

# **NEWS ALERT**

**MAY 1-7, 2019**



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**HINDU**

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**INDIAN EXPRESS**

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## **CIVIL SERVICE**

PIONEER, MAY 6, 2019

### **Delhi HC quashes Centre's 2018 IAS, IPS cadre allocation, orders fresh**

The Delhi High Court has quashed the Centre's cadre allocations of IAS and IPS officers of 2018 batch under the new policy and ordered a fresh cadre allocation.

A bench of Justices Vipin Sanghi and Rekha Palli accepted the submission of the officers, who had approached the court challenging the process, that cadre allocation is a matter which would affect their careers for all times to come.

It noted that re-allocation of cadres by the authorities should not take much time as it is done electronically, that is through computer program or software, and the authorities already possess the requisite data in this regard.

“For all the aforesaid reasons, we are inclined to allow these writ petitions and to quash the cadre allocations made by the respondents of the IAS officers vide communication dated December 3, 2018, and the IPS officers vide OM dated December 19, 2018. We, accordingly, direct so,” the bench said.

It said the court was inclined to grant relief to the petitioners considering that they have approached the court at the very earliest and at a stage

when neither the IAS officers nor the IPS officers of the 2018 batch have commenced their on-site training which are cadre specific.

“We, therefore, direct the respondents to undertake fresh cadre allocation of the successful candidates allocated to the IAS and IPS, according to their merit and by taking into consideration the preferences given by the candidates irrespective of whether they have filled ‘99’ in any of the zones or cadres.

“If a candidate is not able to get any of the preferred cadres according to his rank, cadre allocation in respect of such a candidate may be resorted to in the manner set out in.... ,that is, he may ‘be allotted along with other such candidates in the order of rank to any of the remaining cadres, arranged in alphabetical order, in which there are vacancies in his category if allocation of all the candidates who could be allotted to cadres in accordance with their preference’,” the bench said and disposed of four petitions.

For no preference in zones and cadres, the candidates had to enter “99”.

The court’s verdict came on four petitions filed by various officers challenging the notification of Central government allocating the cadres to candidates of Indian Police Service (IPS) on the basis of the results of the Civil Services Examination (CSE), 2017.

They sought direction to the Centre to issue a new list allocating the respective cadres to the selected IPS candidates in the CSE, 2017, purely on the basis of merit and preferences indicated in the online form, by correctly interpreting the Office Memorandum (OM) of September 5, 2017.

The pleas claimed that the interpretation of Cadre Allocation Policy 2017 adopted by the authorities was unreasonable and grossly unfair, unjust and arbitrary.

“The same is violative of the principle of equality in as much, as, the more meritorious candidates, who have ranked higher in CSE, 2017, have been denied allocation to cadres for which they had given their preferences, and less meritorious candidates have been allocated to the said cadres,” the officers’ counsel had argued.

As per the 2017 office memorandum on cadre allocation policy, the states and joint cadres were divided into five zones.

According to that policy, the candidates were required to first give their choice in the descending order of preference from amongst the various zones. Thereafter, the candidates will indicate one preference of cadre from each preferred zone.

The candidates will indicate their second cadre preference for every preferred zone thereafter. Similar process will continue till a preference for all the cadres is indicated by the candidate.

If a candidate does not give any preference for any of the zones/cadres, it will be presumed that he has no specific preference for those zones/cadres and accordingly, if he is not allocated to any one of the cadres for which he has indicated the preference, he shall be allotted along with other such candidates in the order of rank to any of the remaining cadres, arranged in an alphabetical order, in which there are vacancies in his category after allocation of all the candidates who can be allotted to cadres in accordance with their preference, it had stated.

The petitioners' grievance was that the authorities have not allocated the cadres to them as per their declared policy of merit-cum-preferences.

The bench agreed with the officers that the interpretation and implementation of the Cadre Allocation Policy, 2017 resorted to by the respondents is unreasonable and arbitrary, since the more meritorious candidates have been denied the cadres to which they were otherwise entitled according to their preference and the same have been allocated to the less meritorious candidates.

“There can be no gain saying that the common thread running in the said Cadre Allocation Policy, 2017 is to reward merit. The more meritorious candidates are entitled to consideration for allocation of cadres before the less meritorious candidates are considered.

“This is clear from the overall scheme/policy ... That principle has been clearly breached by the respondents due to the manner in which they have interpreted and implemented the OM dated September 5, 2017,” it said.

BUSINESS LINE, MAY 6, 2019

## **PFRDA must insist on pension funds to beef up their risk assessment norms**

Pension funds need tighter investment and valuation norms to deal with defaults

Ever since IL&FS defaulted on its debt obligations last year and flagged off a liquidity crisis across the NBFC sector, mutual fund managers have

faced strident questioning on their troubled corporate bond exposures. Mutual funds' open-ended nature, daily NAV disclosures and significant institutional participation has made sure that their doubtful credit calls cannot escape public scrutiny. SEBI has tweaked its regulatory framework for debt mutual funds to ensure prompt disclosure of losses, mark-to-market valuation and a side-pocketing mechanism to ensure that investor interests aren't compromised when credit calls go awry. But there seems to be no such standard operating procedure in place for pension funds, who are significant players in the corporate bond market and manage retirement savings of retail investors. BusinessLine reports suggest that pension fund holdings in IL&FS amount to a sizeable 1,200 crore, with both the National Pension System (NPS) and Atal Pension Yojana featuring the paper.

Indian pension fund regulators have traditionally seen no reason to ready their regulatory framework to deal with default events, because these funds are bound by mandate to be quite conservative with their corporate bond exposures. PFRDA's investment guidelines, for instance, specify that the NPS money can only be deployed in government securities or corporate bonds rated AA and above by at least two credit rating agencies. But then, a string of recent defaults by AAA or AA-rated entities including IL&FS have shown that high investment-grade credit ratings, in the Indian context, are no guarantee that a corporate borrower will not renege on payments. Rating agencies can effect multi-notch downgrades at whim and once defaults or downgrades transpire, market liquidity for such corporate bonds completely dries up. Given that the brewing NBFC crisis may unleash more credit events, it is now imperative for PFRDA to rethink its valuation and risk management

framework for NPS exposures in corporate bonds. There is even a case for barring such exposures in the Atal Pension Yojana, meant for low-income earners.

The regulator must bear in mind that the NPS, unlike debt mutual funds, offers a very low management fee to AMCs, locks in investors and attracts very little public scrutiny. Therefore, there need to be clearer deterrents to NPS managers taking on undue credit risks and delaying mark-downs of downgraded bonds. NPS investors still can't exit based on such disclosures, but they can certainly switch assets or managers to reduce risk. There has also been a clamour for Indian pension funds to increase their allocations to lower-rated bonds to aid in the development of the bond market. But experience so far suggests that relying on third party credit ratings to take such calls is fraught with risk. PFRDA should insist on pension fund managers beefing up their in-house credit assessment teams and risk controls, before considering changes in its investment norms.

# CORPORATE GOVERNANCE

BUSINESS LINE, MAY 3 2019

## **Wilful defaulters must not be allowed to buy back their assets**

### *Defaulting promoters should not be allowed to game the IBC system*

The discussion paper on corporate liquidation process put out by the Insolvency and Bankruptcy Board of India last week has inexplicably left a backdoor open for ineligible promoters to reclaim control of their company. Section 29A, that was inserted into the Code in 2017 to keep out errant and wilful defaulters from buying back stressed assets under a resolution process, may not apply to compromise deals or arrangements under Section 230 of the Companies Act, if the proposal in the discussion paper goes through. Section 230 essentially deals with ‘Power to Compromise or Make Arrangements with Creditors and Members’, which may include reconstruction or amalgamation/merger/demerger of companies or reduction of share capital or even corporate debt restructuring. As proposed, while sale of assets under liquidation cannot be made to persons ineligible under Section 29 A, such persons may not be barred from participating in the scheme of arrangement under Section 230 of the Companies Act.

The entire argument is built on the oft repeated intent of the Code — resolution and revival of the corporate debtor rather than liquidation. In the famous Supreme Court ruling in Swiss Ribbons vs. Union of India, it

was reiterated that the steadfast intent of the IBC was to revive a corporate debtor; liquidation is only a last resort if resolution fails. In the ArcelorMittal India vs. Satish Kumar Gupta case, it was cited that even in liquidation, every effort must be made to sell the business as a going concern. In the NCLAT ruling in the SC Sekaran vs Amit Gupta case, the appellate authority had directed the ‘liquidator’ to consider provisions of Section 230 of Companies Act, 2013 before taking steps to sell the assets. Given that liquidation brings the life of a firm to an end, destroys organisational capital and is hugely damaging to employees, workmen and the industry at large, it is true that every effort must be made to sell the corporate debtor as a going concern. But the proposal of letting ineligible promoters under Section 29A of the Code to participate in the compromise or arrangement under section 230 of the Companies Act needs an immediate rethink. After all, the very purpose of the IBC would be defeated if fraudulent promoters were to re-acquire the business, at throwaway prices. Chronic defaulters and fraudulent promoters cannot be allowed to game the system, owing to mere difficulties in implementing the ineligibility criteria under Section 230.

The discussion paper also argues that it is not only the liquidator (resolution professional under IBC) but also creditors and members (shareholders) who can propose a compromise or arrangement under Section 230. It may be a good idea to review this provision to avoid misuse by various stakeholders. Above all, adhering to a strict timeline for concluding the process of compromise or the completion of the liquidation process is of greatest importance. A long drawn liquidation process can erode the underlying value of assets steeply leaving little for creditors.

# DISASTER MANAGEMENT

HINDUSTAN TIMES, MAY 6, 2019

## **Cyclone Fani: What India can learn from Odisha**

*All Indian states, coastal or otherwise, must learn from Odisha and put in place a responsive disaster management system so that they are not caught unawares when a calamity strikes.*



Twenty years after the vicious Super Cyclone ripped through Odisha (then Orissa), killing more than 10,000 people and 200,000 animals, and destroyed physical infrastructure worth crores (state government estimates), Cyclone Fani, equivalent to a Category 4 hurricane (on the

Saffir-Simpson Scale), made landfall at the temple town of Puri on May 3, causing damages in Bhubaneswar, Cuttack, Puri, and Khordha districts, killing 38 people in a state of 46 million.

While the destruction of physical properties cannot be contained when a storm of such gigantic proportion crosses a densely-populated landmass, what is striking this time around is the low number of human casualties. The Odisha government which has earned international praise for its magnificent efforts was successful in doing this because -- unlike many other states -- it has not only learned from the 1999 experience but also built a disaster mechanism system based on that.

In the last 20 years, it built 879 multi-purpose cyclone shelters (there were only 23 in 1999) and embankments to stop the saline ingress in case of a storm surge, trained 400 community volunteers, and sanctioned satellite phones for district collectors and set up a digital mobile radio system to ensure seamless connectivity between field officials and the nodal authority

Once the India Meteorological Department (IMD) sent out an alert about Cyclone Fani five days before the landfall and its exact location, thanks to improved forecasting facilities, the state government evacuated at least 1.2 million people, sent out bulk SMS alerts to coastal communities and fisherfolk, made provisions for medicine, food and drinking water, and even closed down hotels in Puri to ensure that tourists leave the popular destination for safer areas. The central ministries and departments (the National Disaster Management Authority, the National Disaster Management Force, the Indian Navy, and the Indian Air Force) responded in equal measure with personnel and relief material, but

central support notwithstanding, the state must be credited for the successful and timely mobilisation of resources.

All Indian states, coastal or otherwise, must take a leaf out of Odisha's book and put in place a responsive disaster management system so that they are not caught unawares when a calamity strikes. For example, as the author of *The Great Derangement*, Amitav Ghosh, tweeted recently, India's west coast has to learn from Odisha and start putting evacuation plans in place because increased cyclonic activity in the Arabian Sea is one of the predicted effects of climate change, which is not just affecting the intensity and frequency of disasters across the world but also making them erratic.

## **ELECTION**

PIONEER, MAY 3, 2019

### **EC removes DM of West Tripura following Opp charge of poll rigging**

The EC on Thursday removed West Tripura District Magistrate Sandeep Namdeo Mahatme who is also the Returning Officer of West Tripura Lok Sabha seat, where Opposition parties are demanding re-poll in many booths alleging large-scale rigging by the BJP during voting there on April 11. Mahatme was replaced by East Tripura RO and District Magistrate of Dhalai, Vikash Singh.

EC secretary Arvind Anand wrote to state Chief Electoral Officer Sriram Taranikanti that Mahatme was "relieved and shall not be given any election related posting".

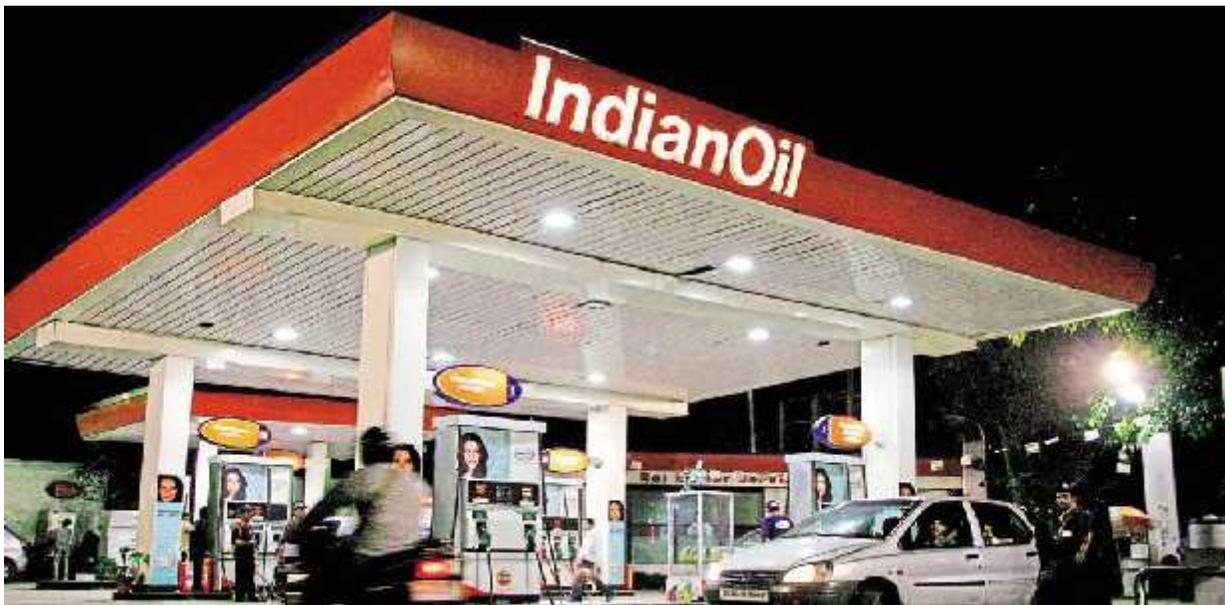
The Election Commission also asked the Tripura government to send to it names of a panel of officials for posting as district magistrate, who would be District Election Officer of Dhalai district. Opposition parties including the CPI (M) and the Congress have demanded removal of Mahatme claiming that his role was not impartial during the polling in the constituency on April 11. After the allegation of rigging in West Tripura, the EC had postponed voting in the East Tripura, the other Lok Sabha seat in the State, to the third phase on April 23 from April 18, saying the prevailing law-and-order situation there is not conducive for holding free and fair poll.

# ENERGY RESOURCES

HINDUSTAN TIMES, MAY 1, 2019

## Oil prices cloud India's macroeconomic outlook

*The next government won't enjoy low oil prices which benefitted its predecessor*



When Narendra Modi assumed office in May 2014, crude oil was trading above \$100 per barrel. By 2015, Brent crude prices fell by more than half, and they stayed below \$70 per barrel until 2018.

Cheap oil brings two benefits for the Indian economy. One, it helps keep inflation under control. It also helps in keeping the current account deficit under control. In the present government's case, it also brought

an extra benefit. The government increased taxes on petroleum products and had a windfall gain in revenue collection. Additional taxes from petroleum products played an important role in bringing down the fiscal deficit in the initial years of the Modi government. Crucial as these benefits were, they were largely exogenous. International oil prices are determined by factors such as global growth rates and geopolitics regarding oil producing countries, which are located outside the Indian economy.

Recent developments and oil price movements suggest that India's next government, which will assume office in a month, will most likely not inherit the benign oil price environment which its predecessor enjoyed. The United States has decided to withdraw its exemption (from sanctions) to countries which were importing oil from Iran, the seventh largest oil producer in the world. While the Indian government has asked the US to not push for this till the election process is on, New Delhi will have to take a call on the issue sooner or later. The Iran question notwithstanding, the oil price cycle has been on an upward trajectory for quite some time now.

If economic growth does not pick up — GDP growth has been going down for four consecutive quarters ending December 2018 — non-petroleum revenues are bound to come under strain. Any significant spike in oil prices, which cannot be ruled out in the medium term, will only increase the pressure on the fiscal front.

The next government's reactions to these eventualities will also depend on its parliamentary strength. An overwhelming majority for a single party might lead to a prioritising of keeping the fiscal deficit under

check even at the cost of passing on higher prices to consumers. In case the elections end up being closer and lead to the formation of a coalition government without one party having the majority, populist pressures might lead to the holding back of such measures. India's macroeconomic outlook, therefore, will remain uncertain for the next few months.

## HEALTH SERVICES

PIONEER, MAY 6, 2019

### **‘India expected to meet 1:1000 doctor-patient ratio by 2024’**

With around 2,500 new hospitals proposed in next 5 years and thereby creating 2.5 million additional jobs in the health sector, India is expected to meet the WHO norm of 1:1000 doctor-patient ratio by 2024, said Dr VK Paul, Member, NITI Aayog at an event here. He however, added that attaining the required number of specialist doctors is a five times more difficult agenda.

Around 80,000 PG seats will be added by 2024, with participation of private sector healthcare providers, said Dr Paul at the launch of certificate course on ‘Specialist Training To Tackle The Burden of NCDs’ organized by FICCI here recently.

He added that with the improvement in the ease of doing business in the private healthcare sector, new players will enter the sector which will not only create new employment opportunities but also provide better healthcare services.

FICCI, jointly with NITI Aayog, has been working on identifying innovative alternate methods of strengthening the number of specialized doctors in India that can be scaled-up, especially for high burden diseases and conditions. In continuation to this, FICCI has partnered with ECHO (Extension for Community Healthcare Outcomes) to launch the first of its kind Diabetes Certification Course for General

Practitioners (GP), considering the WHO statistics of 69.2 million Indians suffering with diabetes in 2015 and not enough endocrinologists to deliver specialized care.

Commenting on the tie-up, Dr Paul said, “The ECHO model is unique in more than one ways, but what makes this program even more unique is the partnership with the industry through FICCI”. He also highlighted that the government has made provisions to double the number of UG seats in medical education by 2024, but attaining the required number of specialist doctors is a five times more difficult agenda. He further added that 80,000 PG seats will be added by 2024, with participation of private sector healthcare providers.

Manoj Jhalani, AS & MD (NHM), Union Health Ministry highlighted the quadruple challenge of quantity, quality, right skill-mix and physical distribution of human resources for healthcare. He said, “It is important to empower primary health teams and General Physicians (GPs). The Ministry is working on several aspects to increase number of specialist doctors in the country and is also exploring participatory approaches for engaging private sector like contribution for stipends paid to DNB students at both public and private hospitals.”

## INTERNATIONAL TRADE

HINDUSTAN TIMES, MAY 7, 2019

### **How the US-China trade war impacts New Delhi**

*Since India's growth is in sync with global trends, it will not escape the contagion*



The trade dispute between the United States and China has become the primary destabiliser of the global economy. Just when the conventional wisdom was that the two sides were on the verge of agreement, US President Donald Trump suddenly tweeted he was planning to impose 25% tariffs on another \$325 billion worth of Chinese imports this Friday. The US-China confrontation is now officially the economic

equivalent of Schrodinger's cat — simultaneously being resolved and worsening.

There is good and bad in this for India. Expectations of a healthy global economy have presumed the world's main central banks will keep interest rates soft and international trade and investment flows will remain stable. The seemingly intractable US-China trade dispute, which is as much about technology and geopolitics as it is about trade, puts a question mark over those growth figures. India's own growth figures tend to be broadly in sync with global trends. India will not be able to escape contagion.

The positive side is geopolitical. India, like many of Beijing's neighbours, has had to contend with a decade of rising assertiveness by China — some of it openly military — in the external arena. One reason for China's newfound confidence is its sense of ebbing US influence in Asia. The Asian balance of power is still struggling with the consequences of US passivity towards China's takeover of a large part of the South China Sea. Though his motivations may not be geopolitical, Mr Trump has been prepared to beard the dragon in its lair in a manner no other world leader has. The cordiality with which China treats India and Japan today is partially a result of Beijing's worries about its deteriorating US relationship. It remains in India's interest that the US-China confrontation continues, but not that it become a conflagration.

The real Indian concern should be that Mr Trump does not distinguish between friend and foe when it comes to trade. He admires Narendra Modi, sees India as a strategic partner but will not give New Delhi leeway when it comes to exports and imports. One of India's failures in

its otherwise positive engagement with the US has been its inability to resolve any outstanding trade issues. If anything, these have now accumulated to the point that a US-India trade war may soon become a sideshow to the larger dispute with China. Mr Trump may or may not settle with China. Bashing China is popular at home and the US economy is booming, so he has little incentive to change his policy. India's coming trade battle with the US, in comparison, is both smaller and less political. But it needs to be addressed by the incoming Indian government as soon as possible.

# JUDICIARY

HINDUSTAN TIMES, MAY 2, 2019

## **The SC needs an institutional reset**

*While the court lectures us on transparency, it remains the country's most opaque institution*



Most of today's judges on the Supreme Court (SC) bench were in their thirties on May 7, 1997, when, famously, the full court sat and issued a 16-point declaration called Restatement of Values of Judicial Life. That

year was the 50th anniversary of our Independence. Twenty years on, we should check if our most hallowed institution has lived up to it.

You might begin with the question: Why is it so that the SC has been making headlines more for controversies than for good news? The current Chief Justice of India, Ranjan Gogoi, just like his two immediate predecessors, Justices Dipak Misra and JS Khehar, has had to deal with a crippling controversy. The two before them managed convenient sarkari sinecures; one of these in a Raj Bhawan.

Justice Khehar was “mentioned” in the diaries of the late Arunachal Chief Minister, Kalikho Pul. Justice Dipak Misra first faced an unprecedented joint press conference by his four senior-most colleagues, protesting what they saw as his high-handedness and lack of institutional democracy, and then an impeachment threat by the opposition. The allegation of sexual harassment levelled against Justice Gogoi now is the gravest.

Let’s presume that each of these judges was spotless and targeted by interested parties. But we cannot defend none of them facing any scrutiny. Mostly, it happened because there was no procedure, mechanism or institution for such an inquiry. And where there is one, the Internal Complaints Committee for sexual harassment under the Vishakha Guidelines laid down by the SC, the matter was referred to a specially constituted committee of SC judges first, which the complainant rejected.

Here are the three key reasons our judiciary has dug itself into a deep hole.

First, its insistence on ducking inconvenient questions by invoking stature and reputation. This means there's never closure on any issue.

Second, that while the court lectures us on transparency, it remains India's most opaque institution.

And third, there is no mechanism, even a council of respected elders, that could step in when a crisis of credibility or internal distrust became evident.

Parliament had tried to create the National Judicial Accountability Commission (NJAC) exactly for such situations but the SC struck it down (4-1) as unconstitutional. Three of the judges who served on that bench (including Justice J Chelameswar, the lone dissenter) figured in the four-judge press conference in Justice Gogoi's company.

Since Justice Gogoi was the senior-most among the four and the only one still in the chair, he needs to reflect on how his institution ended up here. Why is his SC looking like a big, flailing body oozing blood from a dozen, mostly self-inflicted, cuts? And piranhas of various kinds are lurking.

## **MIGRATION**

PIONEER, MAY 4, 2019

### **25L tourists visited India in 2018 availing e-Visa**

India had issued over 25 lakh e-Visa last year, a five-fold jump from 2015, and reduced the main category visa from 26 to 21, an official said Sunday.

The Home Ministry officials also said sub-categories of visa has been reduced from 104 to 65, thus rationalising and simplifying the visa regime and removing confusion.

The number of e-Visas issued by the Bureau of Immigration, under the Home Ministry, has risen from 5.29 lakh in 2015 to 25.15 lakh last year, the official said.

On the other hand, the number of regular or paper visas issued by Indian missions abroad has come down from 45 lakh to around 35 lakh in the same period.

The number of main categories of visa has been reduced from 26 to 21 by clubbing some categories.

The e-Visa facility now covers 166 countries and foreigners can obtain online visa within 72 hours for travel related to tourism, business, health, medical attendant and conference purposes.

The scope of film visa has been increased to include web shows and series and recce of locations. No registration is now required if stay of a foreigner with film visa is up to 180 days in India, the official said.

These measures will remove the present obstacles in implementation of film visa regime and is expected to promote India as a favourite destination for shooting of various kinds of films and shows.

The scope of tourist visa has been expanded by including activities like short-term, unstructured courses (up to six months duration) on local languages, music, dance, arts and crafts, cooking, medicine. Voluntary work up to one month has also now been allowed under tourist visa.

Provisions of Internship Visa have been liberalised. Earlier, it was given only after graduation or completion of study.

Now, a foreigner can come for internship in India at any time during his studies. Visa for internship in Indian companies can now be given for a lower salary minimum of Rs 3.6 lakh per annum instead of the earlier minimum limit of Rs.7.8 lakh. This would facilitate grant of more Internship Visas to foreigners.

India's Visa Regime has been overhauled during the last two years by making it simpler to understand and administer.

It has become more liberal in terms of length of stay, number of visits allowed and flexibility in undertaking various activities.

The simplified visa regime will promote tourism, business and people-to-people contact, another official said.

The duration of e-Tourist and e-Business visas increased from 60 days to one year.

## NATIONAL SECURITY

HINDUSTAN TIMES, MAY 3, 2019

### **Kargil's lessons remain relevant after 20 years**

*India still depends more on Pakistan's blunders than on its own preparation*



It was on this day — May 3 — 20 years ago that some local shepherds in the Kargil area of Jammu and Kashmir detected Pakistani infiltrators. Thus started the Kargil War, a rare instance of a conventional conflict between two nuclear-armed neighbours. Both India and Pakistan had just become overt nuclear weapons states a year earlier. Therefore, the Kargil War has, over the years, received a lot of international attention.

Three major lessons can be drawn from the war, and all remain relevant today.

First, the origin of the war tells us something about the motives of the Pakistani army. In order to understand the Kargil War, it is essential to study the 1965 India-Pakistan War. It was through Operation Gibraltar that Pakistan aimed to wrest back the control of Kashmir in 1965. The plan failed badly, as the Pakistani generals were taken aback by India's decision to open another front in Punjab. In 1999, Pakistani nukes were supposed to solve this problem. Pakistani strategists thought that if their army somehow captured territory in Kashmir, nuclear weapons could be used to preserve the new realities on the ground. It is true that Pakistan's nuclear status probably worked in preventing India from opening another front in 1999 but New Delhi did well to use the air force and evacuate the captured territory.

Second, apart from nuclear capability, Pakistan was banking on international support. Its prime minister, Nawaz Sharif, and army chief, Pervez Musharraf, both believed that the threat of a nuclear war would loop in the US into some sort of a mediation role in Kashmir. Their biggest shock came when US President, Bill Clinton, overturning decades of Pakistan-bias in Washington's South Asia policy, made it clear that the Pakistani forces must withdraw to their side of the Line of Control (LoC) without conditions. In one stroke, the LoC received global legitimacy as the de facto border. Adding to Pakistan's injuries, China, too, decided to play neutral between New Delhi and Islamabad.

Not all the message was good for India. The 1999 war revealed big holes in India's war preparation. From the intelligence failure in detecting

infiltration to lack of modern equipment and clothing, India was found wanting on many fronts as the Kargil Review Committee recorded. Many of these problems continue to fester; some have even turned worse. With a growing budget for salaries and pensions, the pie for capital expenditure has shrunk as a share of gross domestic product (GDP). Twenty years after Kargil, India still depends more on Pakistan's blunders than on its own preparedness.

## **POLICE**

PIONEER, MAY 6, 2019

### **Govt proposes another extension to IB chief**

In what could upset career prospects of several senior IPS officers in the fray for the top job at the Intelligence Bureau, the government has moved a proposal for granting yet another extension to IB chief Rajiv Jain, who got a six months extension in January just before his superannuation.

During the extended tenure of Jain, the Pulwama suicide hit occurred leading to the deaths of 40 CRPF jawans and forced the country to mount an aerial attack at Jaish facility inside Pakistan and also put the two countries to the brink of war.

In the same period, the Colombo suicide bombings occurred and the National Thowheed Jamath (NTJ) chief Zaharan Hashim was freely roaming in South India without any inkling to the IB.

Reports suggest that IB had knowledge of the suspicious activities of Tamil Nadu Tauheed Jamat as also a slew of so called mainstream Muslim organizations since 2016 for alleged involvement in radicalization activities, but Hashim's movement could not be tracked. Sri Lanka Thowheed Jamat is believed to be a branch of TNTJ and NTJ was an offshoot of the former.

NTJ along with another radical group of Sri Lanka Jamathej Milathu Ibrahim have been identified by Colombo authorities for the serial suicide bombings last month that killed over 250 people including 11 Indians on Sunday Easter.

Jain's predecessor Dineshwar Sharma had turned down a government proposal for one year extension in the interest of professionalism and in keeping with the career prospects of his subordinates. Bypassing the officials in line for promotion can potentially lead to resentment amongst the officials which can have a bearing on the overall professionalism of the covert agency, sources added.

## **POLITICS & GOVERNMENT - INDIA**

PIONEER, MAY 3, 2019

### **Modi's policy of inclusive growth has ushered development in country: Naqvi**

The BJP Government at the Centre launched a “jihad against corruption” and Prime Minister Narendra Modi’s policy of inclusive growth has ushered development throughout the country, Union Minister Mukhtar Abbas Naqvi said on Wednesday.

The BJP leader was campaigning for the party’s Ladakh Lok Sabha seat candidate Jamyang Tsering Namgyal.

“The policy of inclusive growth of Prime Minister Narendra Modi has created marks of development from Kanyakumari to Kargil,” Naqvi said at a public meeting in Jammu and Kashmir's Kargil district.

The Ladakh seat, of which Leh and Kargil are a part, is the largest in India in terms of area and goes to polls on May 6, the fifth phase of the general elections. The Central Government led by Modi launched a “jihad against corruption and it created panic and depression among those who were involved in loot of public money from Kanyakumari to Kargil”, Naqvi said.

Taking a dig at previous Congress and National Conference Governments in the State, he said even if 20 per cent of the total money that came for the development of J-K since Independence had been

spent honestly, there would not have been a single problem in Kashmir. “Those people who ruled the State for most of the time were engaged in filling their own coffer instead of working for the welfare of the needy common man of the state,” the BJP leader said.

The Modi Government's commitment has been “development with dignity” for Jammu and Kashmir and “we will carry forward this commitment”, Naqvi said . He said the Modi Government initiated about `2 lakh crore worth of development projects for the State in the last five years.

“Be it the Zojila tunnel that connects the rest of India with Leh or the Kishan Ganga project in Bandipora or the hydro power project on the Chenab river in Kishtwar region, all these projects have opened up a new door for the happiness for J-K,” Naqvi told the gathering.

He said a few changes have been made in the Ladakh Autonomous Hill Development Council Act and the council has been given more rights concerning the expenditures.

Besides, lakhs of people of the state have benefitted from the Centre's welfare schemes such as Ayushman Bharat, Ujjwala Yojana, Mudra Yojana and Jan Dhan Yojana, Naqvi said.

Prime Minister Modi has constructed a “highway of development and good governance” by demolishing “political one-way of corruption, caste, community and misrule”, he said.

The people of the country want a government with a clear mandate and not a one which is just cobbled up, Naqvi said.

## **PUBLIC SECTORS**

BUSINESS LINE, MAY 7, 2019

### **Saving BSNL**

*The Centre needs to act urgently to revive this strategically important PSU*

The Centre must take immediate steps to revive Bharat Sanchar Nigam Ltd if it wants to achieve the objective of reaching 100 per cent tele-density in rural areas and keep telecom services affordable for the common man. While private operators have taken over the market with billions of dollars in investments and cost-efficient operations, India's telecom consumers need a public sector entity like BSNL as an effective counter to any monopolistic venture that may arise due to the ongoing financial stress in the sector. From as many as nine operators, intense competition and below-cost pricing have reduced the number to just three players. The larger surviving operators, who have so far managed to sustain their operations, are under pressure to increase tariffs. The highly leveraged balance sheets of these operators could also force them to slow down the rollout of next-generation data networks to rural and economically unviable areas. In this context, it is important to have a strong PSU telecom company which will not only prevent private players from increasing tariffs as an easy means to escape financial stress but also ensure that rural consumers are catered to.

Reviving BSNL is tough, but not impossible. The once dominant public sector company has been reduced to a mere footnote, thanks to years of political interference and bureaucratic functioning. There have been many attempts earlier to improve the company's operations, but most of them remain on paper. For example, a committee headed by Sam Pitroda, then advisor to the Prime Minister, offered a 15-point plan to turnaround the PSU, including trimming staff, divesting 30 per cent equity, adopting a managed services model for its various operations and inducting a chief executive from the private sector. This plan has not been acted upon.

Time is running out, though. BSNL has, in 14 years, moved from Navratna status to being declared as a sick PSU, with cumulative FY2009-18 EBIT losses of 82,000 crore. To prevent any further erosion of value, the Centre must do three things. First, divest all the real estate land parcels owned by the company and invest the proceeds into buying all the technology BSNL needs to be at par with private players. Second, implement the proposals of the Pitroda panel, especially those related to cutting down staff costs and hiving off various businesses into different verticals. Here, the Centre can study how British Telecom, once a struggling PSU in the UK, was turned around. Finally, remove all political interference and appoint a strong, independent management to run the company. This will not only secure the future of BSNL, but also ensure that affordable digital services reach every nook and corner of the country.

## SOCIAL PROBLEMS

TIMES OF INDIA, MAY 7, 2019

### **Dowry Prohibition Act- Attempting legal solution to a social problem**

What difference has the law made and why are we continuing with this law? This was precisely the question posed to me by a group of six spirited young girls hailing from a global law university, animatedly working on a college project on Dowry. The query and subsequent conversation triggered the feminist in me, to once again question the sexist and regressive practice of dowry and the ineffectual law-the Dowry Prohibition Act enacted in the year 1961, amended twice in 1984 and 1986 and also supplemented by The Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules, 1985.

Dowry culture is endemic to Indian, more specifically Hindu marriages, who seek to find a socio-cultural validation for the same in the ancient concepts of *Kanyadaan* and *Varadakshina*. Post-independence, we have a Constitution that declares all persons to be equal and forbids discrimination on the basis of caste, creed, sex etc. If girls are equal to boys, if they are independent persons with the same rights and duties as available to boys, then how can we sustain a custom that allows girls to be gifted away in marriage? Is she some property that can be given away?

Dowry is a decadent practice that has been institutionalized by our society. There are many factors that influence dowry. Region, caste, education, looks, height, skin tone etc. Physical and mental compatibility are the least of concerns while fixing matches in a society obsessed with old practices. For them, if anything is to be matched, it is the horoscope, and the social as well as economic status of the families of the bride and groom. Education, which is supposed to be a tool for empowerment works the other way around. It increases the groom's price whereas the girl's parents have to struggle to find a more educated boy that means shelling out more money. A well-placed girl needs a better or at least an equally well-placed groom. Its commonplace to adjunct a girl's short height, lack of education or darker skin tone by raising the groom price. In a society that insists on an older, taller, more educated and better placed groom and also where the girl has to leave her house and stay with the boy and his family, if there are any differences, as are inevitable in any relationship, the girl for obvious reasons finds herself in a disadvantageous position.

Dowry is seen as a status symbol by not only the groom's but also the bride's family who take pride in spending lavishly on their daughter's wedding. They are reluctant to spend on her quality education, opposed to parting with a share in the property which is rightfully hers, disinclined to spend on building her career but go to the extent of taking loans for her wedding. Is it some latent love for daughter's well being that suddenly surfaces at the time of her marriage or is it one's estimation in the society and also the prospect of forging alliance with a well to do family? Even when girls complain about dowry demands after their marriages, the girl's parents take that as normal and ask her to

adjust in the hope that things will settle with time, or with incidences such as child birth. There are two reasons behind this, one is the feeling of having discharged their responsibility towards their daughter and second return of the separated or divorced daughter is stigmatized by the society. The girl's welfare does not figure anywhere in this entire scheme.

The groom's family unabashedly expects premium for being parents to a boy and the price is higher if the boy is well placed or earning well. Boys are an asset and they are supposed to fetch returns for their parents, while girls are a liability. Such obnoxious reasonings in turn pave the way for son preference and shameful practices such as female feticide.

Dowry prohibition Act, 1961; a halfhearted attempt to check dowry system failed mainly because of the poor public support behind this legislation. It defines the term 'Dowry' very loosely and prescribes minimal punishment for violations. Section 6 says dowry will be for benefit of the wife or her heirs; the rules require a list of gifts to be maintained by the bride and the groom. Doesn't this tantamount to legitimization of dowry? Appointment and working of Dowry Prohibition officers under Section 8-B also leaves much to be desired. Some States have appointed social workers while some have designated the SDM's as Dowry prohibition officers. People are not aware of their existence and most of the times the officers are also clueless about their functions which have been vaguely defined under the law. Our lawmakers inserted Section 498A (Cruelty against Married Woman) in IPC in the year 1983 and further Section 304-B (Dowry Deaths) in 1986 to control the menace of dowry-related cruelty and dowry deaths. All

these laws target the offenders but offer no relief to the victim. Thankfully, in 2005 we got ‘The Protection of women against Domestic Violence Act’ which provides for prompt relief to the victim in the form of maintenance, residence, restraining orders, custody of children, etc.

Section 498A is the most widely invoked provision in matrimonial disputes. The fact that it is cognizable, non-bailable and non-compoundable coupled with a dismal rate of conviction, raises apprehensions regarding the misuse of the law. It has been seen that there is a great disparity in the number of cases that are registered and those that result in a conviction. This raises serious doubts regarding the veracity behind such complaints. But the reason for low convictions is the high rate of attrition in such cases. Majority of cases are settled due to which the women do not testify or turn hostile. This accompanied with shoddy investigations and delayed trials causes a majority of the cases to crumble.

In the case of *Social Action Forum for Manav Adhikar and another v. Union of India Ministry of Law and Justice and others* (2018), the Supreme Court modified its controversial directions laid down earlier in the case of *Rajesh Sharma v. State of UP* (2017). In the latter case court had laid some guidelines to check the constant tendency on part of girls to rope in all the family members of the groom, in the crime. This dilution of the law had invited flak from several quarters as the court had relied on superficial data instead of going into the details of the cases. Moreover, to check the misuse of these provisions, we already have judgments such as *Lalita Kumari v. Govt. of UP* (2013) in which the SC has permitted conducting of preliminary

enquiry before making arrests in cases of marital discord; and *Arnesh Kumar v. State of Bihar*(2014), wherein the Court had held that arrest should not be made in a random way and for offence under Section 498A IPC arrest is to be made only in exceptional circumstances, that too after recording special reasons in writing in accordance with Section 41(1)(b) of the CrPC.

Dowry is a social malaise, one that can be tackled by the society alone. Social boycott and public shaming of people who give and take dowry has to be the first step. We should refuse to be part of any wedding that encourages dowry. Absence of those who appreciate and applaud would demotivate people from splurging on weddings. Educating and empowering girls to take a stand for themselves as well as their parents is another step in this direction. We need to spend money on educating our children, making them self-reliant and independent. The colossal spend on marriage decorations, photo shoots, feasts and presents has to give way to saner means of celebrating the union of two people. Instead of laws, it would be better for the judiciary to issue guidelines towards regulation of expenditure at weddings; keep amending and updating them from time to time; and ensure their effective implementation.

It is time that we all joined hands to write the obituary of Dowry system.

DISCLAIMER : Views expressed above are the author's own.

## TRANSPORT

TELEGRAPH, MAY 1, 2019

### **Diesel is dying, but electric vehicles are too expensive**

*Aggressive interventions in the private vehicles market will be of little use if goods vehicles continue to run on fuel*



A great love affair may finally be coming to an end. Diesel is the poison of choice for most mileage-conscious Indians. So why has Maruti Suzuki, India's largest passenger vehicle manufacturer, decided to stop producing diesel models from April 1, 2020? Because it makes business sense. Once the Bharat Stage VI emission standard is introduced in April next year, the high cost of compliance will make small diesel cars unaffordable. This development follows a global trend; tightening emission norms are sounding the death knell for diesel engines around the world. In Germany — the country of Mercedes-Benz and Porsche —

the share of diesel cars in the total number of private vehicles fell from 48 per cent in 2012 to 33 per cent in 2018. There has been some momentum in making public transport ecologically viable. But the gains have not been substantial. Take, for instance, the switch to CNG for three-wheelers, buses and taxis in Delhi. Initial rewards in the form of improved air quality were quickly negated by a rise in the overall number of vehicles. But there is reason to persist with greening the public transport system. A report of the Niti Aayog revealed that if India were to pursue a shared, electric mobility strategy, it could save 156 million tonnes of oil equivalent in diesel and petrol consumption and 37 per cent of carbon emissions by 2030. Hearteningly, the National Electric Mobility Mission Plan 2020 has sought to sell 6-7 million hybrid and electric vehicles every year after 2020.

While electrification will help, the cost of an EV is still too high for India where the bulk of vehicles sold are small cars. This might make them unpopular in spite of policy support that offers upfront incentives on the purchase of EVs along with efforts to modernize infrastructure. Is there then a case for introducing incentives for the manufacturer and the buyer to make EVs affordable ? Such a strategy has yielded fruitful results in both the United States of America and China. Aggressive interventions in the private vehicles market, however, will be of little use if goods vehicles continue to run on fuel. Trucks — the spine of the Indian economy — are among the worse culprits when it comes to emissions. It is far more difficult to electrify long-haul trucks than private cars. Low-carbon fuels produced from hydrogen could be one way to bridge the gap. However, achieving improved air quality would

be incomplete unless citizens are encouraged to use trams or take up cycling instead of relying on polluting wheels.

# URBAN DEVELOPMENT

HINDUSTAN TIMES, MAY 6, 2019

## Why urban design will be critical for India's cities

*The vision for KR Market redevelopment project is “to transform the market into a sustainable economic magnet, with a distinct identity and a memorable customer experience”.*



One of the enduring links between cities and villages is food. But as cities expand, so too does the distance between fork and farm (or, more aptly, between *khana* and *kheti*). The growing food miles (the distance travelled by our vegetables and fruits) has consequences for both the farmer (ensuring that the food harvest stays fresh longer), and for the consumer (more expensive and more chemically grown food). In

response, a countermovement to shrink the food miles is gaining ground across the world, and markets that sell fresh local produce are at the centre of the food renaissance.

The redevelopment of Krishna Rajendra Market (KR Market) Project is important against this backdrop.

The market holds pride of place in Bengaluru city's cultural and architectural heritage. Once the site of an epic Anglo-Mysore battle, it evolved into an informal, thriving market. In 1921, the Mysore Maharaja built the iconic red building that stands as the market's majestic entrance. Over the decades, KR Market has transformed from a small neighbourhood market into the largest wholesale supplier of vegetables, fruits and meat for the city of 11 million residents. Located in the heart of the city, this sprawling 14-acre market complex draws up to 100,000 customer footfalls each day.

Markets are central to the original premise of cities: vibrant places of commerce and exchange. As transactions grow, markets self organise into an ecosystem to reduce costs and increase efficiency between buyers and sellers. Specialisation and the establishment of supply chains soon follow: vendors selling greens in some areas, while others sell flowers, vegetables, fish, meat, or fruits; wholesalers trading in larger volumes, retailers serving smaller customers; truckers and delivery boys helping bringing in or moving the goods around, and so on.

KR Market has all this in full display.

But despite its history and bustling commerce, the market today is besieged by multiple challenges. A visit to the market, which was once a

delightful experience, is now onerous and stressful. The streets leading into and out of the market are jammed with trucks and buses. The existing buildings in the market complex are run down and empty of shoppers, while the streets are shockingly filthy but overcrowded with shoppers. The spaces beneath the flyover underpasses are jammed with buses and trucks, while the roads and intersections are choked with pedestrians and vendors.

Today the transactional identity of KR Market has not only overwhelmed its civic and cultural identity, but is a threat to its economic vitality as well.

Even as discussions on the absence of thoughtful urban planning at a macro level are gaining momentum, the absence of micro level design sensibility continues to be a blind spot in projects, subsumed entirely by an engineering view of public infrastructure. Such micro level design, or Urban Design, will be an area of increasing importance for India's cities if we are to create community spaces that are vibrant and valuable.

The comprehensive upgradation of KR Market is an urban design redevelopment project. Both the overall design goals and the individual project proposals have been developed using participatory methods that involved the market community and government agencies, using surveys and design charette workshops, supplemented by extensive data collection and analysis. The vision for KR Market redevelopment project is “to transform the market into a sustainable economic magnet, with a distinct identity and a memorable customer experience”.

This vision holds the multiple goals, or mini projects, within the market complex design. A central design goal is streamlining the movement of people and goods, with dedicated unloading docks, a new transit hub for buses, a foot overbridge connecting the Chickpet metro station to the main market building and bus station, and renovation of the market basement parking.

## WASTE MANAGEMENT

PIONEER, MAY 3, 2019

### **150th anniversary of Mahatama Gandhi: IIT-Delhi to set up waste management centre**

To commemorate the 150th birth anniversary of Mahatma Gandhi, the Office of the Principal Scientific Adviser (PSA) to the Government and Indian Institute of Technology Delhi (IIT Delhi) have come together to set up a Centre of Excellence for Waste to Wealth Technologies for implementation of sustainable, scientific and technological solutions for waste management.

Principal Scientific Advisor to the Government, Prof K Vijay Raghavan and Director, IIT Delhi, Prof V Ramgopal Rao inked a pact in this regard.

The waste to wealth mission project has been approved under the recently constituted Prime Minister's Science Technology and Innovation Advisory Council (PM-STIAC), which is an overarching body for assessment, creation and implementation of major scientific, technology and innovation interventions for India. The partnership will provide an effective platform for stakeholders to bring together integrated approaches for effective recycle, reuse and resource recovery of waste.

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