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## AGRICULTURE

STATESMAN, MAY 11, 2016

### **Revamping agriculture**

**Jaydev Jana**

India's economic growth still largely depends on agriculture. Modern technologies integrated with agriculture and agro-food industry will revolutionize this sector and produce large-scale employment and thereby wealth. -- APJ Abdul Kalam

In terms of demography, agriculture is still the largest economic sector in India, and it plays a crucial role in the overall socio-economic and national well-being, though its share in the Gross Domestic Product (GDP) has declined over time. The country has made impressive progress over the past 50 years, from chronic food deficits and aid dependency to become a food-surplus country, and a consistent net food exporter since the early 1990s. The net agricultural exports increased from \$2.2 billion (bn) at the beginning of the century to over \$25 bn at present. Agriculture is the backbone of the rural economy as it provides 56 per cent of the workforce in the country with a population of around 120 crore. The critical role played by agriculture in poverty reduction has been mentioned in a report of the World Bank. GDP growth originating in agriculture raises the income of the poorest households by at least 2.5 times as much as growth in other sectors does.

However, agriculture in this country has an image problem. Educated rural youth are reluctant to enter agriculture-related professions. There are several reasons apart from meager income. One major reason is structural, such as the diminishing size of land holdings, the declining soil fertility and water resources, power shortages etc. The other is agronomical, such as yield stagnation in major crops, lack of affordable improved seed varieties, non-availability of extension services etc. Yet another is financial -- rising input costs vis-à-vis meager increase in output prices, high costs of inadequate and untimely credit etc. Not only the youth, even the elders of the rural households irrespective of their size of holdings, are loath to join what they perceive to be a risky profession. Around 42 per cent of them want to quit agriculture if given a choice. This is a grave symptom of the bigger malaise. No wonder, two-third of MGNREGA workers are actually land owners. This indicates that small and marginal farmers are unable to survive on agriculture. A report from the office of the Registrar-General of India dated 1 May 2013 shows that the proportion of the farmers to the total population in the country has declined over the last five decades.

The policies of food procurement and minimum support price (MSP) for agricultural commodities in India have never been geared to help farmers. The consistent ratcheting up of

MSP for agricultural commodities has destroyed the entrepreneurial dynamism of farmers and distorted the land-use pattern as well as the consumption of inputs. A National Sample Survey Office (NSSO) survey report released in December 2015 revealed that around half the farmers who sell their produce in the open market were unaware of the Minimum Support Price (MSP) announced by government. In reality, MSP encourages private traders to fix the market price around MSP even if there is no over-production. Paradoxically, increased production does not guarantee increased income at the farmer's end under the current market mechanism.

A striking feature is rural distress, marked by suicides by farmers, debt burden farmers' suicides, etc. Mounting loans have forced farmers to commit suicide. It is reported that in India a farmer commits suicide every 12 hours. The country has lost more than 2.5 lakh productive farmers over the past 15 years due to suicides.

The Union Budget for 2016-17 mentions the government's plan to double farm income over the next five years. At present, most of the farmers are resorting to subsistence farming which hardly earns them enough even to meet the requirements of their family. Agriculture needs to be commercialized to make it profitable so that it can attract the younger generation. Marketing of agricultural produce has become important with increased commercialization. The Agricultural Produce Marketing Committees (APMC), which functions as wholesale cartel in mandis should be abolished. Newer technologies and system, like spot exchanges may help farmers get a better deal for their produce. Opening markets will allow traders and farmers to buy and sell freely. Processing of agricultural produce is an important aspect of commercialization. Moreover, value-addition of the agricultural produce can fetch a higher price to the producer.

Water is the principal input in agriculture and a major issue of concern. India uses 2-3 times the water used to produce one tonne of grain in countries like China, Brazil and the United States. The Government has initiated the Pradhan Mantri Krishi Sinchan Yojana, aimed at providing water to every farmer covering around 28.5 lakh ha of land and eventually improve the use of water efficiency to get 'Per Drop More Crop'. NITI Aayog mentions adoption of drip irrigation as one of the mechanisms for efficiency.

Agriculture is acutely vulnerable to climate change. India has suffered droughts over the past two years. As many as ten states have declared drought this year and it is likely that more will follow in the summer months. There is urgent need for effective climate resilient agriculture (CRA) in India. To ensure water conservation and natural resources management, Cluster Facilitation Teams (CFT) shall be organized under the MGNREGA which would not only generate income through various projects but also help in creating community assets. There is a provision for crop insurance, which can be used as one of the strategies for CRA.

Indeed, agriculture in India is at the crossroads. On the one hand, there has been deceleration of growth in recent years, and on the other several new opportunities and possibilities are emerging. The India landmass has been described as highly fertile, but its productivity is quite dismal when compared with landmass productivity of other countries. Yields per hectare of foodgrain, fruits and vegetables in our country are far below the global average. Moreover, our country is among the major mega-biodiversity regions in the world. In contrast to the richness of such genetic heritage and fertility of landmass, people living in the midst of it are poor. To express the irony, Jawaharlal Nehru had once said: 'We are a poor people living in a rich country.'

Modern science with its marvellous array of new technologies can devise solutions to many problems facing agriculture. The present century has been referred to as the "biological century" as well as "knowledge and information age". We should promote appropriate technology for agriculture, blending traditional wisdom with frontier technologies. Knowledge and skill-based technology could make agriculture attractive to the younger generation. Opportunities for young entrepreneurs in agriculture are enormous. But we have derived very little demographic dividend in agriculture so far. The National Commission on Farmers stressed the need for attaching and retaining educated and skilled youths in farming to rejuvenate agriculture.

The writer is a retired IAS officer.

## CIVIL SERVICE

TELEGRAPH, MAY 12, 2016

### **Pay panel proposes, govt not keen**

Subhashish Mohanty

Cash crunch

**Bhubaneswar, May 11:** This sure is bad news for state government employees - do not expect salary revision in keeping with the Centre's seventh pay commission recommendations.

Highly-placed government sources told **The Telegraph** that Odisha was not in a position to implement the recommendations as it would cost the state exchequer a whopping Rs 5,000 crore a year.

Explaining the reason for the Naveen Patnaik government's inability, the official said that the state's loan burden was expected to touch Rs 65,000 crore in the next financial year and a salary revision on the lines of the seventh pay commission recommendations would only add to the pains of a cash-strapped state exchequer.

After the six per cent increase in dearness allowance (DA) for state government employees last week, the annual salary and pension bill has touched Rs 27,472 crore from Rs 26,794 crore.

"Besides, one has to be bear in mind that there are 1.43 lakh vacancies at various levels - nearly 30 per cent of the sanctioned strength of the employees - for the past few years," he said.

The government is saving approximately Rs 9,800 crore in a year due to the vacancies.

"Filling up these vacancies and giving them salary at par with the seventh pay commission recommendations will adversely affect the state's financial health. The state's financial status at present is not that good. Government work is suffering because of large-scale vacancies. Our primary concern is to fill up these vacancies," said a senior official in the finance department.

The seventh pay commission, headed by Justice A.K. Mathur, has recommended 23.55 per cent overall hike in pay, allowances and pensions for central government employees with effect from January 1, 2016.

Once the Centre implements the decision, there will be a demand for salary revision in the state.

Fiscally stressed Odisha has joined states such as Uttar Pradesh, Bengal, Tamil Nadu and Punjab in urging the Centre to go slow in implementing the commission's recommendations as it would give them time to augment their financial resources.

Finance minister Pradip Amat told The Telegraph: "We will wait and see how the Centre is implementing it. We will constitute a fitment committee to examine the impact of salary revision before taking a final call on the issue. There is no need to jump to any conclusion at the moment."

Officials, however, argue revenue collection in the state has already taken a hit because of the closure of mines. The drop in revenue is also adversely affecting the government's flagship programmes such as distribution of rice at Re 1 a kilo and free bicycles to four lakh students.

A senior bureaucrat, who did not want to be named, said the state government would like to delay the decision to revise salaries till 2019, when Odisha goes to polls.

"We have three years' time. The state government might introduce a few more popular schemes to further strengthen its support base," he said.

An official reminded that though the Centre's sixth pay commission's recommendations were made in 2006, but the state government waited till 2008 to implement it. With the state's finances in poor shape, this time too it would not be any different, the official said.

**BUSINESS LINE, MAY 12, 2016**

**Make in India vs the bureaucracy**

RAJOO GOEL

Even as the Centre is simplifying rules and procedures, officialdom is unwilling to let go of its discretionary powers

Make in India is the flavour of the day. In fact, it is being bandied about with great aplomb at most industry forums, and those of us who are manufacturing aficionados are waiting with bated breath for the lion to roar. Two years have gone by and while we are still optimistic, something appears to be amiss.

The biggest problem that all of us, namely, policymakers, industrialists, investors, startups and others face is which button to press to let the lion loose.

### **Shortlived joy**

No one seems to have an answer to this, and while the bureaucrats are always asking for those 'two-three key changes' that will make the difference, the political brass is looking for the "big bang" that will open the floodgates of investments in manufacturing.

The Union Budget has brought a smile or two for the manufacturing fraternity of the electronics systems design and manufacturing (ESDM) sector by pushing the differential duty measure further.

It has also announced a number of changes in the indirect tax structure to strengthen the manufacture of IT hardware and mobile phones. There is a clear indication that the differential duty structure for mobiles and tablets which was introduced last year is being taken to the next level by including components and parts for chargers, batteries, wired headsets and speakers to nil duty on actual user condition.

While all these are steps forward, the challenge still remains in high value-added manufacturing, and mitigating the high-risk scenario faced by investors in manufacturing.

We must recognise and understand that an investor in value-added manufacturing, that is, beyond mere assembly and testing, has to make a very long-term commitment. For him there is no looking back.

In this scenario it is unrealistic for India to expect that long-term investments will flow in if there is a sense of uncertainty with respect to the business environment and policies. If we analyse most of the larger investments from global companies in recent days, these have all been in SKD (semi-knocked down) assembly of products which is characterised by low investment, low capital output ratio, and thus lower risk and long-term commitment.

From this, it's clear that the key to success in making India a manufacturing powerhouse is to provide stable and supportive policy, mutual trust and predictability in responses to investors, besides an efficient infrastructure.

### **Too conservative**

A recent example of the lack of trust and extremely conservative approach in policymaking is the rule on import of goods — the Customs (Import of Goods at Concessional Rate of Duty for Manufacture of Excisable Goods) Rules, 1996 (IGCR 1996).

IGCR allows the import of inputs for manufacture of electronic components at nil customs duty on actual user condition.

While the import of electronic components is allowed at nil duty, their inputs require a cumbersome procedure under IGCR. A change in these rules had been sought since the last eight or ten years; this finally happened in the Union Budget for 2016-17.

Unfortunately, the new version of the rules, namely IGCR 2016, once again demonstrates the Government's lurking suspicion of the corporate world. While the approval procedure under IGCR has been shortened, the mistrust factor is highlighted by the introduction of a third party "surety" to cover the duty foregone by the importer.

Since last month, when these rules came into force, component manufacturers are running from pillar to post to find a third party to provide a surety for them to import their essential inputs!

To make matters worse, each customs officer is interpreting the rules according to his/her own understanding.



This government has started the Ease of Doing Business campaign with much hype and positive intent. Regrettably, there is still a big gap between intent and reality on the ground.

The Government's earnest intention is not in doubt but the written policy and its final implementation are at complete variance. Elcina, the Electronics Industries Association of India, sincerely believes that the Government must detach itself from governing what does not need governance.

### **Change the thinking**

Possibly what is required is a massive movement on the lines of the Swachh Bharat Abhiyan to transform the thinking of officials who are refusing to change with the times.

The licence raj mentality to distrust and control persists. The manufacturer must be given the benefit of doubt.

Speed and ease of doing business have to take precedence over all else.

I would go to the extent of saying that if a manufacturer in India breaks the rules or cheats on taxes, he can be brought to book. The evaded taxes can be recovered. But letting the manufacturing opportunity go to other countries is opportunity lost for all time to come, and the worst thing we can do to our country and our people.

Let us stop making the lives of our manufacturers miserable and give them a chance to prove themselves.

With a globalised world and cutthroat competition, they already have enough to contend with. Let us allow them to work honestly and earn profits and revenues for our economy.

Don't spare them if they cheat the exchequer, but don't hang them before they do!

The writer is the secretary-general of Elcina

(This article was published in the Business Line print edition dated May 12, 2016)

BUSINESS STANDARD, MAY 11, 2016

**Now, civil servants told to go active on social media**

**Also, PM Narendra Modi's statements and announcements must be 'projected suitably' on the social media sites, the officials have been told**

Nivedita Mookerji

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Team Modi uses social media as force multiplier  
From civil servant to corporate warrior  
A social media strategy for your start-up for 2016  
How to win at social media for your start-up

Like the ministers in the National Democratic Alliance (NDA) government at the Centre, senior civil servants, too, will have to be proactive about highlighting their departments' achievements on social media.

Officers of the rank of joint secretary or above would be expected to highlight the achievements on social media accounts. This was decided on Monday at a meeting chaired by Devendra Chaudhary, secretary, department of administrative reforms & public grievances. This department is the nodal agency for administrative reforms at the Centre and is expected to set an example for the entire bureaucracy.

Now, every bureaucrat in the department will have to every Thursday, at 10 am, have a session to discuss social media issues, the minutes of Monday's meeting suggest.

Director-rank officers have been mandated to provide relevant material everyday for placing them on social media websites.

An official said all central ministries and departments are in the process of institutionalising regular meetings and engagements on social media for civil servants, the key people responsible for actually executing policies.

Not leaving anything to chance, it has been decided that only a senior officer —joint secretary or additional secretary — would approve the material for social media account. Also, Prime Minister Narendra Modi's speeches, statements and announcements must be "projected suitably" on the social media sites of the department, officials have been told.

The PM himself is a believer in the power of social media.

Very popular, his account on Twitter @narendramodi has 19.9 million followers and @pmo 11.2 million followers.

Recently, he told his ministers that they would be graded according to their activities on social media, triggering competition among his Cabinet colleagues on tweeting and retweeting.

However, civil servants, apart from a few exceptions, have hardly engaged in social media

interactions.

Apart from social media issues, Swachh Bharat is also expected to keep the civil servants occupied. Activities relating to Swachh Bharat Abhiyan should be completed according to the calendar and necessary evidence must be documented properly.

Besides, panel discussions would be organised on the flagship programmes of the award winning districts, it has been decided.

HINDU, MAY 11, 2016

### **Delhi girl tops civil services examination**

KRITIKA SHARMA SEBASTIAN

Tina Dabi, a 22-year-old Delhi girl, has topped the civil services examination for 2015, the results of which were declared on Tuesday.

A graduate from Lady Shri Ram College, Tina cracked the examination, arguably the toughest in the country, in her first attempt.

Athar Aamir Ul Shafi Khan, 23, from Jammu and Kashmir, came second while the third position went to another Delhiite, Jasmeet Singh Sandhu, an Indian Revenue Service officer.

An ecstatic Tina told The Hindu she was not expecting the first rank. “I am very happy. I cannot express my feeling in words. I would say the key to my success has been patience, focus, discipline and the support of my family.”

She credited her mother, a former Indian Engineering Service officer, for her success and said she was the one who motivated her to pursue humanities in Class XII even when other toppers from her school were opting for science and commerce.

Tina’s interest and hard work paid off and she scored 100 per cent in political science in Class XII. She also topped her batch in Lady Shri Ram College last year.

Tina has chosen Haryana as her cadre because she wanted to contribute in empowerment of women there.

ASIAN AGE, MAY 11, 2016

### **Complaints against IAS, IPS officers rise in 3 years**

Animesh Singh

In a span of three years, there was a 40 per cent rise in complaints against Indian Administrative Service (IAS) officers and almost 50 per cent rise in complaints lodged against Indian Police Service (IPS) officers.

However, till date, none of the officials have been found guilty as probes in these cases are yet to reach finality.

According to information available with this newspaper, in 2013-14, as many as 246 complaints were received against IAS officers. This number increased to 342 in 2015-16, a 40 per cent jump.

Though the department of personnel and training did not reveal the nature of complaints, sources said these could be mainly service-related, civil or criminal complaints filed during the course of their careers.

Similarly, complaints received against IPS officers, which were only 89 in 2013-14, went up to 132 in 2015-16, a jump of around 50 per cent in three years.

Sources, however, said that probes in none of these cases have reached the final stage, so, as of now, nobody has been found guilty.

They said that as per norms, complaints received against IAS and IPS officers who are stationed at the Centre are probed by the respective cadre-controlling authority in consultation with the concerned ministries or departments with which the officials are associated.

If the IAS or IPS officers are posted in states, then the inquiry is forwarded to the concerned state governments for necessary action.

Sources informed that normally probe in such complaints takes up considerable amount of time, keeping in mind the various procedures which have to be followed.

**FINANCIAL EXPRESS, MAY 10, 2016**

**Two joint secys moved out of financial services dept**

The government on Monday moved out two joint secretaries — Rajesh Aggarwal and Anna Roy — from the department of financial services...

The government on Monday moved out two joint secretaries — Rajesh Aggarwal and Anna Roy — from the department of financial services, which is grappling with the high non-performing

assets in the public sector banks, on a lateral basis, to the ministry of tribal affairs and NITI Aayog, respectively.

Announcing appointment/lateral transfer of 16 joint secretaries to various departments, the appointment committee of the Cabinet announced that Indian Defence Accounts Service officer Suchindra Mishra would replace Aggarwal (IAS:1989) and IRS officer Madnesh Kumar Mishra would replace Roy.

Aggarwal's business allocation in the department of financial services included financial inclusion, Debt Recovery Tribunal, information technology cell and parliament related work while Roy was in charge of banking operation-III, general administration, coordination, agriculture credit and regional rural banks.

PIONEER, MAY 10, 2016

### **CBI REGISTERS CASE AGAINST MHA UNDERSECRETARY**

The CBI has registered a case against an Undersecretary of the Union Home Ministry for allegedly issuing FCRA notices arbitrarily to several NGOs and registered societies — which were receiving significant amount of foreign contributions — for financial gains.

The agency has booked Undersecretary Anand Joshi and some other unknown persons. Joshi has been booked under Section 120-B (criminal conspiracy) and for violation of the relevant provisions of the Prevention of Corruption Act, 1988.

The accused allegedly demanded and obtained bribe from some of these organisations which laundered through immovable assets and certain private companies, official sources said.

After registration of the case on May 5, the agency conducted searches on Sunday and Monday at four locations of the accused official, including official and residential premises.

The searches yielded cash of Rs 7.5 lakh and certain incriminating documents including files relating to Ministries of Home and Information and Broadcasting, the sources said.

The searches concluded early this morning and the accused officer's wife, who runs a company, is also under the scanner. It is suspected that the money was routed through her company as well, the sources said.

The issue came to the fore after files pertaining to the alleged FCRA violations by two NGOs run by social activist Teesta Setalvad went missing from the Union Home Ministry. The files were later traced and restored in the FCRA division but CBI was asked to investigate the matter.

It was noticed that the files had gone missing when the Home Ministry took a decision to cancel FCRA registration of one of Setalvad's NGOs, Sabrang Trust, sources said.

Sabrang Trust's licence was suspended on September 9, 2015 by the ministry and it asked for an explanation from the firm, failing which FCRA registration would have been cancelled in 180 days.

Setalvad filed her reply in October and the deadline given by the ministry expired in March this year.

When Home Ministry officials found that the files had gone missing, they conducted an inquiry and identified the official who had taken away the files. He was summoned and the files were restored.

According to the rules, an Undersecretary is not allowed to take away files, only officials of the rank of Joint Secretary and above are allowed to take the files home. It is a serious violation, the official added.

The incident happened when Joshi was Undersecretary in-charge of FCRA and presently he was posted as Undersecretary (Coordination) in the Ministry.

ECONOMIC TIMES, MAY 10, 2016

### **Officer steals Teesta Setalvad's file, CBI nabs him**

NEW DELHI: A home ministry undersecretary who was shunted out of its division dealing with foreignfunded NGOs over alleged corruption and later found in illegal possession of the file pertaining to activist Teesta Setalvad's NGO Sabrang Trust has been booked by the CBI under the Prevention of Corruption Act and relevant sections of the IPC. The accused is said to have walked away with the file on Sabrang Trust, whose registration under the Foreign Contributions Regulation Act (FCRA) was suspended in September 2015 and became due for cancellation in March this year, in December/January. That the file was missing was discovered by MHA bosses only months later as they prepared to cancel the NGO's registration under FCRA. "The MHA could not trace the Sabrang Trust file around March, and the undersecretary was an obvious

suspect. That was when officials of the FCRA division chased him and threatened him into handing back the file," said a ministry officer. "We extracted the file out of him in April just as a dentist pulls out a decaying tooth," said another officer. The MHA suspected that the file was possibly not the only set of papers "unauthorisedly taken away" by the undersecretary. So the CBI was called and put on his trail. Preliminary inquiries revealed disproportionate assets. Raids carried out a couple of days ago at four locations across his home and offices led to the recovery of "Rs 7.5 lakh in cash and incriminating documents, including files pertaining to MHA and I&B ministries," CBI said on Monday. "It was alleged that the public servant, while working as undersecretary in the MHA, was indulging in corrupt activities and arbitrarily issuing notices to a large number of NGOs/societies registered under FCRA who had been receiving significant amounts of foreign contribution. The said officer had allegedly demanded and obtained illegal gratification from some of these organisations, which were laundered through various immovable assets as well as certain private firms," a CBI statement said. A senior MHA officer said the unauthorised possession of important files by the undersecretary was "a serious offence" and hinted at strict departmental action against him, which could go "well beyond suspension". Intelligence agencies suspect the accused may have shared copies of the Sabrang Trust file with "outsiders" during the three months it was with him. "Though this was possibly done for monetary gratification, the motive of those who got access to the file is not yet clear. It is subject to investigation," an officer said. Incidentally, Ford Foundation, the USbased international donor which was taken off the 'prior permission' list recently, was one of the donors to Sabrang Trust, which is said to have diverted foreign funding from Ford to uses other than those permitted under FCRA as well as to nonFCRA registered entities. An intelligence officer said Sabrang's FCRA licence is likely to be cancelled soon.

## CONSTITUTIONS

HINDU, MAY 12, 2016

**A tale of two judgments**

ABHINAV CHANDRACHUD

In 1947, Justice Felix Frankfurter of the U.S. Supreme Court advised one of the chief architects of India's Constitution, Sir Benegal Narsing Rau, to delete the words "due process of law" from the text of India's draft Constitution. However, two recent cases, one decided by the Supreme Court and the other by the Bombay High Court, tell a very interesting, yet conflicted, story about the incorporation of the U.S. doctrine of substantive due process in Indian constitutional law.

The 5th and 14th amendments to the U.S. Constitution provide that a person cannot be deprived of "life, liberty or property, without due process of law". Only a few decades before the meeting between Frankfurter and Rau took place, the U.S. Supreme Court had used the "due process clause" in the 14th amendment to invalidate social welfare legislation. This phase in American constitutional history is often described as the "Lochner era", named after the dreaded case of *Lochner v. New York* (1905) in which the Supreme Court invalidated a New York law which prohibited confectionary establishments from employing workers for more than 60 hours per week. The Lochner era is said to have come to an end around 1937, starting with the decision of the U.S. Supreme Court in *West Coast Hotel v. Parrish* (1937), when President Franklin Delano Roosevelt threatened to "pack" the Supreme Court with favourable justices in order to ensure the survival of his ambitious "New Deal" legislation.

### **Rau and Ambedkar**

Even though the Lochner era had come to an end around a decade prior to the meeting between Frankfurter and Rau, Frankfurter believed that the words "due process of law" imposed an "undue burden" on the judiciary and that they should be deleted from the draft Indian Constitution.

Even prior to his meeting with Frankfurter, Rau (who was the Constitutional Adviser to the Constituent Assembly) was having serious misgivings about the due process clause. His meeting with Frankfurter was the final nail in the due process coffin for the Indian Constitution. In March 1947, Dr. B.R. Ambedkar, a product of Columbia Law School himself, had drafted a provision for the Indian Constitution which was very similar, if not identical, to the due process clause of the 14th amendment. It read: "... Nor shall any State deprive any person of life, liberty and property without due process of law." After Rau's meeting with Frankfurter, Ambedkar's clause was substantially altered. Property was altogether deleted from this clause, to make way for the extensive land reforms which were being contemplated in the Constituent Assembly. "Liberty" was qualified with the word "personal", so as to limit its meaning. And the words "due process of law" were replaced with the words "procedure established by law". Thus, Article 21 of the



Indian Constitution now reads: “No person shall be deprived of his life or personal liberty except according to procedure established by law.”

In the early decades, the Supreme Court of India interpreted Article 21 faithfully to the intent of the framers of India’s Constitution. However, beginning in the 1970s, an activist Supreme Court started incorporating the U.S. constitutional doctrines of “procedural due process” and “substantive due process” in India. Though Article 21 formally provides that a person’s life and personal liberty can be deprived so long as there is merely a “procedure established by law” (that is, a validly enacted law), the doctrine of procedural due process mandates that this procedural law must be “fair, just and reasonable”. The doctrine of substantive due process enables a court to question not merely procedural laws, but the substantive value choices of the legislative branch of government as well.

In a recent case, *Rajbala v. Haryana* (2015), a two-judge bench of the Supreme Court of India strongly rejected the doctrine of substantive due process in India. In this case, the constitutional validity of the Haryana Panchayati Raj (Amendment) Act, 2015 was in question. Under the Act, five categories of persons were considered ineligible to contest elections for certain offices in panchayats in Haryana (for example, those against whom criminal charges of a certain kind were framed, those who had not paid their electricity dues, those who did not have specified educational qualifications, those who did not have a functional toilet in their homes, etc). The Act was challenged on the ground that it was “wholly unreasonable and arbitrary and therefore violative of Article 14 of the Constitution”. Though the Supreme Court rightly held that a statute cannot be invalidated merely because it is “arbitrary”, it also went on to reject the U.S. doctrine of substantive due process by holding that Indian courts “do not examine the wisdom of legislative choices unless the legislation is otherwise violative of some specific provision of the Constitution”, as “to undertake such an examination would amount to virtually importing the doctrine of ‘substantive due process’ employed by the American Supreme Court”, and under the Indian Constitution “the test of due process of law cannot be applied to statutes enacted by Parliament or the State Legislatures”.

The *Rajbala* decision is particularly interesting because earlier Benches of the Supreme Court, in cases like *Ramlila Maidan Incident* (2012) and *Selvi v. State of Karnataka* (2010), have repeatedly held that substantive due process and due process generally are a part of Indian constitutional law under Article 21 of the Constitution.

### **Beef in Maharashtra**

Thereafter, in *Shaikh Zahid Mukhtar v. State of Maharashtra*, decided on May 6, 2016, a Division Bench of the Bombay High Court was dealing with the constitutional validity of the Maharashtra Animal Preservation Act, 1976, as amended by the Maharashtra Animal Preservation (Amendment) Act, 1995, which received the assent of the President of India on March 4, 2015 (hereinafter, the “Beef Act”). Among other provisions which were challenged, Section 5-D of the Beef Act made it a criminal offence to have in one’s possession, in the state of

Maharashtra, the flesh of a cow, bull or bullock slaughtered outside the State of Maharashtra. The question was whether this provision violated the right to privacy under Article 21 of the Constitution. Section 5-D was struck down by the court. It was held that the right to privacy is a part of the right to life under Article 21 of the Constitution, and that the right to eat the food of one's choice, if the food itself is not injurious to health, is a part of the right to privacy. By declaring that the right to life under Article 21 of the Constitution includes the right to privacy, the Bombay High Court was, in essence, circumventing the intent of the framers of India's Constitution (who had deliberately qualified the broad word "liberty" with the word "personal"). Recognising an unenumerated right like privacy is an example of substantive due process.

Section 9-B of the Beef Act cast the burden of proof on the accused in some cases. The court was examining its constitutional validity. This was a procedural due process inquiry, as the provision reversed a well-known procedural rule of evidence in criminal trials, that is, the burden of proof is on the prosecution. Section 9-B was also struck down by the court. It was held that the "right of life and liberty under Article 21... clearly covers the [substantive] due process aspect envisaged in the American jurisprudence."

Thus, interestingly, while the Supreme Court of India in the *Rajbala* case has strongly rejected the doctrine of substantive due process, the Bombay High Court has, following earlier Supreme Court pronouncements, applied and reiterated the doctrine in Indian constitutional law.

Abhinav Chandrachud is an advocate at the Bombay High Court.

## ECONOMIC AND SOCIAL DEVELOPMENT

HINDU, MAY 14, 2016

### **Can India grow at 8 to 9 per cent?**

C. RANGARAJAN

economy, business and finance

The economy in the recent past has shown that it has the resilience to do so. But to overcome the current phase of declining investment rate, political and social cohesion is imperative.

The Indian economy is currently passing through a phase of relatively slow growth. However, this should not cloud the fact that over the nine-year period beginning 2005-06, the average annual growth rate was 7.7 per cent. Against this background, the relevant question is whether India has the capability to grow at 8 to 9 per cent in a sustained way. In short, what is the potential rate of growth of India?

Normally, potential growth is measured using trends with some filters. In one sense, these are backward-looking measures, since they depend on historically observed data. In the case of measuring capacity utilisation in manufacturing, the maximum capacity is very often taken as the maximum output achieved in the recent period. Perhaps, in the case of determining the potential rate of growth of the economy also, one can take the maximum growth rate achieved in the recent past as the lowest estimate of the potential. However, this assumption will be valid only if there is reason to believe that the maximum growth rate achieved in the recent past was not a one-off event and that the growth rate achieved was robust and replicable.

### **High-growth phase**

India achieved a growth rate of 9.5 per cent in 2005-06, followed by 9.6 per cent and 9.3 per cent in the subsequent two years. After declining a bit in the wake of international financial crisis, the growth rate went back to 8.9 per cent in 2010-11. In many ways the growth rate achieved in the high phase period of 2005-06 to 2007-08 was robust. The domestic savings rate during this period averaged 34.9 per cent of GDP. Similarly, the gross capital formation rate averaged 36.2 per cent. The current account deficit (CAD) remained low with an average of 1.2 per cent of GDP. Agricultural growth during this period averaged 5 per cent, and the annual manufacturing growth rate was 11 per cent. The capital flows were large but as the CAD remained low, the accretion to reserves amounted to \$144 billion. Inflation during the period averaged 5.2 per cent. The combined fiscal deficit of the Centre and States was 5.2 per cent of GDP, well below the stipulated 6 per cent. Thus on many dimensions the growth rate was robust. Unlike in the 1980s when the pick-up in growth was accompanied by deterioration in fiscal deficit and current account, the sharp increase in growth between 2005-06 and 2007-08 happened with the stability parameters at desired levels. Also, a booming external environment provided good support.

To assess whether the high growth phase can be replicated, we need to understand the factors that led to the slowdown since 2011-12. Complicating the analysis of this period is the revision of national income numbers with a new base. The two sets of numbers present a somewhat differing picture. According to the earlier series, the growth rate of the Indian economy fell below 5 per cent in 2012-13 and 2013-14. But the new series shows a decline below 5 per cent only in 2012-13. For 2013-14, the new series records a growth rate of 6.6 per cent, as against 4.7 per cent according to the earlier estimate. For 2014-15 and 2015-16, there is only one set of numbers, that is, according to the new series. For both the years the growth rate is above 7 per cent. These are good growth rates under any circumstance, let alone the current global situation. Anyway, we have come down from the growth rate of 9-plus per cent which we had seen earlier.

Three sets of reasons are attributed for the slowdown. First, the external environment had deteriorated sharply. The recovery from the crisis of 2008 was tepid. One country after another in the developed world came under pressure. Strangely, however, international commodity prices including crude oil prices remained high until a couple of years ago. All this had an adverse impact on developing countries, including India. However, it would be wrong to attribute the slowdown in India primarily to external factors. The domestic factors are the key. Second, there were severe supply bottlenecks. Agricultural production fell sharply in 2009-10 because of a severe drought. This triggered an inflation which lasted for several years thereafter. Coal output fell. Iron ore output fell, partly because of court decisions. The third set of reasons is basically non-economic which led collectively to a weakening of investment. A multitude of issues relating to scams and perceived delays in decision-making created an element of uncertainty in the minds of investors. New investments began to fall.

### **Productivity of capital**

An analysis of the data of the period since 2012-13 reveals two trends. First, there has been a decline in investment rate. Second, the decline in growth rate is greater than the decline in investment rate indicating a rise in the incremental capital-output ratio (ICOR). In 2007-08, India's investment rate was 38 per cent of GDP. It declined steadily to touch 34.8 per cent in 2012-13. This is according to earlier National Income estimates. However, according to the revised estimates, the investment rate began to fall only from 2013-14. The declining trend continues into 2015-16.

With an ICOR of 4, which was what it was in the high growth phase, even the lower investment rate should have given us a higher growth than what the economy has seen since 2011-12. The rise in ICOR can be attributed to the delay in completion of projects or the lack of complementary investments. In some cases, it can also be due to non-availability of critical inputs. The delay in completion of projects can be due to internal reasons as well as policy constraints. It is here questions relating to land and environment enter. About two years ago, it was estimated that there were around 750 "stalled" projects with a total value of Rs.8.8 lakh crore. What then are the lessons that we can draw from this experience? Even with the existing level of investment rate, it should be possible to grow at 7.5 per cent in the short run, provided

ways are found to speedily complete projects. However, only a return to higher levels of saving and investment can take us back to 8-9 per cent growth seen earlier. Thus what is needed to achieve the “potential” is to raise the investment rate and improve the productivity of capital.

The emphasis on the level of investment and productivity of capital as key to achieve the “potential” raises another issue of whether the Indian economy is “supply constrained” or “demand constrained”. Most developing economies are generally “supply constrained”. India is no exception. But there can be occasions such as the current phase in India where demand deficiency can be a critical factor. In fact, in the current situation, weakening of external demand has had an impact on manufacturing. There is no doubt that a buoyant external environment will play an important part in boosting domestic economy.

### **Gazing into the future**

The rise in investment rate must be supported by a rise in the domestic saving rate. An increase in investment rate supported by a widening current account deficit is not sustainable and is fraught with serious consequences. Only a current account deficit in the region of 1 to 1.5 per cent is sustainable. Incremental capital output ratio is a catch-all variable which is influenced by a host of factors. Obviously, it depends on technology. It also depends upon the skill of the labour force which in turn depends on the quality of the education system. Another catch-all expression “ease of doing business” is also relevant. Bureaucratic hurdles which impede speedy execution of projects need to be removed. Thus improving the productivity of capital needs action on several fronts.

Making a prediction about the future is always hazardous. Many things can go wrong. The Indian economy in the recent past has shown that it has the resilience to grow at 8 to 9 per cent. Therefore achieving the required investment rate to support such a high growth is very much in the realm of possibility. However, we need to overcome the current phase of declining investment rate. Investment sentiment is influenced by non-economic factors as well. An environment of political and social cohesion is imperative. Equally, we can get the ICOR back to a lower level. Raising the productivity of capital will require policy reforms including administrative reforms as well as firm-level improvements. The “potential” to grow at 8 to 9 per cent at least for a decade exists. We have to make it happen.

C. Rangarajan is former Chairman of the Economic Advisory Council to the Prime Minister and former Governor, Reserve Bank of India.

## EDUCATION

STATESMAN, MAY 13, 2016

### **Adrift in school**

Education is confused with certification. That students survive a joyless system is a tribute to their resilience.

Written by [Dev Lahiri](#)

The silly season of the board examination results is once again upon us. Boards will vie with each other in doling out 90 per cent-plus to their candidates. Social, electronic and print media will overflow with congratulatory (and sometimes self-congratulatory) messages and interviews. Teachers will thump themselves on the back for their “outstanding results”. Schools will go ballistic advertising their “toppers”.

Yet behind the razzmatazz of this marks jamboree, lie some uncomfortable questions that need to be answered. First of all, what of those who did not make it to this elite club? What about those children, who, for reasons well beyond their control, are left struggling on the margins with mediocre or poor results — or even failure? Are they not entitled to a future?

How many of the teachers congratulating themselves would have identified and spent time with students struggling with some learning disability? How many teachers would even recognise the problem of a learning disability?

More fundamentally, how many schools would even admit any student identified as being so disadvantaged?

Let us not even begin to talk about the issue of other disabilities that thousands of our children suffer from. What kind of a culture are we evolving where the disadvantaged are ignored? I remember that when I started an “Assisted Learning Programme” in a boarding school that I headed in the early '90s to help such students, one of my governors warned me against admitting “mentally retarded” children.

And what do these 90 per cents actually reflect? No one can deny that most students work very hard to achieve these results. The fact that they survive this joyless system is indeed a tribute to their resilience.

The fact, however, remains that the system is so hugely “content driven” that all that the marks reflect are a student’s ability to absorb and spew content, and the teacher’s ability to “teach to the test”. Have schools and teachers taught their students to make connections between what they have learnt in one discipline and what they have learnt in another? Between, say, math and music? Have they taught students to think creatively and critically, to work in teams, to assume leadership, to research and reference, to communicate effectively?

After all, these are the skills required in the real world. Have they excited their students about the business of learning? And I am not even touching upon values such as respect for others, empathy, integrity, gender sensitivity. Teachers, before you get carried away by your “success” please do not forget the steroid of the tuition market without which even that 90 per cent, flawed as it might be, would have remained a distant dream.

Let us not also overlook the reality of the manner in which the examinations are administered. Has anyone, for instance, done an audit of the examiners? After all, the examiners come from the pool of schoolteachers and I dare say that, by and large, that is not a very distinguished catchment area.

The reasons for this are manifold. Teaching, particularly schoolteaching, is not exactly a first choice career option for most. I once asked an assembly of parents in my school how many of them would encourage their son to be a schoolteacher or indeed their daughter to marry one. No marks for the correct answer!

The levels of motivation, not surprisingly, tend to be generally low. To compound the problem, teacher training is something that is largely ignored in our country. Promoters of schools, anxious for quick returns on investment, generally consider spending on teacher training a waste of precious resources.

It is worrisome that we have yet to create an institute with the same brand equity as an IIT or IIM. And ironically, it is the schoolteacher who prepares all the entrants for the IITs and IIMs and indeed for all other professions. It is also well-known that dishonesty is rampant in our examination centres. So how valid are these results?

The sad truth is that school in our country is less about “education” and more about “certification”. Where in any enlightened society is a child virtually “boxed in” as early as grade nine and forced into either “Commerce”, “Science” or god forbid “Humanities”? And never the three shall meet!

A child’s mind should be set free — free to explore and to discover the connections between all the beautiful, and indeed ugly, things he or she learns about this universe. In a very interesting article on the world-famous mathematician Ken Ono, in this paper (‘Prime Obsession’. [The Indian Express](#), May 8) Amruta Lakhe quotes Ono on the relationship between him and his mentor Basil Gordon. “He was the Hardy in my life (a reference to the relationship between Srinivasa Ramanujan and G.H. Hardy). I couldn’t wait to start working on theorems but he didn’t let me anywhere near a math formula for months. We went biking, played the piano, and opened our minds to classical music.”

“Then on one of their expeditions”, Lakhe writes, “Ono was struck by the beauty of a particular sunset and mentioned it to Gordon. Gordon replied that Ono was now ready to do math.”



Unless our school education system, among other things, learns to open up the minds of our children to the fascinating universe they dwell in, it will never really impart an “education”, and will never really prepare them to be “weapons polished and keen” who will help build a new and more equitable and just world order.

The writer retired as principal of Welham Boys School, Dehradun.

ASIAN AGE, MAY 12, 2016

### **Apply online for degrees, marksheets in Delhi University July 1**

Delhi University is all geared up to become the first Indian university in going completely online for delivering necessary documents.

From July 1, DU graduates would be able to apply online for their marksheets, degree certificates, attestations, migration certificates and transcripts. In addition, the university will also be able to deliver the required documents, if asked, to the desired destinations where students wish to apply.

To make the process easier, an alumnus of any department, college, centre or institution affiliated with the university needs to only submit the enrolment number, examination roll number, select the category (type of documents sought) and make the payment online.

“Things have never been so easy. While the application process has been made online, certificates will have to be collected personally for security purposes. However, the university will deliver the migration certificates to the desired educational institution directly if so desired,” DU examination branch officer Satish Kumar said.

“Moreover, electronic copies of transcripts as well as verified degree certificates could be delivered to the desired destinations online,” he further added.

However, this decision has gone down well among the students who have still not collected their degree from their colleges.

ECONOMIC TIMES, MAY 10, 2016

### **Those who completed PhD before 2009 eligible for teaching jobs**

NEW DELHI: Those students who had completed their PhD before 2009 through regular method will be eligible for teaching jobs without appearing for National Eligibility Test, Union HRD Minister Smriti Irani said today. Irani said in Lok Sabha that the previous UPA government had decided that those students who had completed their PhD before 2009 would not be eligible

for any teaching jobs. "But this government had ensured that they get jobs too. We have taken a decision that those who did PhD before 2009 through regular process, they would be eligible for teaching jobs without appearing for National Eligibility Test. "A notification will soon be issued in this regard. I again want to tell the House that the Narendra Modi government did not deprive anyone of their rights of getting jobs but provided them with the rights," she said during Question Hour. Irani said she did not get any information from her Ministry as well as UGC why did the previous government decided against allowing those who had done PhD before 2009 of taking teaching jobs. "We have tried to do justice to those who did PhD before 2009. It is a significant step. But at the same time we ensured that quality does not suffer," he said. The Minister said those who had completed their PhD after 2010, it is mandatory for them to appear for NET. This was upheld by the Supreme Court. Because, the Supreme Court, central government and state governments have realised that for testing the capacity and competency, some kind of test is necessary. "Besides when someone does a PhD, he or she does not do it only for taking up teaching. So, it is necessary to conduct a test to know their teaching competence," she said. Irani also highlighted about a recently launched portal 'Know Your College' through which information is provided about colleges, be it private or government, about courses, teachers and their academic background. Besides a student or a guardian can approach the regulatory authority through the portal or app if there is no mention of any course in the portal but being offered by the college or to check whether the course offered is genuine or not, she said

## ELECTIONS

STATESMAN, MAY 13, 2016

**Tripolar Kerala**

**Sam Rajappa**

Elections in Kerala have been a direct contest between the Congress-led United Democratic Front and the CPI-M-led Left Democratic Front and the people of the state have been changing governments every five years because there is not much to choose between them and they want to give equal opportunity to both the fronts. The BJP, having gained power at the Centre, wants a presence in the state popularly known as God's Own Country. But the gods have not been kind to the BJP. The LDF and the UDF had ensured the Kerala Assembly remained out of bounds to the BJP so far, and ensured that no member of the saffron party was elected to the Lok Sabha or the Assembly from the state. Prime Minister Narendra Modi is determined to change all that. Since the political ideology of the BJP is not compatible with that of either the LDF or the UDF, there is no scope for the party to find a berth in either of them. The Kerala unit of the BJP therefore has floated a third front under the banner of the National Democratic Alliance for the 16 May election to the Assembly, making a triangular contest for power inevitable. None of the existing political parties recognised by the Election Commission hitherto was prepared to experiment with a BJP-led front even though Kerala always had a strong RSS presence, drawn mainly from the numerically weak upper castes. In order to expand its voter-base in Kerala, the Modi government is planning to install a statue of Sree Narayana Guru, a prominent social reformer of Kerala who belonged to the numerically strong Ezhava caste, classified as one of the most backward communities. Although a Joint Parliamentary Committee on maintenance of the heritage character of the Parliament House complex in New Delhi in 2010 decided not to install any more statues in the already crowded complex looking like the famous Madame Tussauds Museum, the BJP wants to make an exception in the case of the founder of Shree Narayana Dharma Paripalana Yogam, a socio-religious organisation of the Ezhavas. Neither the Congress nor the CPI-M can oppose the move lest the Ezhavas boycott the UDF and the LDF.

The BJP has succeeded in persuading Vellapally Natesan, leader of the SNDP Yogam, to launch the Bharat Dharma Jana Sena as the political arm of the Ezhava community, and admitted it in the National Democratic Alliance. The BDJS, floated in December last, is yet to test the electoral waters. It has been allotted to contest 37 of the 140 Assembly seats. Traditionally, the Ezhavas have been supporters of the CPI-M. Another prized catch was CK Janu, leader of the Gothra Maha Sabha and well-known tribal activist who has been a supporter of the LDF. Her joining the BJP has given a moral boost to the NDA though she may not bring in many votes. The much exploited and oppressed Adivasis are a miniscule community which gained visibility under Janu's leadership. The newly appointed state president of the BJP, Kummanam Rajasekharan,

has roped in the Kerala Pulaya Maha Sabha of the Scheduled Castes, making the NDA a platform for the deprived sections of society ignored by both the LDF and the UDF. The BJP almost succeeded in bringing in KR Gouri, one of the tallest leaders of the Communist movement in Kerala. She opted for the CPI-M when the Communist Party split in 1964. The LDF campaign in the 1987 Assembly election was led by Gouri, an Ezhava by caste, on the clear understanding she would be made the Chief Minister if it won. The LDF won decisively but selected upper caste EK Nayanar as Chief Minister. In disgust she left the CPI-M and launched the Janadhipathya Samrakshana Samithi and moved over to the UDF. The state BJP was prepared to offer the JSS six seats but Gouri developed cold feet in the last minute. By fielding Badusha Thangal, a scion of the famous Panakkad family of Muslims, as the BJP candidate from Malappuram, and admitting two minor Christian oriented Kerala Congress splinter groups in the NDA, the saffron party is presenting a secular image to its front. In the bipolar politics of Kerala, the BJP was able to gather six per cent of the votes polled in the 2011 Assembly election. Considering its natural growth, alliance with few parties albeit minor ones, and assumption of power at the Centre, the BJP could have posed a challenge to the LDF and the UDF. Elections are won or lost on the narrowest of margins in Kerala in a majority of its 140 Assembly constituencies. But the insensitive speeches by Modi and Amit Shah at their campaign meetings have not helped the lotus to bloom in Kerala. Modi has said the BJP will emerge as the third front in the state. Unless it emerges as first or second front, Kerala Assembly will remain a distant dream for the BJP.

Chief Minister Oommen Chandy of the Congress is one of the ablest and shrewdest politicians Kerala has produced in recent times. With a paper thin majority for the UDF in 2011, he was able to manage the quarrelsome constituent parties and complete five years in office which in itself is an achievement by Kerala standards. One of the unwritten tenets of the Congress is that the party High Command's writ is obeyed implicitly by regional satraps. In the current election, Chandy was able to defy the list of candidates selected by the party's national leadership and push in his nominees based on their winning chances. He threatened to stay away from the election if two of his ministerial colleagues, who were not in the good books of the state Congress president VM Sudheeran, were denied tickets. Chandy had his way. Senior Congress leaders are secretly working against the UDF winning a consecutive second term, something unheard of in the recent electoral history of Kerala, much to the chagrin of the constituent parties in the front. No doubt the UDF government had its share of scandals in the last five years, but Chandy was able to hold his head high.

The LDF camp is also having its share of almost intractable problems. Rivalry between Pinarayi Vijayan, state leader of the CPI-M, and VS Achuthanandan, former Chief Minister, is endemic. The brutal rape and murder of Jisha, 29-year-old Dalit LLB student in Perumbavoor on 28 April,

has come as a god-send for the LDF and the BJP Front to pillory the UDF government. The manner in which Jisha was tortured and raped saw the nation revolt in anger. She had 38 stab wounds on her body. A sharp knife was used to slash both her breasts. Her nose was severed. Her stomach was pierced with a pointed rod and her intestines ripped out. The unending procession of leaders visiting Perumbavoor to gain political mileage is disgusting. The mother of the victim was so harassed by the steady stream of VVIPs calling on her that doctors attending on her had to call an end to it. According to ADGP K Padmakumar supervising the Special Investigation Team, it was clear the murder was preplanned and carried out not for any monetary gain. Whoever had committed this dastardly crime left no trace that the police have not been able to make a breakthrough all these days.

There is growing speculation that the murder of Jisha was part of a conspiracy to tarnish the image of the UDF government. The LDF has launched an indefinite round-the-clock demonstration in front of the office of Perumbavoor Deputy Superintendent of Police demanding justice for Jisha. Pinarayi Vijayan, CPI-M Politburo member and potential chief ministerial candidate, said the incident illustrated how the safety of people inside their houses was destroyed by the UDF government. When courts have absolved high ranking political leaders involved in the infamous Suryanelli rape case, all talk of rendering justice to Jisha is nothing but hypocrisy.

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

## ELECTRICITY

ASIAN AGE, MAY 11, 2016

### **North MCD to replace streetlights with LEDs**

SHASHI BHUSHAN

In a major environment-friendly move to conserve energy, the North Delhi Municipal Corporation will change all its two lakh conventional park and streetlights to the LED ones. The ambitious project will cost the civic body `336 crore, but will cut its power bill by over 50 per cent.

As per the plan, the NDMC will replace all existing conventional streetlights, high-mast lights, semi-high-mast lights and fancy lights installed in parks with LED-based energy-efficient streetlights. “The replacement of conventional bulbs with the LED lights will not only bring down the amount of electricity used, but also save money. The replacement of conventional bulbs with the LED ones will start soon. The NDMC will soon float tenders to invite bids from interested parties for the work,” NDMC commissioner P.K. Gupta said.

The winning bidder has to complete the whole exercise of replacing the conventional lights with LED-based energy-efficient streetlights, high-mast lights, semi-high-mast lights and park lights within six months. A centralised control and monitoring system will also be set to maintain the new LED lights.

Mr Gupta described the NDMC decision as beneficial for the financial health of the civic body as it may result in the saving in expenditure on electricity bills for lights installed in parks, public places and streets.

The NDMC, which currently paying around `54 crore as electricity charges annually for these lights, is likely to save around 60 per cent of this amount. “Normally, replacing a conventional sodium vapour light with a smart LED light saves around 70 per cent of the electricity bills. However, by a conservative estimate, the NDMC likely to save around `30 crore annually, which may go up in all possibility. Cost incurred in installing these lights will be recovered from the amount saved in the electricity bills,” said a senior NDMC officer.

The NDMC also expecting to earn carbon credits with this plan as it will reduce its carbon emissions. “By replacing all the conventional lights, the NDMC hopes that total replacement of conventional streetlights with the LED lights will go a long way in improving the look and image of the corporation,” said the NDMC commissioner.

## EMPLOYMENT

BUSINESS LINE, MAY 9, 2016

### **The spectre of jobless growth**

SIDHARTH BIRLA

Manufacturing cannot meet the demand for jobs. The agrarian economy and entrepreneurship hold out promise

The quest for sustainable livelihoods or *rozgaar* is the core of the development agenda of the present government. How this is achieved — through manufacturing, agriculture, services, self-employment — is a matter of detail. But it is worrying when formal or organised areas of employment provide fewer opportunities for a sustained livelihood.

As one example, the Asia-Pacific Human Development Report just released by UNDP says that by 2050 more than 280 million people will enter the jobs market in India, a 33 per cent increase from current levels. To put this in context, between 1991 and 2013 our economy absorbed less than 50 per cent of entrants to the jobs market. This is disturbing, both from a broader economic perspective as well as a social-balance-and-stability angle.

### **Slow on jobs**

The most recent trend in private sector jobs is outlined in a CARE report that points out that despite the economy growing at a good pace, employment seems to have grown meagrely, at 4.1 per cent and 0.3 per cent respectively in FY14 and FY15. The report says there was no clear explanation for this, despite the fact that employment should increase when companies expect a buoyant future as was being projected.

More importantly, core physical sectors such as manufacturing, mining, construction and non-financial services had negative employment growth ranging from minus 3.8 per cent to minus 17.4 per cent in FY15. Of course, this study is restricted to corporate employment based on published figures. Reliable data on small and medium enterprises or self-employment is hard to come by.

Further, the largest part of our population (60 per cent) directly or indirectly engages in agriculture, yet accounts for only 15 per cent of GDP.

Therefore, vast numbers of people still scrape by through working in marginal agriculture or informal and poorly paid jobs, implying that ‘under-employment’ (that is, earning below acceptable or sustainable levels) is just as serious a problem as unemployment.

The need of the hour is to make livelihood creation central to development strategies rather than just projecting it as natural fallout of growth. We spend much time debating and projecting GDP growth, foreign diplomacy, NRI enthusiasm, FDI flows and other jargon. Beyond a point, black money, tackling corruption and so on also begin to appear to many as political or diversionary tactics with nebulous outcomes.

All these mean absolutely nothing to an empty stomach, more so if this suggests a longer wait for the individual to get some form of employment. It is easy for idle youth to start believing that policies only benefit the advantaged; meaningful discourse start getting sidetracked by demands for reservations, subsidies and the like. Such short-term agendas get driven by political expediency and result only in re-allocation of jobs, rather than job creation.

### **The central message**

In short, there is no escaping the fact that the leadership must bring *rozgaar* and employment to centrestage in all their plans, achievements and articulations. This central message has been missing for a long time. Without this obvious single-minded focus — no matter what good is achieved at the macro level — the youth will begin to feel their mandate has been let down.

It needs to be accepted that organised manufacturing is no longer the answer to generate large-scale employment, as it was in the past. Limited opportunities due to increased mechanisation and productivity, and specialised skills needed for select process areas are now facts of life.

So, while the credible Make in India mission holds significance for propelling India to an economic power with justifiable global standing, to anticipate that it provides comprehensive solutions for employment is to expect too much. We also have to contend with more countries providing job security to their own citizens, as well as the global entry of producers with lower costs than India.

Encouraging people's entrepreneurial instincts — whether they create mom-and-pop undertakings countrywide, or deliver results under the Startup India or Stand-up India missions — will generate sustainable outcomes. Of course, the concept of 'start-up' must be more comprehensive than what it may today be perceived as (for example, IT or e-commerce based, logistics or service delivery platforms, etc).

Policymakers need to also take notice of recent startling data. Studies show that close to 90 per cent of youngsters completing engineering or management studies are actually unemployable.

In essence, this is due to the lack of a comprehensive and practical education leading to a gap in 'right-skilling' vis-à-vis the true needs of the economy. Unless we are able to package our development and workforce initiatives into a combined (say) ministry of manpower, where training and end-user needs for human resources are truly convergent, such anomalies will persist.

The recent policy direction of improved financial returns and security in agriculture and its related sectors perhaps holds the highest promise. The allure of doubling farm incomes has sparked debates on whether this implies doubling of real or notional incomes. Either way, any material improvement makes the nation more productive and self-sufficient and helps address underemployment.

### **Push back subsidies**



But the key is to double incomes based on output and intellect, and not through subsidies. Here, the government may be able to leverage returns through its own spending on creating agri-related infrastructure. Distribution and logistics-based infrastructure initiatives require a financial boost. An agri output boost is possible through aggregation of land parcels through pragmatic policy.

For a variety of staple crops, improved quality of seeds and better irrigation are keys to boosting output, and hence farm incomes. Massive expansion in fruit and vegetable output can also boost earnings. At the same time, a vibrant food processing industry will help in balancing out seasonal spikes and improve the longevity of produce while reducing its national waste. Learning from some West Asian countries, there may be ways to put much arid land to use for growing quality fruits in large quantities for exports. Israel and others have made their mark — why can we not follow their success to get our fingers into less volatile global niche markets?

We need to address the frustrations arising from jobless growth before they take firm root. In an otherwise rosy projection of the future, this is the one dimension that must seriously concern us.

This column explores ideas and opinions on Indian enterprise and economy. The writer is an entrepreneur and former president of Ficci. The views are personal

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## GOVERNMENT PURCHASING

ECONOMIC TIMES, MAY 10, 2016

### **Andhra Pradesh government makes eprocurement mandatory for all govt bodies**

VIJAYAWADA: The Andhra Pradesh government today said eprocurement is mandatory for all government departments and public sector organisations in the state. "Eprocurement is mandatory on the part of all government departments and public sector organisations in their purchases and auctions," the state Information Technology Minister P Raghunatha Reddy said. The minister was speaking after inaugurating the upgraded version of eprocurement system at the Department of Information Technology, Electronics and Communications here. Reddy said eprocurement brings transparency and reduces the cost of operation of the government departments. Explaining the process, he said suppliers and bidders in government departments must submit all tenders only through the eprocurement portal, besides making the payments online. "In the last financial year, the state government departments conducted a whopping 43,055 transactions to the tune of Rs 17,247 crore via eprocurement," he said. State IT department Secretary Pradyumna said the IT department is preparing to launch an advanced version of 'Mee Seva' app to provide all government services through telephone." He said the application presently provides about 300 services which would be soon made available via phone. Pradyumna further said payments under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) and all social security pensions would be made through 'ePragati' soon.

## JUDICIARY

INDIAN NEXPRESS, MAY 12, 2016

### **Judiciary is destroying legislature brick by brick: Arun Jaitley**

“Step by step, brick by brick, the edifice of India’s legislature is being destroyed,” Jaitley said during a discussion on The Appropriation (No.2) Bill 2016 and the Finance Bill, 2016.

Written by [Sagnik Chowdhury](#)

On the day the Supreme Court cleared the decks for Harish Rawat to return as chief minister of Uttarakhand, Finance Minister [Arun Jaitley](#), speaking in Rajya Sabha in the context of the GST Bill, urged MPs not to hand over budgetary and taxation powers to the judiciary. He also claimed that the judiciary had been encroaching on legislative and executive authority.

“Step by step, brick by brick, the edifice of India’s legislature is being destroyed,” Jaitley said during a discussion on The Appropriation (No.2) Bill 2016 and the Finance Bill, 2016. Both Bills were passed by Rajya Sabha and returned to [Lok Sabha](#).

Responding to the [Congress](#)’s demand for a dispute redressal mechanism under which a judge would resolve any dispute between the Centre and states on GST, Jaitley said, “For heaven’s sake, I beseech you in the interest of Indian democracy not to go on this misadventure... With the manner in which encroachment of legislative and executive authority by India’s judiciary is taking place, probably financial power and budget making is the last power that you have left. Taxation is the only power which states have.”

“It would be wholly misconceived for any political party to say, ‘let us hand over the taxation power to judiciary’. That is your (Congress’s) proposal,” he said.

“We will have budget-making going outside Parliament and if there is a taxation dispute between the Centre and states, a major party says now let the judge decide, so taxation power also goes,” he said, adding that taxation is a political issue and should be sorted out politically.

Jaitley said that despite the National Disaster Response Fund and State Disaster Response Fund, the Supreme Court has asked the government to create a new fund for disaster mitigation. “We have passed the Appropriation Bill, how do I get this money from outside. “There cannot be any expenditure unless approved by Parliament,” he said.

Earlier, Congress leader Jairam Ramesh claimed that “real opposition to GST is coming from within sections of the government, and the Congress is being used as an alibi and smokescreen”. He added that the Congress was ready to support the GST Bill if three main recommendations are accepted.

“We have three suggestions. One is setting up of an independent dispute settlement mechanism, elimination of extra one per cent tax (on inter-state movement of goods) and introduction of upper cap on GST rate... If consensus on these three is arrived, we are ready to support,” he said.

He also questioned the credibility of the current GDP growth figure of 7.6 per cent, claiming that neither the Chief Economic Advisor, the Governor of RBI, the London Economist, Wall Street Journal, investment bankers or research scholars believed it. “The numbers put out by the government are highly suspect. For the first time, the credibility of our GDP numbers has become an international issue,” Ramesh said.

Ramesh also raked up the issue of alleged irregularities by the Gujarat State Petroleum Corporation (GSPC) in its KG basin gas project. He demanded a probe and asked the government not to be selective in investigating NPA cases, be it private or public companies.

“What about a company (GSPC) which has taken loan of about Rs 20,000 crore and has to pay Rs 1,800 crore annually, while its income is only Rs 80 crore. Is it not a fit case of NPA?” the Congress leader said.

During his reply, Jaitley asked the Congress to either reconsider its three preconditions or allow a decision on the GST bill by vote.

Addressing Congress leader Anand Sharma, Jaitley said, “I will certainly be discussing with you and your colleagues.” He added that the government would like to take up the GST bill in the monsoon session of Parliament.

On the demand for an 18 per cent GST tax cap in the Constitution, Jaitley said there was no concept of such a cap when the UPA came out with the GST Bill, when it was referred to a Standing Committee, when the committee’s recommendations were released, or when these recommendations were finalised.

Stating that he had “no difficulty with the figure of 18 per cent”, Jaitley asked what would happen in case of a drought when some affected states want to impose a higher tax for a period of just one year. “Should we amend the Constitution in such a case? We know how difficult it is,” he said.

He also said there cannot be a uniform tax for commodities used by the “aam aadmi” and products such as luxury cars.

DECCAN HERALD, MAY 9, 2016

**Incompetence, not vacancies**

Sudhanshu Ranjan,

AT THE ROOT OF PENDENCY : Adjournment is the biggest bane of the Indian legal system. Lawyers seek repeated adjournments, and they are granted.

The joint conference of chief ministers and chief justices of states held on February 24 would have passed off like a ritual but for the emotional outburst of Chief Justice of India T S Thakur, regarding the large number of vacancies in the judiciary which, according to him, was responsible for the huge pendency.

Concerns are being raised about the excruciatingly slow pace of justice at different fora and in public discussions for a long time, but there does not seem to be any serious effort on the part of either judiciary or the government to solve the problem. The problem of vacancies is not as old as the problem of pendency, and so the CJI's outburst needs to be taken with a pinch of salt.

It is inscrutable why the CJI should break down before the prime minister and appeal to him to fill up vacancies in the interest of not only the common man, but also to attract investment from abroad and shore up the country's economy, when the apex court is itself empowered to give directions to the government. Articles 141, 142 and 144 of the Constitution make the Supreme Court the most powerful institution of the country.

Under Article 141, any decision given by it is the law of the land and binding on all; Article 142 bequeaths it the unbounded power to give any order or judgment to do 'complete justice' in any matter or cause pending before it; and under Article 144, all authorities, civil and judicial, are to work in the aid of the Supreme Court.

The malaise is deep and the diagnosis is simplistic. Referring to the low judge-population ratio ad nauseam means taking the wind out of sail. India is notorious for protracted litigation. A court case has a lifespan longer than that of a human being. Civil cases continue for several generations.

The country holds the record for the longest contested lawsuit according to Guinness Book Of World Records. In Pune, on 28 April 1966, Balasaheb Patloji Thorat received a favourable judgment on a suit filed by his ancestor, Maloji Thorat, 761 years earlier in 1205 CE.

In 1976, the Supreme Court itself expressed dismay at the inordinate delay in *L Babu Ram v Raghunathji Maharaj*: "At long last, the unfortunate and the heroic saga of this litigation is coming to an end. It has witnessed a silver jubilee...The Indian people are very patient, but despite their infinite patience, they cannot afford to wait for twenty-five years to get justice. There is a limit of tolerance beyond which it would be disastrous to push our people." The problem has only worsened. It is not only civil cases that drag on for decades; even criminal cases do so.

On the issue of judge-population ratio, it will be pertinent to recall what former US President Nixon said on March 11, 1971, expressing his concern on the administration of the criminal justice system: "But if we limit ourselves for more judges, more police, more lawyers operating in the same system, we will produce more backlog, more delays, more litigation, more jails and more criminals...More of the same is not the answer, what is needed now is genuine reform – the kind of change that requires imagination and daring and demands a focus on ultimate goals."

Justice V R Krishna Iyer echoes a similar sentiment: "The truth is: more courts, more arrears, more lazy judges, more examples of Parkinson's Law and Peter Principle. The real cause of the escalating arrears is the absence of accountability and transparency... For more disposals and inexpensive justice, the purposeful therapy is not the arithmetical illusion of judicial numbers but intelligent selection of robed brethren, of result-oriented technology, and summary procedure."

Unfortunately, Justice Thakur was also creating an arithmetical illusion by asking a hackneyed question: if 5 labourers make a road in 10 days, how many are required to make it in one day? And he gave the answer: 50. The working of a judge cannot be compared with that of a labourer.

### **Busting the myth**

A myth has been created that judges are overworked and that the judicial system is crumbling under the load of work. One can compare the disposal of a competent court with that of a not-so-competent court and everyone can see the difference.

A visit to subordinate and superior courts is sufficient to explode this myth. Judges seldom come to the court before noon and get up by 1 pm or latest 1.30 pm for lunch. In the second half, they sit for the same duration. Consumer courts hardly sit after the noon.

Incompetence and lack of commitment are the main causes of delay. This incompetence is reflected in the new trend of keeping judgements reserved for a long time.

The SC expressed annoyance over it in *Anil Rai v State of Bihar*: “Delay in disposal of an appeal on account of inadequate number of judges, insufficiency of infrastructure, strike of lawyers and circumstances attributable to the State is understandable but once the entire process of participation of the justice delivery system is over and the only thing to be done is the pronouncement of judgement, no excuse can be found to further delay for adjudication of the rights of the parties.”

Adjournment is the biggest bane of the Indian legal system. Lawyers seek repeated adjournments. What is more amazing is that the adjournments are granted. This is because several judges do not come to the court prepared. One of the parties is invariably interested in prolonging the trial and lawyers adopt dilatory and other reprehensible tactics. It creates uncertainty as nobody knows when the case will be heard and decided.

ECONOMIC TIMES, MAY 9, 2016

### **We require more than 70,000 judges to clear pending cases: CJI TS Thakur**

CUTTACK: Continuing to express concern over low judgepopulation ratio in the country, Chief Justice of India TS Thakur today said access to justice was a fundamental right and governments cannot afford to deny it to the people. After an emotional outburst over the issue in presence of Prime Minister Narendra Modi at a conference in New Delhi recently, the CJI once again raised the matter while addressing a large gathering of legal luminaries here on the occasion of centennial celebrations of the circuit bench of the High Court. "While we (judiciary) remain keen to ensure that judges' appointments are made quickly, the machinery involved with the appointment of judges continue to grind very slowly," Justice Thakur said, adding around 170

proposals for appointment of HC judges were now pending with the government. Noting that the matter was brought to the notice of the Prime Minister recently with a plea to make the appointments quickly, he said people cannot be denied justice. "Access to justice is a fundamental right and the government cannot afford to deny the people their fundamental right," he said. Shortage of judges is one of the formidable challenges the judiciary is facing in the country now, the CJI said adding, out of some 900 sanctioned posts of judges in different High Courts of the country, there are over 450 vacancies which need to be filled up immediately. Dwelling on the poor judgepopulation ratio, Justice Thakur said while the Law Commission of India in 1987 had suggested for having 44,000 judges to effectively tackle the then number of pending cases, the country today has only 18,000 judges. "Thirty years down the line we continue to work with depleted strength. If you go by the number of people that have been added to the population, we may now require more than 70,000 judges to clear the pending cases," he said.



## LIBRARIES

**HINDU, MAY 15, 2016**

**Is Hardayal library passing into history?**

MARIA AKRAM

It houses a massive collection of rare books published in the 1600-1700s. The library is in bad shape due to lack of funds; the staff hasn't been paid for many months.

A 19th Century treasure in the heart of the Walled City, faces an uncertain future due to shortage of funds

he tranquillity inside Hardayal Library is unique.

Even with no air-conditioners, the air is cool and the smell of old books — musty and slightly acidic — is instantly recognisable.

Ceiling fans with thick blades complete the colonial-era atmosphere.

Despite its noisy neighbours — on one side is the ever-bustling Chandni Chowk market and on the other is the old Delhi Railway Station — the thick walls of the library manage to keep the cacophony out.

Only if someone drags a chair does the silence break.

Looking for an oasis of peace, many students come here to prepare for competitive exams. “Because the houses in old Delhi are small and cramped, people coming here are mostly students preparing for exams,” said the library chairperson Shobha Vijender.

The grey iron racks, almost covering all the walls, hold a collection of 1.70 lakh books, including 20 books that are one of the rarest in the world and around 7,000 rare books.

### **Dying a slow death**

But the Hardayal Municipal Library hasn't added a single book to its inventory in the last six years.

This year, the building will complete 100 years in June, but the library itself is over 150 years old. With the plaster chipping off from the main inner dome and the building badly waiting a coat of paint, the library, it seems, is dying a slow death.

Despite its mammoth collection of books and paltry membership fee, there are only 700 permanent members. “It is popular in old Delhi area but not in other parts of the city. And with technology, the libraries are dying anyway,” Ms. Vijender said, “but we are doing our best to revive it”.

## **Long history**

Dwelling into the library's past, the staff informed that Britishers who undertook the months-long voyage from Britain to India in the 18th century would carry books with them, and some even penned their own travelogues during the trip. They would then leave these books in India. Slowly, a small library sprouted.

In 1862, a library was set up as part of a reading club for Englishmen. The books were given to the reading room, called the Institute Library, which was part of the Lawrence Institute, named after the then Viceroy of India. "Today, this building is the Town Hall, former headquarter of the Municipal Corporation of India," Ms. Vijender said.

Then in 1902, the library was renamed Delhi Public Library and shifted to another building in Kaccha Bagh. But it was a small building.

Then an incident on December 23, 1912 changed the fate of the library.

A bomb was hurled at Lord Hardinge while he was on an elephant in a procession through Company Bagh (now Gandhi Maidan). He escaped unhurt.

The procession was organised by freedom fighter Lala Hardayal. To commemorate Hardinge's escape, the Delhi Public Library was renamed Hardinge Municipal Library in 1916 and shifted to a new abode with its old collection and furniture.

In 1970, Hardinge Library became Hardayal Library.

## **Preserving precious books**

Books dated before 1960 are not issued, but can be read in the library under the watchful eye of a staff member.

For the past three years, Rajinder Jatav, a preservation expert, has been giving new life to the old books.

Of the 6,575 'heritage' books — published between 1630- 1971 — in the library, Mr. Jatav has preserved 28 books (over 9,000 pages) so far.

The oldest book in the library, and the only surviving copy, is 'A Relation of Some Years by Travaile Begvenne written in 1634'. It was preserved in 2013.

"We laminate each page. There are two tissue papers on each side of the original paper in the book," said Mr. Jatav, who hasn't been paid for over three months now.

Explaining the lamination procedure, Mr. Jatav said they use acetate foil with tissue papers and acetone (nail polish remover). A document is de-acidified, layering it between tissue and thin sheets of plastic, and fusing them together in a heated press.

But due to fund shortage, the preservation work has taken a hit. In August last year, after the library's 86 staffers complained of not being paid for months, the Lieutenant-Governor intervened and sanctioned a grant of Rs. 3 crore to restore its glory. "But now we are again unpaid for months," said the library secretary Anita Gupta.

### **Digitisation plans on hold**

There are plans to digitise the rare books, but due to shortage in funds it has been put on hold.

From *gharelu nuskhe* (home remedies) like using Neem leaves and lighting  *Kapoor* to using sprays, "we try our best to keep the termites and other pests out," said Ms. Gupta, "but not valuing our own heritage (of books), is the biggest bug killing this library".

### **A fitting reply**

The staff said that in 1992, a library in England asked the Hardayal Library to return the books, the then chairman, H.K. Gaur wrote back "first give us our Kohinoor".

Forgotten and neglected, The Hardayal Library in Old Delhi is desperately trying to preserve its collection of rare books

## POLITICS AND GOVERNMENT

STATESMAN, MAY 9, 2016

### **Bipolar democracies**

Asoke Basu

We are facing a paradox that could fracture democratic governments. It seems that citizens of the modern democratic states are both integrating with and distancing from the key moral principle of democracy -- specifically their deep commitment to universal human rights. What could the reason for this growing paradox be?

Consider two contrasting examples. During his recent trip to London, President Obama and his wife, Michelle, attended a private luncheon with the Queen. Her husband, the Duke of Edinburgh, personally chauffeured the Obamas to the castle. This royal honour, barely noticed by the media, was extraordinary, in light of the fact that, not so long ago, British rulers did not escort dark-skinned people anywhere, even those who occupied the highest offices in their countries.

At the same time, elsewhere in Europe, another constitutional democracy, the Federal Republic of Austria, is preparing for a presidential election, in which, for the first time since World War II, a candidate from a far-right party, which is advocating anti-immigrant racist views, has won the popular vote in the first stage. Austrian pollsters are predicting that in the pending national election, the anti-immigrant party will win the majority of seats in parliament. The dark theatre of Nazi bigotry is once again haunting Austrian souls.

Democratic forms of government are normally embedded in personal freedom, fairness, and transparency. In other words, democracy is a system of government in which the citizens freely choose to govern themselves indirectly through their representatives. The principal choice of free civic association is protected by a Constitution that guarantees: (1) basic personal rights; (2) fair and free elections; and (3) an independent judiciary. In contrast, people living under nondemocratic systems have very little say in matters of governance. Modern history has demonstrated that authoritarian and illiberal governments are inherently opposed to the civil rights of their citizens. T. H. Marshall, in *Citizenship and the Social Class* (1949), put the point simply -- a democratic state offers its citizens a modicum of economic welfare and security, the right to share to the full in the social heritage, and the privilege of living as a civilized being in society. Marshall thought that 'citizenship' in a democratic state evolves from expanding 'civil rights'.

So, what is causing the present paradox? On the one hand, the free citizens of the world wish to keep their constitutional framework in place in order to freely access their socioeconomic mobility for jobs, education, and security. On the other hand, growing minorities on both the left and the right of the political spectrum are becoming suspicious of the process by which rewards are sorted out to them by their elected representatives. In some countries, 40 per cent of the voters are warily observing the manner in which the 'establishment' is 'neglecting' them.

In short, modern democracies are rapidly becoming politically bipolar. The perception of the left and the right is that democracy's cherished goals of social opportunity and economic freedom are being rationed by the elite classes that are gnawing away at these pillars of human rights. Sir Isaiah Berlin had famously distinguished between two kinds of liberty -- 'positive' and 'negative'. For Berlin, positive liberty expands the political rights of citizens, whereas negative liberty contracts them.

What is the evidence to support this contention of political bipolarity? Over the past few decades, democratic governments have undoubtedly provided individuals and households many advantages of an open society. To begin with, people living under a constitutional form of government are better off today than their counterparts in nondemocratic nations. Closed states such as China may be alleviating economic poverty and expanding the middle class, but at considerable cultural cost of undermining 'positive liberty'.

Furthermore, open political systems have not only been far more effective than closed ones in expanding the rights of their own citizens, but they have also advocated the expansion of those rights in international fora such as the United Nations. This is one of the reasons why the 'boat people' from the war-torn countries of Africa and the Middle East are opting to migrate to free Europe.

In our postmodern age, the political culture of pluralism is imperative for national stability. The growth, security, and stability of states depend on transnational networks and conditions. In this context, the scope of international trade is a burning issue in the next American election. Two presidential candidates, one Democrat and another Republican, are citing foreign trade agreements and treaties as the principal factor behind declining jobs. However, as the distinguished political economist, Alan Binder, has recently noted, international trade accounts for only a minor share of that loss, compared to the impact of technological change.

In future, free nations that build inclusive civic associations and party coalitions will be far better suited to the advent of postmodern democracy. Social scientists have noted a strong correlation between cultural diversity and capital growth. Industries that employ minorities and women tend to be the most adaptive to the challenges of the global marketplace. As the labour force in the

wealthy democracies of the West and Japan becomes older, a key question that arises is whether the pensioners will welcome the youth who are arriving at their airports and shores, both legally and illegally. Many of those non-Western youth speak foreign languages, worship foreign deities, and wear foreign clothing.

Today, Germany is a good example of a stable pluralistic democracy. It is the strongest economy in the Eurozone. German households have increased their income by more than 15 per cent during the recent eight-year recession. In the aftermath of the Aryan bigotry of the 1930s and 1940s, Germany is now practising inclusiveness -- first, by cooperating with the private sector by matching talent with educational and vocational training as well retraining. Moreover, in order to fill the aging labour pool, the government has opened its doors to the latest wave of immigrants. Since 2005, under the leadership of Chancellor Angela Merkel, Germany has led all 28 Eurozone countries in settling the 'desirable refugees' from war-ravaged Syria and elsewhere. So far, Germany has granted permanent residency permits to almost 700,000 applicants for asylum.

The political implications for national stability of the emerging democracies, especially India, are instructive. If the lessons from the advanced economies are any indication, all major parties in India must agree to coalesce on the common issues of development. They should consider freeing up their ideological space in order to: (1) universalize an efficient system of primary and secondary education; (2) do away with cumbersome regulatory mechanisms of banks, bureaucracies, and other agencies, indeed the legacy of the colonial era; and (3) deliver much needed health-care services, housing, and sanitation.

The established politicians must admit that they cannot simultaneously be both the masters and the victims of their times, because, for the real victims, patriotism is mainly a ruse for privilege. India is rapidly becoming a society in which a tiny elite controls most of the wealth, resources, and power. The central paradox is that most people think that the political system is top-heavy and that politicians are by and large corrupt. And yet they expect the political parties to fix the system.

**The writer is an emeritus professor of Sociology.**

## PRESIDENTS

TELEGRAPH, MAY 12, 2016

### **Hillary versus Donald - Is Clinton liberal enough?**

Mukul Kesavan

There is a coercive 'common sense' building up around Hillary Clinton's bid for the presidency. Now that Donald Trump is the Republican Party's presumptive nominee and Bernie Sanders's campaign for the nomination seems to have run its course, Hillary is being cast as the standard-bearer not just of the Democratic Party but of liberal causes more generally.

While it's reasonable to argue that a liberal would have to be perverse not to vote for Hillary in this election if only to keep Dangerous Donald out of the White House and to get a woman president into it, the argument that Hillary embodies a liberal coalition or that her tenure as president would help consolidate a progressive Democratic politics is unpersuasive.

It is unpersuasive because instead of giving us proof positive of Hillary's liberal positions, this argument tries to elicit sympathy for her by casting her as the victim of long-standing, irrational hostility from both the Left and especially the Right. As a *desi* liberal unsympathetic to American conservatism and removed from the echo chamber of US politics by many thousand miles, I can reasonably claim that I am immune to the Republican attack machine's demonization of Hillary.

I don't need to be rescued from the maelstrom of misinformation and vilification stirred up by *The American Spectator* or The Washington Free Beacon or the Stop Hillary PAC or the *National Enquirer* or Citizens United or Americans For Prosperity, for the very good reason that, like most Indians, I had barely heard of them when I settled down to write this piece.

My scepticism about Hillary has nothing to do with the scandals that disfigured Bill Clinton's presidency: Whitewater, Troopergate, Paula Jones, Monica Lewinsky, Vince Foster, mean nothing to me. I have never believed that Hillary as secretary of state was responsible for the death of the US ambassador in Libya, I don't think that Hillary's aide, Huma Abedin, is Muslim Brotherhood's mole in the heart of the DC establishment and the controversy about her private email server is a typhoon in a tea cup. So when I see Hillary's partisans produce headlines like this - "If You're Liberal and You Think Hillary Clinton Is Corrupt and Untrustworthy, You're Rewarding 25 Years of GOP Smears" - I read them as attempts to pre-empt a necessary discussion of her liberal credentials.

It's necessary because the received wisdom about Trump's candidacy being foredoomed is wrong. The idea that independent voters and principled conservatives will turn against Trump and hand the election to Hillary by a massive margin is wishful thinking. The Republican Party has, over the past three decades, nurtured a radically conservative and borderline racist electoral coalition. GOP elites have willingly exploited this constituency; John McCain's choice of Sarah

Palin as his running mate is a good example of the willingness of 'moderate' Republicans to harness right-wing populism. I don't see significant sections of the Republican establishment sitting out this election or actively working against Trump simply because he has made the Republican base's bigotry visible.

Revealingly, John McCain who faces re-election in Arizona, has declared that Republican elites ought to line up behind Trump because he has done them the service of revealing the gap between the party's leadership and its base. The party's elders are worried not because they abhor Trump's views but because they fear the electoral consequences of his brazenness. Should there be any sign that his 'candour' is helping their cause, they will, like McCain, climb on board.

There is no shortage of encouraging signs. An NBC News poll published earlier this week showed that the nationwide gap between Hillary Clinton and Trump had narrowed from 13 points to five while another poll in crucial swing states like Pennsylvania, Ohio and Florida, showed the two candidates tied with Trump marginally ahead in Ohio. Crucially, Sanders does better than Hillary in head-to-head match-ups against Trump both nationally and in the swing states. This is what makes an audit of Hillary Clinton's politics essential; if Sanders is doing better against Trump than she is, it's worth asking whether it is his political vision that's making the difference. This is especially important since she has a lock on the nomination; when she pivots to confront Trump, Democrats will need to know whether she ought to run as a pragmatic centrist or as a committed liberal.

In her current avatar, Hillary Clinton is, by her own reckoning, a progressive who gets things done. In actual fact, the last time she behaved like a liberal was the time she headed a task force to make the case for the Health Security Act during her husband's first term in office. It was a losing battle that ended in a brutal defeat and the lesson she took from it was the importance of being a realist, of never being out of step with public opinion or the Beltway consensus, whichever was easier.

In 1994, she supported Clinton's criminal justice reforms which made long sentences more likely and made America's already high incarceration rates much worse. The language she used at the time is instructive: she spoke of "super-predators" who had to be brought to heel. In 1996, she helped round up votes for Bill Clinton's welfare reform which basically ended welfare payments for people not in work.

As a senator, she famously voted to authorize military action against Iraq and steadfastly refused to admit error or apologize for enabling a dreadful war all the way through the 2008 Democratic primary season when she lost the nomination to Obama. She remains a committed supporter of the catastrophic War on Drugs and a consistent opponent of the legalization of marijuana. On Israel, unlike Bernie Sanders who has spoken publicly of the need to hold Israel to account for its occupation of the West Bank, Hillary is abjectly mortgaged to the American Israel Public Affairs Committee. In a debate in April in New York, she refused to accept that Israel's bombardment of Gaza had been disproportionate, assimilated the bombing to Israel's right to defend itself and blamed the festering conflict on Yasser Arafat's rejection of Ehud Barak's peace offer in the late 1990s. She has flip-flopped on the Trans-Pacific Partnership and is currently fine-tuning her position on the minimum wage and Medicare to fit into the more liberal *zeitgeist* created by



Sanders's campaign.

There is something disheartening about a politician as calculating and risk-averse as Hillary Clinton. Her apologists do her no favours by citing misogyny in mitigation. There are times when licking your finger, testing the wind and triangulating to a safe position is the sensible way to do politics. But when the world is roiled by the great challenges of climate change, forced migration, religious bigotry and the tensions of a multi-polar world, Hillary's incrementalism, her *penchant* for leading from behind, her rent-a-speech greed, offer little by way of a political persona to rally around. Currently, her main credential seems to be that she's Not-Trump. If that isn't enough to win the election (and it is unlikely to be), she might try to learn from the senator from Vermont the benign magic of a principled liberalism.

## **PUBLIC ADMINISTRATION**

ECONOMIC TIMES, MAY 12, 2016

### **PMO gets over 61,000 public grievances per month**

NEW DELHI: Over 61,000 public grievances related to a range of issues are received by Prime Minister's Office (PMO) every month, Union Minister Jitendra Singh said today. The grievances include concerns related to employees, quality of service, amenities, police, allegation of corruption or malpractices, labour issues, education, landrelated problem and financial services. According to the data available on the online Centralised Public Grievance Redress and Monitoring System (CPGRAMS), the average number of grievances received every month in PMO is 61,919, said the Minister of State in the PMO in a written reply in Lok Sabha. There are 11,028 grievances pertaining to Delhi, he said. The total number of grievances disposed of and pending as on May 5, 2016 were 7,18,241 and 2,72,466 respectively, the minister said. The government has established CPGRAMS to facilitate citizens to lodge their grievances from anywhere, anytime for redressal.

## RAILWAYS

STATESMAN, MAY 9, 2016

### **Magnetic train**

Irrespective of the slowdown in China's economic growth, infrastructure development is in high speed. China has started a trial run of its first magnetic levitation train 'Maglev'. The train is primarily built and designed by the Chinese and is therefore an achievement that showcases the country's progress in railway transport. The train is already popular amongst its users, and has a maximum speed of 100 kilometers per hour. It is being used to ferry passengers on an 18.5 km long stretch from the city centre to the airport in the southern city of Changsha. The expenditure on the train has been close to \$659 million. The Maglev runs by floating on a magnetic field that helps it on the guide way, thus permitting higher speeds and decreased friction. Akin to the Modi government's 'Make in India' initiative, China is working on its 'Made in China 2025' national plan, an initiative to improve and comprehensively upgrade Chinese industry. China has been called the manufacturing hub of the world; with the 'Made in China 2025' initiative, it aims to maintain its position as the world's leading manufacturing nation. The new plan aims to shift the economy from low-cost manufacturing towards high cost and high-tech equipment manufacturing. A recently concluded state council meeting of Chinese leaders in Beijing pledged its full support to boost high-tech manufacturing, thus putting the seal of approval on 'Made in China 2025'.

The Maglev is built in partnership with a German consortium that also includes inputs from technological conglomerate Siemens and Chinese firms. Its design was exclusively Chinese and done by a group of the country's universities in association with a private locomotive firm. 'Made in China 2025' seeks to generate growth in the industrial sector. Its main aims are to lead Chinese manufacturing into innovation, to realize the manufacturing mantra of 'quality over quantity', to spur growth in green technologies, to bring to fruition hitherto dormant capabilities in manufacturing and harness human resource in the industrial sector. The plan aims to increase domestic production of key components and materials to 40 per cent by 2020 and 70 per cent by 2025. Thus the government appears keen on bringing the focus on growth back in order to revive the economy. With economic growth initiatives, China must also restructure its banking sector, much-maligned in the eyes of global investors. Perhaps 'Made in China 2025' will pave the way for larger reforms that are needed in the Chinese economy. With insistence on small and medium enterprises, enforcement of intellectual property rights and more reliance on market institutions, 'Made in China 2025' could well stimulate the Chinese economy.

## SOCIAL PROBLEMS

INDIAN EXPRESS, MAY 9, 2016

### **Soon, submit income tax return copy to get LPG subsidy**

The IT Act forbids the income tax department from sharing income details of an assessee unless the Central government specifies an officer, authority or body to receive the data to perform his or its functions under a law.

Written by [Amitav Ranjan](#)

Soon you will have to submit a copy of your income tax return (ITR) every year to the LPG dealer to claim subsidy on cooking gas cylinders.

With the voluntary GiveItUp scheme not making much progress, the Petroleum Ministry has asked the Central Board of Direct Taxes (CBDT) to include the ministry as a recipient of ITRs under the Income Tax Act so that it could weed out those with annual income above Rs 10 lakh from the subsidy scheme.

“The information related to taxable income of LPG consumers is critical to implement the decision to exclude consumers belonging to higher income group from availing subsidy, and this information on taxable income of LPG consumers is required every year,” the ministry wrote to the CBDT last week.

“Considering the above, it is requested that the Ministry may be notified under Section 138 of the Income Tax Act to obtain information related to taxable income of LPG consumers in the public interest,” it added.

The IT Act forbids the income tax department from sharing income details of an assessee unless the Central government specifies an officer, authority or body to receive the data to perform his or its functions under a law.

Currently, authorities implementing the Foreign Exchange Management Act, Prevention of Money Laundering Act, Serious Fraud Investigation Office and the National Food Security Act are among the few that have this permission.

Last December, the NDA government had announced that taxpayers with an annual income of more than Rs 10 lakh will not get subsidised LPG cylinders and that the scheme was to be implemented under “self-declaration basis” while booking cylinders from January 2016 onwards.

A government official said that nearly 70 lakh people had given up the subsidy under GiveItUp scheme since it was launched in March 2015, but a majority of them included consumers who had shifted to piped natural gas or are officials of state-run oil marketing companies (OMCs).

“There are very few with income exceeding Rs 10 lakh who have provided affidavits and surrendered their LPG subsidy,” he said. “And the current available mechanism does not provide for collecting ITR from consumers to ascertain their taxable income.”

In a separate letter to marketing heads of the three OMCs, the ministry has modified its December 2015 order saying that those who are excluded from LPG subsidy in one year could be included the next year provided they furnish ITR showing that their annual income had fallen below Rs 10 lakh.

“Similarly, a consumer, otherwise receiving subsidy, will become ineligible to claim subsidy as and when taxable income of self or spouse is more than Rs 10 lakh in the subsequent financial year,” it wrote to director (marketing) of Indian Oil, Bharat Petroleum and Hindustan Petroleum.

## TRANSPORT

ASIAN AGE, MAY 11, 2016

### **Supreme Court relief to diesel cars, allowed to ply in NCR**

[J. Venkatesan](#) |

The Supreme Court on Tuesday relaxed its ban and allowed about 64,000 diesel taxis, running on all-India tourist permits, to ply in the national capital region on point to point basis within Delhi and the NCR till the expiry of their permits, ranging from one to five years.

A three-judge bench comprising Chief Justice T.S. Thakur and Justices A.K. Sikri and R. Banumathi modified its order passed on April 30 barring diesel taxis in Delhi till they are converted to CNG-fitted vehicles. It said no new diesel taxis will be registered and the ban on registration of diesel cars of 2000cc and above will continue.

The bench after hearing senior counsel and amicus curiae Harish Salve, solicitor-general Ranjit Kumar and the counsel for various others in a brief order said the existing all-India tourist permits will be converted to AITP-O permits, which will be allowed in NCR for point-to-point services, like those used by business process outsourcing (BPO) firms. It said that such taxis will be allowed to run only if they comply with the government requirements of safety, security and fare structure to prevent surging of fares. The court made it clear that new city taxis will only be registered if they run on petrol, compressed natural gas or dual fuel. Further, new all-India tourist permits will be labelled AITP-N and they will not be authorised to offer point-to-point services in the NCR.

When the Chief Justice wanted to know whether the Centre could put in place specific rules under the Motor Vehicles Act, the solicitor-general said that NCR-specific rules would be difficult to formulate, as the AITP rules were meant for the whole country.

Kapil Sibal, appearing for National Association of Software and Services Companies (Nasscom) assured the court that all its future contracts would ensure that cabs will only be non-diesel cabs. The solicitor-general had argued on Monday that vehicles are not the only source of pollution in Delhi, but there are also other sources like road dust etc. He added diesel is not “the only devil,” but CNG and petrol vehicles also contribute to pollution in the NCR. However, the Chief Justice observed that the government was not enforcing rules to curb pollution and it can’t undermine vehicular pollution. In its submissions, the Society of Indian Automobile Manufacturers (SIAM) cited an IIT Kanpur report to show that only 2 per cent of the total PM2.5 emissions in the national capital region came from all passenger vehicles, including petrol, diesel as well as CNG-powered vehicles. SIAM argued that BS-IV cars are 25 per cent more fuel-efficient than previous generation ones. Senior counsel A.M. Singhvi, appearing for SIAM, argued that the initial cost of the diesel cars is higher and it is the most-taxed commodity after tobacco. He argued that only 0.5 per cent of the 2 per cent pollution caused by passenger vehicles was due to BS-IV compliant vehicles. The Supreme Court bench directed the matter to be listed for further hearing in July.