantial legal or constitutional issue, the Supreme Court entertains the appeal. As such there is no docket explosion, as we face.

However, the situations are incomparable in terms of population and other socio-economic factors. Therefore, the Indian Supreme Court cannot probably emulate the British path in this respect. Our Supreme Court, on the other hand, needs to be a common man’s court, and there should be easy access to the system for the ordinary citizen as visualised by the framers of the Indian Constitution.

Incidentally, one may see that the judges of the U.K Supreme Court do not wear official robes during court proceedings. Lawyers also could dispense with official robes on mutual consent. Proceedings of cases of public importance or constitutional relevance are telecast live. As such there is little scope for media trial. These are all small but significant instances which reflect institutional democracy and transparency. The openness of the system is ensured in all facets of judicial process, starting from the selection. Presently there are twelve Justices in the U.K. Supreme Court. Lord Neuberger is the president and Lady Hale is the deputy president in the bench.

John Rawls rightly said that justice is fairness. The Supreme Court of the U.K. simply demonstrates it. A more independent judiciary based on an equally independent Judicial Appointments Commission is a categorical imperative for democratic praxis in India.

A more independent judiciary based on an equally independent Judicial Appointments Commission is a categorical imperative for democratic praxis in India

MINORITY GROUPS

HINDUSTAN TIMES, JAN 21, 2014

Eye on votes, UPA gives Jain community minority status

Zia Haq, Hindustan Times

The Union Cabinet on Monday agreed to grant the Jain community — followers of an ancient faith often confused to be a sect of Hinduism — the status of a “national minority”. This fulfills a long-standing demand by the 7-million-strong community that has sought to maintain its religious and cultural identity.

Jain community celebrates outside AICC office in New Delhi after government granted minority status to the Jain community. (PTI Photo)

The proposal, pushed by minority affairs minister K Rahman Khan and Congress vice-president Rahul Gandhi, could be a politically attractive one for the UPA government, months ahead of a general election.

As a religious minority, Jains will qualify for constitutional safeguards and special policy attention alongside five other such religious minority groups: Muslims, Christians, Sikhs, Buddhists and Parsis.

Under the Constitution, religious minorities enjoy special rights. For example, under Article 30, they can manage their own educational institutions without interference or opening them up for reservation for students from other communities. They also become eligible for funds under the government’s minority welfare programmes. In India, 15 per cent of all funds under various programmes must be targeted towards minorities.

Jains, an otherwise affluent minority, were fighting for “national minority” status mainly to protect and promote Jainism as a distinct faith and culture. Along with Hinduism and Buddhism, it is one of the three most ancient religious faiths in the subcontinent.

“A national minority status allows us to enjoy fundamental rights under Article 25 and Articles 26 to propagate our religion and also freedom to manage our religious affairs. Without this, our identity was eroding,” said Sanjeev Jain, an advocate of the cause.

Although Jainism has many shared concepts with Hinduism and Buddhism because of a common cultural background, scholars agree that the Jain tradition constitutes an independent faith.

Jains already enjoy minority status in 11 states. In 2005, the community’s representatives had moved the Supreme Court seeking a similar status nationally, a proposal backed by the National Minorities Commission. However, the top court had left the decision to the Centre.

POLITICAL PARTIES

HINDUSTAN TIMES, JAN 20, 2014

Narendra Modi spells out vision for 2014 Lok Sabha polls

It was one of the more memorable political speeches so far from any politician in the fray for [elections](#) 2014. Narendra Modi's speech at the concluding day of the BJP national council in the Capital had the characteristic flourishes expected from the party's prime ministerial candidate.

But he went much further outlining his vision for India post-2014. The substantive part of the speech came in the second half, the first devoted to the BJP brand of alliteration and rhyme that people have become familiar with. So we heard of the need not for bills but will and finally dil. He spoke of commitment as opposed to committees and the need for action, not acts — a dig at the Congress. If anyone expected the combative Mr Modi to ignore the ugly barb from Congress MP Mani Shankar Aiyar about his origins as a tea vendor, they were mistaken. He spoke of how tea vendors all over the country are now roaming proud.

The criticism against Mr Modi so far has been that he has not come up with any substantial election issue. This time he did. He put forward a grand vision for India, some of which may be wishful thinking but nevertheless progressive and holistic. The focus on a price stabilisation fund is bound to go down well at a time when people have been hard hit by rising prices.

He spoke of the need for health assurance, not health insurance, stressing on preventive healthcare. River interlinking and the spread of IITs, IIMs and AIIMs to all states were other ideas he came up with. In an acknowledgement to the Vajpayee era, he spoke of moving ahead from the former PM's dream of a Golden Quadrilateral national highway project to improving the rail system by introducing bullet trains. Putting Brand India back on the map also drew loud cheers. He spoke of women moving from homemakers to nation builders.

Pumping up the crowds with his 'idea of India' mantras, he exhorted people to make sure they vote to give this 'servant' 60 months as opposed to the 60 years the Congress has had in power. Though he did refer to the Gandhi family now and again, the speech was befitting a PM candidate in delineating what can be expected of a BJP government, should it come to power.

The presence of the party's successful chief ministers on the stage demonstrates that perhaps Mr Modi is trying to move beyond being a one-man show. If he builds on the ideas he has now put forward, the campaign for [elections](#) 2014 could well move from the slugfest it has been so far to one of ideas and meaningful debates on issues that really matter to voters.

POLITICS AND GOVERNMENT

BUSINESS LINE, JAN 21, 2014

Delhi CM, Ministers begin 10-day dharna against Home Ministry

Kejriwal demands suspension of 5 Delhi Police officers

Back to the streets: AAP MLA from Model Town (on the ground) along with his supporters near the Rail Bhawan dharna site in New Delhi on Monday. — V. Sudershan

There was high drama in high-security central Delhi on Monday, as Delhi Chief Minister Arvind Kejriwal and his Ministers defied prohibitory orders and sat on a 10-day dharna demanding suspension of five State police officers.

Kejriwal refused to accept the police's request to move his dharna to Jantar Mantar in view of the Republic Day parade rehearsal, and called upon the people of Delhi to join his demand for police reforms. He was also seen clearing official files from the dharna site.

Ire against Shinde

The Delhi Chief Minister vented ire at Union Home Minister Sushilkumar Shinde for not taking action against the police officers who refused to raid an alleged drug and prostitution racket run by some African nationals in South Delhi on the directions of his Law Minister, Somnath Bharti.

The Delhi Police falls under the Home Ministry.

The Aam Aadmi Party (AAP) said the Chief Minister's protest was part of his election promise of getting "statehood" for Delhi.

"The party is only demanding statehood, which we had promised to the people of Delhi, as it would help bring law and order under the purview of the Delhi government," senior party leader Yogendra Yadav said at a press conference.

Meanwhile, the Union Home Minister told reporters on the sidelines of an event that Delhi Lt Governor Najeeb Jung had already ordered a judicial probe into the allegations of inaction against the five Delhi Police officers and urged Kejriwal to end his street protest in keeping with the dignity of his office.

Congress, which is supporting the AAP Government in Delhi, lashed out at Kejriwal for resorting to "gimmickry".

Information & Broadcasting Minister Manish Tewari said "AAP was not given a mandate by the people of Delhi to create anarchy. It's high time AAP makes the transition from being agitators to administrators."

Senior BJP leader, Arun Jaitley, tweeted: “Did the AAP form a Government to wreck the system from within?”

‘Double standards’

But, AAP’s Yogendra Yadav flayed both Congress and BJP for having “double standards”.

“Both the parties had the agenda of striving for full statehood for Delhi in their manifesto in the Assembly elections... If that is the case, then why doesn’t BJP come and support the Chief Minister with their MLAs?” he said.

Amid all the political muscle-flexing, working people in central Delhi had a tough time reaching their offices as the nearby Metro stations had been closed and the roads cordoned-off, leading to traffic jams.

At the dharna site, however, it was Peepli Live, with papad, groundnut, bhelpuri and tea-sellers having a field day and a cold night ahead.

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PUBLIC ADMINISTRATION

HINDU, JAN 16, 2014

Delhi Secretariat is the new Jantar Mantar

SOWMIYA ASHOK

Farmers, teachers, health workers join protest

A group of farmers waiting outside Delhi Secretariat to meet Chief Minister Arvind Kejriwal on Wednesday.— Photo: Meeta Ahlawat

Ever since the Arvind Kejriwal-led Delhi Government took over the reins at Delhi Secretariat, the address for the Capital's "designated free speech zone" seems to have shifted from Central Delhi's Jantar Mantar to outside the gates of the government's head office.

Dominant among the demonstrators were groups of contractual workers who were there to pull up the Aam Aadmi Party government on promises made in its election manifesto.

While the government itself experimented with a Janata Durbar over the weekend, a mixed crowd comprising farmers, teachers and health workers were seen demonstrating outside the Secretariat on Wednesday vying for the Chief Minister's attention.

In its election manifesto, the AAP had promised that "no contractual jobs for work that is required 365 days a year and ensuring implementation of minimum wages".

Samikha Jain (24), who was one of over 10,000 "contract and guest teachers" working in Delhi Government schools, questioned "why the government had not done its homework" before proposing to provide permanent employment to contractual workers.

"In their manifesto, they promised to regularise contractual work . How can they ask for more time now?" said this teacher who works at a school in Meet Nagar.

Her colleague Aarti Rana said the group had met with Education Minister Manish Sisodia and Mr. Kejriwal, and both had asked for "more time" to look into the issue.

Ten metres away, Jaiveer Dahiya, who works as a lab technician under the National Rural Health Mission, held onto a banner asking for Mr. Kejriwal to make his job on par with similar positions under the Delhi Government.

"We are told that we neither come under the Union government nor the Delhi Government. Salaries have not been revised for years and all we ask for is that our pay scales be brought on par with what the Delhi Government offers," he said.

"We voted for them [AAP] in the Delhi elections and now we have to stand here asking for them to pay us some attention," he added.

Around him, his colleagues discussed the contingent that had landed from the farmers' association earlier in the day, asking that their land be returned to them in different parts of the city.

"I am not sure if they managed to meet Mr. Kejriwal, but we plan to stay here till he meets us," said Priyanka Balayan.

RELIGION AND STATE

HINDU, JAN 20, 2014

Freeing temples from state control

Subramanian Swamy

The Supreme Court delivered a landmark judgment on January 6, 2013, allowing my Special Leave Petition that sought the quashing of the Tamil Nadu Government's G.O. of 2006 which had mandated the government takeover of the hallowed Sri Sabhanayagar Temple (popularly known as the Nataraja temple).

The Madras High Court Single Judge and Division Bench had in 2009 upheld the constitutionality of the G.O. by a tortuous and convoluted logic that new laws can overturn past court judgments that had attained finality earlier. The Supreme Court in 1953 had dismissed the then Madras Government's SLP seeking the quashing of a Madras High Court Division Bench judgment of 1952 that had upheld the right of Podu Dikshitaras to administer the affairs of the Nataraja temple while dismissing all charges of misappropriation of temple funds against the Dikshitaras. The Supreme Court thus made this judgment final and hence that which cannot be re-opened. But in 2009 the Madras High Court did precisely that. In 2014, in my SLP, the Supreme Court Bench of Justices B.S. Chauhan and S.A. Bobde therefore termed this re-opening of the matter as "judicial indiscipline" and set aside the 2009 Madras High Court judgment as null and void on the principle of *Res Judicata*.

In their lengthy judgment, the Bench has clearly set the constitutional parameters on the scope of governmental intervention in the management of religious institutions. In particular, the Court has opined that any G.O. that legally mandates a takeover of a temple must be for a fixed limited period, which I had suggested as three years.

The Dravidian movement intellectuals and politicians in various parties in Tamil Nadu are incensed with the judgment. The recent article "Reforms in the House of God" (A. Srivathsan in *The Hindu* January 13, 2013) is one such example that laments the Supreme Court judgment.

In this Dravidian movement background, it is not difficult to understand the views of those who believe that Hindu temples ought to be managed by the government, and that any deviation is a social, ethical, moral and legal sacrilege! In Mr. Srivathsan's article it is stated that: "For almost a century, the Tamil Nadu government has been trying to bring the Chidambaram Natarajar temple or the Sabanayagar temple as it is officially known, under state administration". This is one expression of the outlook that only Hindu religious affairs need to be managed by the government. The obvious question, why should a 'secular, socialist' government control only Hindu places of worship, but not Muslim and Christian religious institutions clearly has been avoided.

But the country has moved on after the phase of British imperialist grip on Tamil Nadu during which phase the Dravidian Movement was founded. Prominent leaders of this

Movement had declared that “blowing up of the Nataraja Temple by a cannon is the goal of the Dravidian Movement”. Unfortunately for them, in the last two decades, the rising popularity of the Hindu religion among the youth, and the debilitating corruption in financial affairs of the Dravidian movement have made such a violent aim unattainable. But the biggest roadblock is the Constitution of India.

In fact, what is scandalous is the corruption after takeover of temples by the Tamil Nadu officials, MLAs and Ministers by looting the temple wealth, lands, and jewels, and the reckless diversion of donations of devotees to non-religious purposes.

For example, temple properties: Tamil Nadu temples, under Hindu Religious & Charitable Endowments Department, has control over more than 4.7 lakh acres of agricultural land, 2.6 crore square feet of buildings and 29 crore square feet of urban sites of temples. By any reasonable measure, the income from these properties should be in thousand of crores of rupees. The government, however, collects a mere Rs.36 crore in rent against a ‘demand’ of mere Rs.304 crore — around 12 per cent realisation. How much is under the table only a court-monitored inquiry can reveal. In any corporate or well-managed organisation with accountability, those responsible would have been sacked. Yet, we have people rooting for ‘government administration’.

Temples themselves: The Srirangam Ranganathar Temple paid the government a (yearly) fee of Rs. 18.56 crore (2010-11) for ‘administering the temple’; for employees rendering religious services, like reciting *Veda* s, *Pasuram* s during the deity procession, no salary is paid’. There are 36 priests in Srirangam who perform the daily poojas — they are not paid a monthly fixed salary. They are entitled to offerings made by devotees and a share in the sale of *archana* tickets. Yet the temple pays a monthly salary ranging from Rs.8,000 to Rs.20,000 for the temple’s government-appointed employees, like watchman, car drivers etc. who perform no religious duties.

The situation is “significantly” better at the famous Nelliappar Temple in Tirunelveli. In this temple, priests performing daily pujas are paid monthly salaries, but ranging from Rs. 55-Rs. 72 (and this is during 2010-11). But did some politician not say you can have a hearty meal for Rs. 5 per day? But it is just Rs.1.65 per day, going by the standards of the ‘secular’ government.

Many large temples maintain a fleet of luxury vehicles, typically the ‘fully loaded Toyota Innova’, for the use of VIPs! And for the use of assorted Joint and Additional Commissioners and, of course, the Commissioner himself. It is very difficult to understand the religious purpose such extravagance serves or even a ‘secular’ purpose! The HR & CE takes away annually around Rs.89 crore from the temples as administrative fee. The expenditure of the department including salaries is only Rs.49 crore. Why does the government overcharge the temples— literally scourging the deities — for a sub standard service?

Temple antiquity: The third ‘contribution’ of the government is the mindless destruction of priceless architectural heritage of our temples.

There are several instances of sand blasting of temple walls resulting in loss of historical inscriptions; wholesale demolition of temple structures and their replacement by concrete monstrosities; in a temple in Nasiyanur near Salem, an entire temple *mandapam* disappeared, leaving behind a deep hole in the ground, literally.

Recently the government started covering the floor of Tiruvotriyur temple with marble, a stone never used in south Indian temples. The original floor was of ancient granite slabs with historical inscriptions. There are several initiatives for ‘renovation’ of temples — the bureaucrats rarely consult archaeologists or heritage experts. Without knowledge, experience, competence or appreciation and with great insensitivity they use inappropriate chemicals on ancient murals, insert concrete/cement structures, use ceramic tiles to ‘embellish’ *sanctum sanctorum* and construct ‘offices’ within temple premises. Ancient monuments 300 to 1000 plus years old are never ‘renovated’, only ‘restored’, a distinction that escapes the babus.

More importantly, the Supreme Court, in the 2014 Chidambaram case has held that the government cannot arbitrarily take over temples, which is what has been happening in Tamil Nadu under the Dravidian movement’s influence.

In the case of Trusts and Societies, takeover of temples can happen, the Supreme Court held, only on establishing a clear case of mal-administration and that too the takeover can be for a limited period, and the management of the temple will have to be handed back immediately after the ‘evil has been remedied’.

There are several large temples in Tamil Nadu under government control for several decades. If the Supreme Court judgment is applied, then the government is in illegal, unethical and unfair control of these temples. apart from being answerable for innumerable acts of dereliction of duty, defiling of temples that has resulted in loss of several thousands of crores of rupees to the temples and to their antiquity. That is my next move — to liberate all Hindu temples presently in government control on expired GOs. In the future we need to bring some mosques and churches to rectify the mismanagement going on in these places. Then the secularism of India’s intellectuals will be truly tested.

(The writer is a former Union Minister and a member of the Bharatiya Janata Party)

What is scandalous is the corruption after the takeover of temples as politicians and officials loot the temple’s wealth and land, and divert donations of devotees to non-religious purposes

TERRORISM

HINDU, JAN 20, 2014

To thwart 26/11-type attacks in the U.S., the Los Angeles Police Department has developed a “Multiple Assault Counter-Terrorism Action Capabilities” training module.

URBAN DEVELOPMENT

BUSINESS STANDARD, JAN 16, 2014

Rajiv Lall: AAP and the politics of urbanisation

The next elections promise to be interesting since a less uniform urban vote could make things tricky for the Aam Aadmi Party

At least officially, India is one of the less urbanised countries around the world. According to the [2011 Census](#), some 324 million people or 28 per cent of the population are classified as urban, in the sense that they live in statutory towns or urban agglomerations that are governed and administered as non-rural. In contrast, China, Indonesia, for example, have an estimated urban population of 52 per cent and 51 per cent respectively. However, things are changing quite rapidly on this front in India. Given India's rural transformation and the rising share of non-farm rural economic activity, the distinction between urban and rural is becoming more blurred. More than 53 million people, or four per cent of the Indian population, live in habitations of a size larger than 5,000 where the population density is more than 400 people per square km, and where more than 75 per cent of the male working population is engaged in non-agricultural activity. Such areas are identified in the 2011 Census as Census Towns, or towns that have urban characteristics but are neither governed nor administered as urban bodies. Over the past decade the number of Census Towns has trebled to close to 5,000. The point is that the share of the population that lives in urban conditions is materially larger than the population that is administered as urban. This phenomenon has some important underlying political drivers as well as economic consequences.

Peri-urban areas and Census Towns have very little incentive to be officially notified as urban bodies. The panchayats in these areas would much rather remain outside the ambit of complex and onerous town planning regulations that the state governments impose on statutory towns. They want to retain discretion, a source of significant power and rents, over land use at the local level. Besides, the reality is that because annual plan expenditure designated for urban development is only 10 to 15 per cent of that allocated directly for rural development under various Government of India schemes, a Census Town that gets notified as a statutory town by the state government concerned risks losing access to valuable government funding. Historically, there has been a politically motivated bias to allocate more resources to rural rather than urban India. As a result, there is a strong tendency for unplanned [urbanisation](#), leading, for example, to inadequate co-ordination in transport planning and congestion. Moreover, we end up systematically under-investing in urban infrastructure even as the challenge of waste management and sewage treatment in particular become increasingly daunting, and our towns and cities become progressively unliveable.

A lot of policy attention has been focussed on how to strengthen the fiscal base of urban local bodies in order to make them financially self-sufficient and on how to strengthen their administrative capacity at the local level. However, the fundamental problem is that urban India does not get the political attention it deserves.

The design of our parliamentary constituencies has a lot to do with this dysfunctional dynamic. For the past several decades, the urban voice in our country has been electorally under-represented thanks to the political establishment's reluctance to update the geographical boundaries of parliamentary and state Assembly constituencies. According to the Constitution, the readjustment of constituencies was to take place on a decadal basis following each Census. However, consequent to the 42nd [Constitutional Amendment Act](#) of 1976, a moratorium was imposed on the number of seats allocated and on the territorial limits of the parliamentary as well as Assembly constituencies until the population Census of 2001. For 30 years elections were thus held on the basis of the 1972 delimitation, leading to growing anomalies and widening intra- and inter- state disparities in the population per constituency, with many urban areas ending with a very large number of people per elected official. The Fourth Delimitation Commission was eventually constituted following the Delimitation Act of 2002 but it was not until 2008 that it finally completed its work of redrawing the constituencies based on the 2001 Census. The methodology of the Commission came in for a lot of criticism at the time and political opposition to the process meant that the north eastern states and Jharkhand were not even included in the delimitation process. Moreover, Parliament, through the 84th Amendment to the Constitution, once again froze the territorial contours of constituencies, this time all the way to 2026. This effectively means that the next delimitation exercise has been deferred until the 2031 Census, by which time our urban population is projected to rise to 40 per cent.

A quick and dirty analysis suggests that after the latest delimitation exercise, though about a third of the overall population is urban, of the 543 constituencies for the Lok Sabha, only about 85, or under 15 per cent, have a majority urban population.* Unless our cities and towns, which together contribute an estimated 70 per cent to the country's gross domestic product, acquire a stronger political voice they will not get the resources, the administrative capacity or the governance autonomy they need to thrive and grow. Given this context, what are the prospects that urban India will be able to exert any meaningful political influence any time soon?

Although the [Congress](#) and its allies did very well in the urban constituencies of the 2009 Lok Sabha polls, the focus of the United Progressive Alliance-II has been unabashedly rural. The disappointed urban voter is likely to look for an alternative. But will any national party such as the Bharatiya Janata Part, that needs to cobble together diverse political constituencies, be able to deliver on a focussed urban agenda? History suggests not. An interesting question is whether or not the [Aam Aadmi Party \(AAP\)](#) could emerge as such a force.

A plausible hypothesis is that the urban voter is materially different from the rural voter. The average urban voter is younger, better educated, economically better off, more aspirational, and less caste conscious than his rural counterpart. Urban women are also more likely to identify with gender specific issues than rural women. Arguably, this stylised class of voter is looking for performance on basic deliverables from the state, and may be more willing to embrace a new political vocabulary such as that offered by AAP. This voter is also likely to be a citizen of "Facebook Nation". India has 92 million

Facebook users today, of which about 50 million are located in, or around, the country's 33 top cities. This is a community that AAP could and should mine for its crowd sourcing-based funding strategy. It all sounds very neat, and if it were empirically validated, a focussed and targeted campaign from AAP could yield impressive results. But I suspect that the reality will be messier. The urban vote could well be much less uniform than our stylised caricature, making it harder for AAP to cobble together a coalition with sufficient commonality of interests. AAP seems itself to be struggling to define what it stands for. Whatever happens, the next elections promise to be particularly interesting and probably represent the best chance yet for urban India to find political expression.

The author is executive chairman, IDFC

Based on the share in each constituency of the population living in urban agglomerations and statutory towns using Census 2001 and 2011 data.

WOMEN

HINDU, JAN 17, 2014

Lawyer, judge and aam aadmi

Kalpana Kannabiran

Even while ruling that sexual harassment is an infringement of the constitutional right to dignity, the justice pyramid stood apart as an exception to this standard

Legal fraternity: Unless the legal profession and courts, largely comprised of men, restructure themselves, they will continue to present hostile environments to women. The above file picture shows a woman lawyer discussing a point with her colleagues.—
Photo: G.R.N. Somashekhar

First it was Rupan Bajaj from Punjab, then a woman officer in Kerala; and we learnt that senior women civil servants are as vulnerable to sexual harassment as ordinary women in ordinary workplaces. Also, that nothing separates top cops and ministers from the common man, save the assumption of impunity by the former. Women blew the lid on male impunity, rupturing it in ways that sent waves of shock down the habitations of the common man — ‘a super cop who has done signal service to the country to be treated as an ordinary criminal for a moment’s exuberance with a charming working woman’ was the way Gill’s misdemeanours were described. This was followed by Bhanwari Devi’s memorable but distressing struggle against the assault by upper caste landlords which resulted in the Vishakha judgment of the Supreme Court: Justice Verma’s court ruled against sexual harassment in the workplace setting out guidelines for all workplaces and mandating that protections be put in place. This was the year 1997.

While the progress was uneven, workplaces across the country witnessed some rumbling in the redrawing of the norms of appropriate cross-gender conduct. Women were able, with some measure of success, though far from adequate, to push the common man to conform to behaviour in workplaces that did not constitute an infringement of the bodily integrity and dignity of their women colleagues.

Impervious to change

In the decade and a half that this churning has been underway, however, courts themselves have been impervious to change. The situation is indeed peculiar. While ruling that sexual harassment constitutes an infringement of the constitutional right to dignity and comes within the meaning of discrimination based on sex, the justice pyramid across the country stood apart as the exception to this standard. Without going into how pervasive practices of sexual harassment are in judicial spaces — that is, the spaces of the Bar and the Bench — we could pose an even more basic question: If it is mandatory according to a Supreme Court ruling that sexual harassment constitutes a specific kind of misconduct which must be dealt with in a specific manner, why has it not been made mandatory for all courts, the bar council and bar associations to constitute complaints committees to create the possibility of redress for women who might need it? These women could be litigants, workers in court premises, clerical staff, advocates and judges.

Curiously, the judiciary is befuddled by the problem to which it crafted a solution — it has no language or procedure that will kick in the minute a complaint is made.

The recent complaints are not the first complaints women have ever had. These are only the first that have been spoken about. To their credit, these young women are laying down the non-negotiable in no uncertain terms. It is true that we cannot judge anyone (even less a judge) before a transparent and fair enquiry is conducted. Hearing one complaint in a closed, closely guarded proceeding, the apex court hastens to decide that no further complaints of this nature will be heard. Why?

The trouble does not stop there. The legal profession itself takes its cue from this construction of the exception by the Bench. Lawyers are practitioners who do not need to fall in line with the norms they might seek for their clients. Everyday, accounts from women in the legal practice speak of how hostile court environments are for women. It is not uncommon to see bar association halls treated as spaces that men will occupy. Women are relegated to the women's bar association room, which, in some cases, is even veiled with a soiled curtain or may be consigned to the deepest and darkest crevices of court complexes. We can scarcely forget that these are professional spaces that must nurture deliberations on the constitution and a sense of justice.

Recent incidents in the Kerala High Court Bar Association reported in the social media crystallise this issue further. If a woman working in the courts — in whatever capacity — finds men's modes of address and behaviour sexist and objectionable (which often they are, the truth be told), surely, she has the right to speak her mind. Not just on her blog but in the bar association hall. Yet, a remark by a woman lawyer on her blog that male colleagues habitually use unacceptable modes of address in speaking to women leads to her suspension from the association after a general body meeting. What is the writ of the bar association? Is it to nurture an environment where advocates are required to conform to the spirit of the constitution (constitutional morality) or is it to enforce the morality of the mob on the street (public morality)? Should lawyers vote on a sense of justice or should they vote to reinforce the dominance of the pack?

This brings me to my final point. Unless the legal profession and courts restructure themselves in tune with constitutional principles, they will continue to present “hostile environments” to women as defined by the decision of the Supreme Court in *Vishakha and others vs State of Rajasthan*, a verdict now enshrined in the legislation.

Gender composition

The numbers only precipitate matters further. Is there a connection between the prevarication of the Supreme Court in the matter of complaints against members of the Bench and its gender composition — the fact that the Bench comprises almost entirely of “brother judges” (with negligible exceptions that do not add up)? Is there a gender-appropriate language to refer to women on the Bench that recognises their centrality, their competence and their gender? Can we draw a connection likewise between the decision of a full general body of a bar association to suspend a woman who spoke her mind to the

fact that the bar association is ruled and constituted by men — the women being mere spectators with no voice or effective vote?

It is time for a cultural transformation in the gender politics of the justice pyramid. It is time for the Supreme Court to redraw the circle of regulated conduct that conforms to the constitutional norm and situate its pyramid within. That is the only justiciable route, as fundamental rights under the constitution are.

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If the court deems it mandatory that misconduct must be strictly dealt with, why are there no panels offering redress?