

NEWS ALERT

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AGRICULTURE

ECONOMIC TIMES, APR 22, 2019

Revisit policy on fertiliser subsidy

The Cabinet Committee on Economic Affairs last week extended the duration of the New Urea Policy-2105 beyond April, to ensure ready supply of nutrients to farmers. But the next government surely needs to rationalise fertiliser subsidy, revamp its delivery and take a fresh look at input subsidies in agriculture, so as to boost much-needed investment, and reorient the cropping pattern to resource efficiency.



True, the annual fertiliser subsidy bill has remained quite stable at Rs 75,000 crore, plus arrears of about Rs 30,000 crore. The mandatory neem coating of subsidised urea has helped prevent illegal diversion for industrial use. And urea plants have been divided into three groups, and revised energy consumption norms fixed for each unit. So, extending the policy now would maximise indigenous urea production and also promote energy efficiency. However, the fertiliser subsidy targeted at individual units clearly needs phasing out now that we have mechanism for direct benefit transfer. Subsidised urea for small and marginal farmers may make sense, but doing so for all and sundry users is questionable as it merely leads to excessive usage of nitrogenous fertilisers at the expense of phosphatic and potassic nutrients. In 2015, the High Level Shanta Kumar Committee recommended a direct cash subsidy of “about Rs 7,000/ha” while deregulating the fertiliser sector.

The revival of Rashtriya Chemical & Fertilizers (RCF) urea plant at Talcher needs close study as it is based on coal gasification. Successful diffusion of the technology can purposefully bring down feedstock costs. Direct benefit transfer of fertiliser subsidy would make perfect sense, especially when it comes to tailoring crops to agroclimatic fit rather than availability of cheap fertiliser and free power.

BUSINESS LINE, APR 23, 2019

Will India become a big importer of food?



It could, if agri policies fail to incentivise farmers more. The demand for food is expected to spike in the coming years

India is, today, a country of about 1.35 billion people. United Nations' population projections of 2017 say that India is likely to surpass China's population by 2024 and reach 1.5 billion by 2030, making it the most populous nation on the planet.

About two-thirds of Indians are below 35 years of age. India's GDP has been growing at around 7 per cent annually for the last two decades, and likely to continue at this pace for at least another decade. With population growth gradually declining to 1.1 per cent now and

continuing in that direction, per capita incomes in India are likely to grow at around 6 per cent annually for the next decade.

The 2011 consumption expenditure survey conducted by the National Sample Survey Office (NSSO) revealed that an average Indian household spent about 45 per cent of its total monthly expenditure on food, implying that the demand for food in India is going to spike in the coming years. This raises a fundamental question: Can India feed itself or will it become a large importer of food? This question is pertinent as India has limited cultivated land (net sown area hovers around 140 million hectares) and its groundwater table is under tremendous pressure, at places depleting at the rate of almost one meter a year. Climate change predictions indicate rising temperatures and greater frequency and intensity of droughts.

Many revolutions

Historically, India has had a tough time feeding its population. In 1943, during the British rule in India, the Bengal famine is said to have taken 1.5-3 million lives. But since Independence in 1947, although widespread deaths have not been reported due to starvation, India faced “ship to mouth” situations during two successive droughts in the mid-1960s. Massive imports of wheat (about 11 million tonnes/year) from the US under Public Law 480 saved the day for India. But it also taught the country a lesson: “Everything else can wait, but not agriculture.” The result was the famous Green Revolution in the late 1960s through miracle seeds, fathered by Norman Borlaug. Today, India is not only

self-sufficient in basic staples but also a net exporter. From 2012-13 to 2014-15, India exported a total of 63 million tonnes of cereals, and today, India is the largest exporter of rice.

Milk is India's largest agri-commodity. Its production (about 177 million tonnes in 2017-18) in value terms exceeds that of rice and wheat combined. The famous "white revolution," steered by Verghese Kurien during late 1970s through 1980s, was achieved through an innovative method of milk collection from small holders homogenising, pasteurising, and sending milk to urban areas as far as 1,200 miles away in milk tankers designed to keep milk at 39 degrees Fahrenheit, and distributing it through an organised retail network. Thereafter, India achieved several other revolutions in agriculture: blue revolution (fisheries), red revolution (meat, especially poultry), golden revolution (fruits and vegetables), and gene revolution (cotton). All these agri-revolutions, triggered by innovations in technologies and institutions, made India a net exporter of agri-produce. But one thing that had not surfaced much in this evolutionary process is the issue of farmers' incentives.

While the "tonnage" issue has been settled for the time being, the issue of farmers' incomes is a burning one right now as India is undergoing the biggest ever democratic elections on this planet, involving 900 million voters. The ruling BJP has promised to double farmers' incomes by 2022-23 in its 2019 manifesto. It has tried to address farm distress by announcing higher minimum support prices (MSPs) for about 23 major commodities in 2018-19, but in the absence of a large scale procurement

mechanism by the government, the market prices for most commodities have remained 10-30 per cent below the announced MSPs.

Sensing political unrest by farmers, the BJP has promised a direct income transfer to farmers' accounts, which may cost about 87,600 crore (\$12.5 billion). However, it would constitute just 5 per cent of farmers' incomes. Doubling of farmers' incomes by 2022-23 would require much bolder reforms in agri-marketing. India's political economy has operated in a way that has restricted exports of agri-produce whenever domestic prices have spiked, be it onions, wheat, or rice. The private sector has not been allowed to hold large stocks, and sometimes even inter-State movements are restricted through the Essential Commodities Act (ECA) of 1955. This has not allowed the building of efficient pan-India value chains due to a lack of investments by the private sector.

Restrictive practices

Agri-marketing is further restricted through the Agricultural Produce and Marketing Committee (APMC) that binds farmers to sell their produce only through these markets. These markets have been rigged by commission agents taking away an unduly high share of consumers' rupees in the value chain. As a result of these restrictive trade and marketing policies, India's farmers have been implicitly "net taxed" despite large input subsidies.

The 2018 OECD-ICRIER report on India's Agriculture Policies estimated that the Producer Support Estimates (PSEs) for 2000-01 to

2016-17 was minus (-) 14.4 per cent of the value of gross farm receipts. This amounts to an implicit “net tax” of about 2.65-lakh crore (\$38 billion) annually to farmers. In comparison, China supported its farmers by \$212 billion in 2016, and the OECD as a group supported its farmers by \$235 billion per year in 2016. What all this reflects is that India has a huge consumer bias in its food and agri-policies that implicitly taxes its farmers.

The lesson from these research findings is that if India can reform its policy structure in a way that at least ensures farmers a “level playing field” with consumers, then Indian farmers can get much better incentives and higher profitability, encouraging them to adopt better technologies, raise yields, and make India much more competitive. The best way to do this would be through fundamentally reforming, among others, the ECA, the APMC Act, and the exports policy. If India does that, it can not only feed its population but can also create surpluses for exports. But if it can't, India runs the risk of becoming an overall importer of food soon.

In the cacophony of the ongoing elections, the Congress party has explicitly promised to carry out agri-marketing reforms along with a direct income support to the bottom 20 per cent of the population, many of whom would be small and marginal farmers, tenants, and landless agri-labourers. The cost of this is likely to be 3.6-lakh crores (\$51 billion) per year. However, the BJP has been somewhat lukewarm on agri-marketing reforms but promised direct income support to farmers of about \$12.5 billion.

Whichever political party comes to power by the end of May, one thing is clear: India is poised for some sort of direct income support to farmers, and that may help keep India feeding its population well, at least until 2030.

The writer is the Infosys Chair Professor for Agriculture at ICRIER. This article is by special arrangement with the Centre for the Advanced Study of India, University of Pennsylvania.

CIVIL AVIATION

ECONOMIC TIMES, APR 16, 2019

What to Do With a Problem Like Jet?

With more than Rs 10,000 crore of their lending at risk, lenders of Jet Airways have reportedly failed to reach a consensus over providing a lifeline to the carrier. The fear of prosecution, as in the case of loans made to now-defunct Kingfisher Airlines, makes bankers wary.

The airline now functions with just six or seven planes, has halted international flights and needs to pay money to its employees and lessors. Resolution plans that appear half-hearted, a revived buying interest by Etihad that had been prepared to sell its stake at a steep discount to the market price, talk of companies fronting for Naresh Goyal making a fresh bid, all these have the elements of a charade, meant to postpone the inevitable.

Since Jet Airways has very few tangible assets — save international flying rights, landing and parking slots at Delhi and Mumbai airports, and a brand that is steadily depreciating in value — foreclosing its loans is not likely to get the banks anything much back.

The mess at Jet Airways calls for creating new ways of financing the airline business to fully factor in the risk of lending. Airlines are highly

capital-intensive and sport few tangible assets when planes are leased, for the most part.

Globally, airlines that do not take on excessive debt to drive their returns have produced profit growth. Things are quite the opposite in India, where the debt-to-equity ratio is more than 1. This calls for a different method of recognising potential failure and taking corrective action. Ideally, the solution is to increase the proportion of risk capital, equity, in the total capital deployed. As this process goes on, debt will have to play a major role. If the risk is fully priced in, the cost of funds would push fares up and profitability down.

The solution is to mitigate risk, with provisions for conversion of debt to equity and takeover of the airline by banks for onward sale to another operator before the company's assets of value — its operating routes, slots, trained crew and brand name — disappear. That might mean action by the lenders at the first sign of trouble, without much of a grace period.

CLIMATE CHANGE

TELEGRAPH, APR 16, 2019

South Asia must rise above political differences to fight toxic air and climate change

War and post-war animosities do not prevent African countries from engaging in collaborative action on global platforms



What Africa did yesterday, can South Asia do tomorrow? Will South Asian countries be able to rise above their political differences and come together to fight the likes of toxic air and climate change? The long-term

survival of South Asia may be embedded in responses to these vital questions. Yet — forget about responses — at present, even discussions are not on the immediate horizon. However, a spate of reports and multinationals like the World Bank may compel political leaders in the subcontinent to initiate transboundary responses to these critical issues, sooner or later.

After Pulwama, even as India and Pakistan were busy breathing fire at each other, Greenpeace quietly published a report which highlighted the fact that the sparring nations are like brothers when it comes to inhaling toxic air. The report showed that seven Indian and two Pakistani cities are among the top 10 ‘most polluted’ cities on the basis of PM 2.5 pollution status. The report also revealed that Bangladesh, Pakistan and India are the three most polluted countries in the world with respect to the particulate. Afghanistan comes close and is at their heels.

Experts, including those at the World Bank, point out in private that it is difficult for any of these countries to find a solution independently; what is required is a transboundary — and collaborative — air shade management approach. Ditto for the ever increasing impacts of climate change. During last December’s global climate summit at Katowice, Poland, a report on climate vulnerability showed that while India had suffered the most in terms of climate-related mortality in the last two decades, Pakistan was not far behind: it was placed eighth on the overall vulnerability ranking. Incidentally both countries, neighbours on the global hunger list too, have lost millions of dollars combating climate change. During a chat at Katowice, Malik Amin Aslam, an adviser to Pakistan’s prime minister, Imran Khan, on climate change and the *de*

*facto*environment head, admitted to *The Telegraph* that South Asian countries need to rise above politics and start discussing climate change and environmental issues among themselves. They must also demand support from the global fraternity.

One voice

Poor people in these South Asian countries are the worst sufferers even though their contribution is little to the causal cauldron. “Tell me, is there any difference between Lahore and Delhi regarding air pollution?” asked Aslam in Katowice. Three months later, the Greenpeace report put Lahore at the 10th spot and New Delhi at the 11th position in a global list of 4,200 odd toxic cities. The minister from Pakistan also recognized that unlike other climate-hit regions in the world, Asia does not have any ‘effective’ regional group that could have enhanced its bargaining power in the global negotiations. Countries in the region have formed a body called the South Asia Co-operative Environment Programme to discuss green issues. But the SACEP is hardly effective. Senior Indian officials in the environment department also admit in private the need to have serious regional discussions in combating critical green issues while accepting in the same breath that such initiatives are unlikely given the strained ties between the two nations.

In sharp contrast, African and European countries are used to speaking in a unified voice during global climate negotiation to press for ‘legitimate’ demands in spite of significant political tensions among them. Currently, 15 African countries are either involved in war or are experiencing post-war animosities. But that has not hampered their

collaborative actions on global platforms. The same holds true for European countries.

Unless India, Pakistan and other South Asian countries quickly emulate their African and European counterparts, things will turn from bad to worse.

ENERGY RESOURCES

HINDU, APR 22, 2019

Indian govt studying implications of U.S. decision on Iran oil sanctions

The Indian government is studying the implications of the U.S. decision to withdraw waivers it had granted for oil import from **Iran**, an External Affairs Ministry official said.

“We will make a statement at an appropriate time,” the official said.

“Today I am announcing that we will no longer grant any exemptions,” Mr. Pompeo said at a press conference on Monday. “We are going to zero across the board. We will continue to enforce sanctions and monitor compliance. Any nation or entity interacting with Iran should do its diligence and err on the side of caution. The risks are simply not going to be worth the benefits.”

“We have used the highest possible care in our decision to ensure market stability,” Mr. Pompeo added. “The U.S. has been in constant discussion with allies and partners to help them transition away from Iranian crude to other alternatives. And we have been working with major oil producing countries to ensure the market has sufficient volume to minimise the impact on pricing.”

He said that both Saudi Arabia and the United Arab Emirates have assured the U.S. that they will ensure an “appropriate supply” for the markets.

While India has been reducing its oil imports from Iran, it has several other options for the import of oil, a senior official in the Petroleum Ministry told *The Hindu*, adding that no decision has yet been taken on oil imports from Iran for the month of May. Iran was India’s seventh largest supplier of oil in January 2019. It was the third largest in January last year.

“India has agreements with many countries regarding oil and so one should not be worried about our energy security,” the official said. “India’s future energy policy will be decided following a discussion with all stakeholders, including the oil companies.”

Under the sanctions, India was allowed to import about 300,000 barrels of oil per day (bpd), which works out to a little more than nine million barrels per month. Observer Research Foundation, a think-tank tracking and release data on the energy sector on a monthly basis, said that Indian refiners will import eight million barrels of Iranian oil in April, which it added was about 12% lower than the amount imported in March.

India had reportedly been in talks with the U.S. to extend the waiver for the import of 3,00,000 bpd from Iran, but those talks seem to have failed.

In March, Indian Oil Corporation had placed an order for five million barrels, Mangalore Refinery and Petrochemicals for two million barrels, and HPCL and BPCL for one million barrels each. In April, only IOC

reduced its order quantity, to four million barrels, while the other refiners kept their level the same.

ENVIRONMENT

HINDUSTAN TIMES, APR 23, 2019

Destroying our environment for short-term political gains suicidal

Instead of taking urgent and concrete steps to confront this health emergency, governments make it worse by shearing the city of its tree cover.



One evening in a private club in Gurugram, I asked one of our most erudite politicians, a guest speaker for that evening, why the environment was not a core issue in the ongoing Lok Sabha elections. His answer was depressing but not shocking. He said issues such as air pollution, water and forests were important, but development had to come first. Yes, I said, but at what cost? I requested the politician to step out of the air-conditioned cocoon of the club, and our lives, to breathe in the toxic air in the city we live in. Gurugram, one of the most developed and most polluted cities in the world, is also the place where the very air we breathe can kill us. In 2017, at least one in eight deaths in the country was attributed to air pollution. India has the highest child mortality rate due to toxic air, followed closely by water contamination.

Instead of taking urgent and concrete steps to confront this health emergency, governments make it worse by shearing the city of its tree cover. Both in Delhi and Gurugram, thousands of trees have been destroyed with impunity. In Gurugram, more than 14,500 trees have been felled in the two years between 2016 and 2018, as per the official figures. The actual number can be higher. Nearly 13,000 trees have been cut down between 2015 and 2018 in Delhi only for government projects.

The water crisis is scary too. Twenty-one of India's major cities will run out of water by 2020. Delhi-NCR is among those cities, as is Bangalore and Hyderabad.

The fact of the matter is that India is facing an unprecedented environmental crisis that threatens our health, livelihood and development, all of which are dependent on natural resources. Yet no

political party gives the environment due importance or even has the vision of safeguarding it.

I have worked as a conservation journalist and conservationist for nearly two decades. I can say with confidence that while no government in this period, including the earlier United Progressive Alliance(UPA) , has a stellar record of environmental concerns, the last five years have been the most destructive. Space limits me to list the reasons, but I will briefly elaborate on a few relevant issues.

In December 2017, the government eased pollution regulations for thermal power plants, one of the most harmful sources of toxic emissions, allowing them to release pollutants in violation of the earlier limits. A year earlier, the environment ministry removed air and water pollution regulations and withdrew the need to assess the environmental impact for the construction industry, one of the main contributors to pollution in Delhi-NCR.

What especially worries me is the Bharatiya Janata Party's promise to fast-track the river-linking project, which will realign the natural flow of 37 of India's rivers and link them, as though they were pipes, by constructing canals. The idea is to dam the rivers that have 'surplus' water and direct the flow into 'dry' rivers. For one, there is no concept of surplus water in rivers, each drop performs an ecological function, like recharging groundwater, influencing micro-climate, diluting pollutants. Besides, which of our rivers, already heavily over-exploited for industrial, agricultural and domestic use, have surplus water?

The idea of linking rivers in a bid to solve our water crisis is hubristic, unscientific and a social and environmental disaster. Expected to cost a massive 5,60,000 crore, it will submerge at least 27 lakh hectares of land, drowning fertile lands, villages, homes, forests, wildlife sanctuaries and tiger reserves.

Why does this matter? Because, these are part of the common, collective natural heritage of the citizens of India. Forests bind soils, influence monsoons and climates, and nurture rivers — the bedrock on which our civilizations develop. Destroying our natural resources for short-term gains, which enrich a few, is suicidal. We are chopping the branch we are sitting on.

So what should be our manifesto for our city? For that, stay tuned for my next column.

(Perna Singh Bindra is a former member of the National Board for Wildlife. She is the author of *The Vanishing: India's Wildlife Crisis*.)

INTERNATIONAL RELATIONS

HINDU, APR 20, 2019

Foreign Secretary Vijay Gokhale to have ‘bilateral consultations’ in Beijing



Amid signs that China may review its position on lifting its “technical hold” on listing the founder of terror outfit Jaish-e-Mohammad, Masood Azhar, as an international terrorist.

Foreign Secretary Vijay Gokhale will arrive in Beijing on Sunday for “bilateral consultations”, amid signs that China may review its position

on lifting its “technical hold” on listing the founder of terror outfit Jaish-e-Mohammad (JeM), Masood Azhar, as an international terrorist.

Mr. Gokhale is arriving ahead of the Belt and Road Forum (BRF) - a mega event hosted by China that begins on April 25, in which 37 heads of State or government are participating. So far, there are no signs that India will be officially participating in it, though some members of the business community, academics and media personnel will be present.

The Foreign Secretary will hold talks with China’s State Councillor and foreign minister Wang Yi on Monday.

On Friday, Mr. Wang said at a briefing on the BRF that the two countries were preparing for a second edition of a leadership summit as a follow-up to last year’s informal summit at Wuhan.

The Wuhan summit had reset ties between New Delhi and Beijing, which reached a new low during the mid-2017 Doklam military stand-off.

International Fleet Review

In a sign of improving ties, India is sending its warship, INS Kolkata, along with fleet tanker ‘Shakti’, to participate in next week’s International Fleet Review at Qingdao, marking the 70th founding anniversary of the Chinese People's Liberation Army (PLA) Navy.

India has been pressing China to designate Azhar as a global terrorist after his outfit claimed responsibility for the February 14 Pulwama attack, in which 40 CRPF personnel were killed.

On March 13, China placed a “technical hold” on designating Azhar in the 1267 committee of the United Nations Security Council, despite stating that it was engaged in “mediation efforts” to ease tensions between India and Pakistan that spiked on February 27 following the Indian cross-border air strike on Balakot in Pakistan.

Since April 1, China has been saying that a consensus was emerging within the 1267 committee on designating Azhar, after rejecting a parallel initiative by the United States, backed by Britain and France, to seek a ban on him through a separate resolution in the Security Council plenary.

On Wednesday, Chinese foreign ministry spokesman Lu Kang said the Azhar issue was “moving towards the direction of settlement”.

Analysts point out that it is unlikely that China will lift its “technical hold” on Azhar before the BRF concludes on April 27, so as not to embarrass Pakistan Prime Minister Imran Khan, who will be participating in the international event.

China, Pakistan discuss Azhar’s listing

Separately, China and Pakistan have been discussing Azhar’s listing. Pakistan on its part has so far been linking the Pulwama strike with the human rights situation in Jammu and Kashmir. “This [situation in J&K] is a concern because that leads to a reaction, and that reaction at times creates tension in the region, which must be avoided,” Pakistan foreign minister Shah Mehmood Qureshi said at a Beijing press conference on March 19.

Earlier this month, a three-member Pakistani delegation, led by Deputy Chairman of the Senate Saleem Mandviwala held talks with senior officials in Beijing, ahead of Mr. Khan's arrival.

Chinese officials say Indian and Chinese delegations have been interacting at the U.N. headquarters in New York on the Azhar issue. Chinese officials had conveyed to their Indian counterparts their fears that in case the JeM head is proscribed, India will seek labelling of Pakistan as a state sponsor of terrorism, which Beijing roundly rejects.

China had requested sending Vice Foreign Minister Kong Xuanyou to India, a Chinese academic who did not wish to be named, told The Hindu. But the visit could not take place as the Indian side was not given any assurance that Beijing was inclined to concede to India's request for listing Azhar as an international terrorist in the 1267 committee.

JUDICIARY

HINDU, APR 20, 2019

Former employee writes to SC judges about sexual harassment by CJI; Ranjan Gogoi denies charge



In an 'extraordinary' court session, the CJI takes on the allegation that appeared in news portals, saying 'this is the reward a Chief Justice of India gets after 20 years and a bank balance of Rs. 6.8 lakh'.

In an "extraordinary and unusual hearing" presided over by him and called at a moment's notice on Saturday, Chief Justice of India (CJI) Ranjan Gogoi took on the allegation of sexual harassment published against him by some online news portals, saying "things have gone too far" and "the judiciary cannot be made a scapegoat."

"Why do you think a person decides to become a judge? Reputation is all that matters for a judge. If that is also under attack, what is left?" he asked.

"This is unbelievable. I should not stoop low even in denying it. Rs. 6.8 lakh is all I have as bank balance... They cannot catch me on money, so they have brought up this. This is the reward a Chief Justice of India gets after 20 years and a bank balance of Rs. 6.8 lakh. Independence of judiciary is under very very serious threat. I had to tell this from the judicial seat," he said.

Justice Arun Mishra, who along with Justice Sanjeev Khanna formed the CJI's companion judges on the Bench, termed the allegation "wild and baseless".

Speaking for the Bench, Justice Mishra asked the media to exercise restraint, but did not pass any judicial order gagging the latter.

Both Attorney General K.K. Venugopal and Solicitor-General Tushar Mehta were present in the courtroom along with Supreme Court Bar Association president and senior advocate Rakesh Khanna.

The Court declined Mr. Mehta's request to allow him to register formal proceedings in the matter.

Mr. Mehta termed the allegation "rubbish". Mr. Venugopal said not only the judges but lawyers were also under attack for representing their clients. The media reports have violated the dictates of absolute confidentiality required in such allegations.

Woman's charge

The day saw a sudden rush of events with news websites publishing the report about a former Court employee accusing the CJI of making sexual advances towards her while she was working as a junior court assistant last year.

The article said that the woman, in her mid-thirties, complained of subsequent police harassment against her and alleged that she was unceremoniously dismissed from service. She also reportedly wrote to 22 Supreme Court judges on April 19 about her allegation.

One of the websites reported that the Secretary General of the Court had denied her claims and called them “completely and absolutely false and scurrilous”.

The publication of the allegation saw the Court react almost instantly. A notice of a special open court session at 10.30 a.m. was circulated among the media.

"The responsibility of calling this hearing is mine. We had to take this extraordinary and unusual step because things have gone too far. Judiciary cannot be made a scapegoat," Chief Justice Gogoi addressed the assembled court.

“Less than 10 hours’ notice was given to me to respond. What I want to tell citizens is that judiciary of this country is under serious threat”, he said.

Justice Khanna, the youngest judge and in line to be Chief Justice of India, said judicial work was guided by zest to learn the truth, however uncomfortable it may be. Such "baseless" allegation and its publication

shackled judicial independence. "Judiciary cannot be put under any refrain... We should not be made to feel constrained," he stated.

'Will not be cowed down'

Chief Justice Gogoi said he would continue to perform his duties without fear or favour till the end of his tenure and would not be cowed down.

At the end of the half-hour hearing, the CJI said he would not pass any judicial order in the matter and left it to Justice Mishra to take the lead and do what was necessary.

"My colleague here is probably the senior most among us... I will not pass any orders in this matter. I leave it to him," he said.

'We leave it to the wisdom of the media'

Justice Mishra, speaking for the Bench, said there was no need to pass a judicial order in the case. Rather, the Court would leave it to the wisdom of the media to show the restraint required of them. The Court left it to the media to act responsibly in publishing anything so that the independence of the judiciary was not affected by the "wild and baseless" allegation against the CJI.

To Mr. Mehta's urging to allow him to register formal proceedings, the CJI did not agree. "We don't want to do anything like that now. We expect the media to exercise restraint, act responsibly and act according to their wisdom," he said.

Whatever judicial orders, if required, may be passed at an appropriate time in the future, he said.

HINDU, APR 21, 2019

Sexual harassment allegation: CJI Ranjan Gogoi's presence on Bench raises eyebrows



The hearing in open court saw the Chief Justice of India orally remark on the complainant.

The participation of Chief Justice of India Ranjan Gogoi on the Supreme Court Bench, which heard the “extraordinary” session on Saturday into the online publication of sexual harassment allegations levelled against him by a former apex court employee, raises two pertinent questions.

One, did the Chief Justice of India (CJI) become a judge in his own cause by being part of the Bench? After all, the allegations directly pertain to him. Two, is there a formal procedure to deal with allegations of sexual harassment against the CJI?

In interest of fair play

Senior advocate Indira Jaising said the CJI should have “absolutely not” been part of the Bench.

In her response, senior lawyer Vrinda Grover said it was the “cardinal and basic rule of fair play that a person cannot be judge in his own cause”.

“In the circumstances of this case, where the charge of sexual harassment, victimisation and intimidation has been made against a person holding the highest judicial office of the country, it is imperative that for the credibility of the institution, and confidence of the people in the judiciary as well as for the right to justice of the woman complainant, no hearing presided by the CJI ought to have been held,” Ms. Grover said.

A Supreme Court notice announced the Bench would hear a “matter of great public importance touching upon the independence of the judiciary”. The case was taken up as a *SUO MOTU* writ petition. The court order said the Supreme Court had exercised its “inherent jurisdiction”.

A reading of the in-house procedure applicable to Supreme Court and High Court judges, the Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act and the guidelines formed under the Supreme Court Sexual Harassment Regulations do not contemplate a public hearing on the judicial side, that too, without due notice to the complainant.

The half-hour hearing in open court saw the CJI orally pass remarks about the woman in question, including that there were criminal complaints against her. The hearing mainly imputed that the allegations were meant to make the judiciary a “scapegoat”.

“Curiously, after the CJI had placed his own ‘defence’, and on this occasion aspersions were cast on the veracity and integrity of the complainant, he recused himself, and the judicial order does not reflect his name,” Ms. Grover pointed out. Usually, a judge puts his signature on the order even if he has recused from the case. Both Ms. Jaisingh, who was India’s first woman additional solicitor general, and Ms. Grover said there was no formal procedure to deal with sexual harassment allegations against the CJI.

‘Glaring lacuna’

“This is a glaring lacuna. In the absence of a credible mechanism that would provide a forum of inquiry to the former employee complainant, she had no option but to appeal to the Justices of the Supreme Court to create a Special Inquiry Committee comprising of retired judges of the Supreme Court. The present Supreme Court Internal Complaints Committee mechanism or the 2014 judgment in Additional District and

Sessions Judge 'X' vs Registrar General High Court of Madhya Pradesh, are inadequate for an inquiry into the alleged misconduct by the CJI himself," Ms. Grover said.

In the in-house procedure for dealing with complaints against Supreme Court and High Court judges, it is the CJI who "examines" whether a particular complaint is frivolous. There is no word in it on how to deal with a complaint against the CJI.

Under the Gender Sensitisation and Sexual Harassment of Women at the Supreme Court of India (Prevention, Prohibition and Redressal), Regulations of 2013, it is again the CJI who sets up the Gender Sensitisation and Internal Complaints Committee.

NUCLEAR ENERGY

HINDUSTAN TIMES, APR 23, 2019

The perils of making nuclear deterrence your campaign rhetoric | Opinion

Nuclear powers are expected to be responsible, in deed and speech. Understated responsibility and strategic maturity has served India brilliantly, even post-Balakot. Narendra Modi has erred gravely in changing a successful script, and trivialising it in the campaign.

In early 2002, when India ordered full military mobilisation as part of 'operation Parakram following the Jaish-e-Mohammed attack on Parliament, Pervez Musharraf's Pakistan responded with a mixture of fright and bravado.

On January 12, Musharraf made a conciliatory speech, promised not to let his territory be used by any terrorist group. India didn't de-escalate. At that point, a substantial asymmetry still existed between the two armed forces, especially in the air. Musharraf betrayed his fear and desperation by repeatedly talking about nuclear weapons.

To further his scaremongering, he would routinely launch one missile test after another. Each of these new missiles was named after some

medieval Muslim invader of India. Ghoris, Ghaznis, Abdalis, Babur and you can Google if there were more.

Nirupama Rao, later India's ambassador to Beijing, Washington and foreign secretary, was at the time the spokesperson of the ministry of external affairs. At her usual daily briefing, she was asked for her reaction to these missile launches. Her reply is immortal and epic. All she said was, "We are not impressed."

In four devastating words, she had made the world laugh at the Pakistani nuclear blackmail. She didn't bother holding forth on how India might respond to Pakistani nukes. Those things, everybody understands. So just respond to such idiotic threats with the contempt they deserve.

The journalists at her briefing laughed. Next day, the Indian and global media stepped off the nuclear kerf. India had made its point without bothering to retaliate to juvenile nonsense with nonsense or wasting any missiles in tit-for-tat tests.

Musharraf was left frustrated and furious. At one of his media interactions just after, still seething at the insult, I'd presume, particularly by a woman, he said, "What does that lady mean she is not impressed? These are serious weapons." Or something to that effect.

The lesson is simple, and enduring. A nuclear threat was held out in 2002, in a war-like environment by usual suspect Pakistan. It was neutralised with one, clever yet deterrent diplomatic statement.

We call Pakistan the "usual suspect" because, since 1987, it has made a habit of using its nukes as a pre-emptive threat. It is true, regrettably,

that Pakistan achieved weaponisation of its nukes earlier than India. In spite of conducting Pokharan-1 back in 1974, India had let its nuclear weapons programme languish. These days, it would be fashionable to blame only the Gandhi dynasty for it. And Indira Gandhi did indeed waste much time and focus because of her Emergency.

Following her, Morarji Desai was the only genuine and, frankly, disastrous pacifist in our history. He saw nuclear weapons and espionage as utterly immoral.

Indira Gandhi's second term was consumed in internal strife, especially in Assam and Punjab. Rajiv Gandhi woke up to the threat and asymmetry during Exercise Brasstacks. He launched the programme for full weaponisation. I have written in detail the story of how this came to fruition as the baton was passed between eight prime ministers. The first Pakistani nuclear threat, or just the suggestion of it in 1987, made India give up its strategic hesitations.

The next blackmail from Pakistan came while the gap was still in its favour, in the summer of 1990. It is a well-documented story. Kashmir was going through its worst insurgency, Benazir Bhutto was threatening to chop Governor Jagmohan into pieces (*"Usko hum jag-jag, mo-mo, han-han kar denge"*), forces were up with live ammunition, we were writing cover stories on war scenarios and Pakistani foreign minister, Sahabzada Yaqub Khan, came visiting.

Don't start a war now, he told his counterpart, IK Gujral, or there will be a fire that consumes our rivers, forests, mountains, everything. Gujral's response was again as classy and classic as you'd expect from an old-

fashioned diplomat: “I don’t know what you are talking about, Yaqub sahib, *lekin jin daryaon ka paani aapne piya hai, unka hee humne bhi piya hai.* (But remember, we’ve been nurtured on the waters of the same rivers as you.)”

This was again the language of deterrence. Softly spoken, yet effective. These events have also been documented in detail by American investigative journalist, Seymour Hersh, the then deputy NSA, Robert Gates, and in a remarkable book, *Critical Mass: The Dangerous Race for Superweapons* by NBC’s Bob Windrem and Ed Burrows, and even my journalistic writings in that period.

Atal Bihari Vajpayee ignored all nuclear talk during Kargil. But, compulsive bullies that they are, the Pakistani military again tried this the day of the Balakot attacks. Its bigmouth spokesperson, Major General Asif Ghafoor, said a meeting of their National Command Authority had been called. And, he added with a smirk, “you know what that means”. I presume somebody knocked him on the head soon after and neither he, nor anybody else, mentioned this again.

The 26-27 February crisis passed pretty much as most India-Pakistan stand-offs do, leaving each side the space to claim victory with their respective, partisan public opinion. Nobody threatened Armageddon, nobody flashed any missiles. Please do not buy that fantasy of the “planned” 12 missile strikes. This is opium-den rumour. Both sides know the implications of launching even one ballistic missile. Whatever warhead it carries, the other will presume that it’s nuclear from the moment it is launched. That is why, all ballistic missiles, in both

countries, have been taken away from conventional forces and put under the charge of their respective strategic forces commands.

The fact is, the subcontinent's nuclear deterrent worked again. When you draw the strategic balance sheet, India made a substantive gain of long-lasting value. It successfully raised the nuclear threshold. The fantasy of Pakistani pre-emptive nuke strikes is now dead and buried. India should savour this and plan both tactics and strategy going ahead accordingly.

What it surely doesn't mean is that India should now start nuclear loose talk like Pakistan in the past. Nuclear weapons are serious business. You do not expect to ever use them and all strategy aims at that. That is why the perils of making these a part of your campaign rhetoric, bringing in your own joyous festivals, Diwali for Narendra Modi or Shab-e-Baraat earlier by Musharraf, need to be understood. Nuclear powers are expected to be responsible, in deed and speech. Understated responsibility and strategic maturity has served India brilliantly, even post-Balakot. Narendra Modi has erred gravely in changing a successful script, and trivialising it in the campaign.

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POLITICS AND GOVERNMENT - INDIA

HINDU, APR 22, 2019

‘Chowkidar chor hai’ is a political slogan, Rahul tells SC

Unfortunate juxtaposition’ in re-opening of Rafale case was misused by political opponents, he said in 19-page reply

The comment ‘chowkidar chor hai’ was made with rhetorical flourish in the heat of political campaigning, Congress party president Rahul Gandhi explained to the apex court on Monday.

It was said in an atmosphere of vindication at the Supreme Court deciding to reopen the Rafale case despite government efforts to shut out new facts and documents published about the purchase of the 36 jets, he said.

Mr. Gandhi was responding to a criminal contempt petition filed by Bharatiya Janata Party (BJP) lawmaker Meenakshi Lekhi, who accused him of misrepresenting court proceedings by attributing the comment to the apex court, and thus, causing prejudice in the minds of the people against Prime Minister Narendra Modi.

In his 19-page reply, Mr. Gandhi said ‘chowkidar chor hai’ is a political slogan used by the Congress party extensively for months. The slogan

has been at the centre of “intense and frenzied debate” during the Lok Sabha elections of 2019.

‘Juxtaposed, intermingled’

He regretted how the political slogan unfortunately got “juxtaposed and intermingled” with the April 10 decision of the apex court to review the Rafale case. The review petitions were filed against the apex court judgment of December 14, upholding the Rafale jets’ deal.

Mr. Gandhi said the comment was made in a purely political context to counter the “misinformation campaign” that the Supreme Court gave the government a clean chit on December 14.

He said the “unfortunate juxtaposition” was misused by his political opponents. They wanted to project, for political gain, that he had deliberately suggested that the Supreme Court said ‘chowkidar chor hai’.

‘Clear and obvious’

“Nothing could be farther from my mind,” Mr. Gandhi said. He said it would be both clear and obvious for anyone that a court, much less the apex court, would adopt, endorse or uphold a political slogan. No court would ever do that, he said.

Mr. Gandhi said his comments were based from the media, workers and activists surrounding him. He had no access to the April 10 judgment at the time. He said the comments merely reflected the “general sense of victory and exhilaration amongst those who had been campaigning for

inquiry into the Rafale case, which is one of the most prominent political and social issues in the country for many months”.

“There is no intention, direct, indirect, remote or implied or an attempt in any other manner to violate any court order, obstruct administration of justice or prejudice or interfere with the due course of any judicial proceedings or scandalise the court in any manner,” he said.

List of instances

Mr. Gandhi's reply cited a list of instances when BJP leaders, including Prime Minister Modi and the members of the Council of Ministers, had allegedly attributed comments to the Supreme Court post the December 14 judgment in the Rafale case.

The Congress party president said there was no question of him “wilfully intending to prejudice” Mr Modi. He said he was of the “firm belief” that Mr. Modi was “involved in misdemeanors” in the Rafale deal.

He said he wanted “take this opportunity to reaffirm his stand and belief of his party that Rafale deal is a tainted transaction and a gross and brazen abuse of executive power and a leading example of the corruption of the BJP government led by Prime Minister Narendra Modi, which deserves to be investigated thoroughly by a Joint Parliamentary Committee and proceeded against thereafter”.

“In any event, misrepresentation of a public figure cannot be the basis of and is irrelevant to a contempt petition,” Mr. Gandhi said.

ROADWAYS

TRIBUNE, APR 23, 2019

India completes vital Ladakh road

Will provide all-weather access

One of the most treacherous and strategically vital road routes in the Himalayas has been completed, providing the military with an all-weather road access to north-eastern Ladakh.

The area had seen skirmishes during the 1962 India-China conflict and also recent standoffs like those in 2013 and 2014 around Depsang.

The 255-km Darbuk-Shayok-Daulat Beg Oldie (DS-DBO) section of the road between Leh and Karakoram Pass has been completed, sources said. Some 37 bridges have been built across various snow-fed rivers.

On April 20, the first-ever vehicle expedition comprising motorcycles completed its run from Leh to Karakoram Pass and back (around 1,000 km). The road from Darbuk onwards runs at an altitude of 14,000 feet or more through a jagged part of the Karakoram mountain range.

The last 235-km stretch of the road from Shyok to Karakoram Pass has no civilian population. Shyok, a hamlet comprising 25 families, is the last Indian village and civilians are not permitted beyond it. Building the DS-DBO section of the road was a key thrust area of the Ministry of

Defence for this strategic northernmost corner of India — termed Sub-Sector North (SSN) by the military.

The road will help India's efforts to dominate the Line of Actual Control (LAC) — the de facto border — and also areas abutting Aksai Chin (under Chinese control), Jiwan Nalla, Chip-Chap river, etc. The two armies have had faceoffs in 2013 and 2014 in the area over differing perception of the LAC.

En route to the Karakoram Pass is the DBO — an advanced landing ground used by the IAF. The DBO, located at 16,700 feet, is a flat plateau. It's just 20 km short of the 18,726-foot-high Karakoram Pass that divides Ladakh and Xinjiang province of China. This provides for rapid deployment.

Eastern Ladakh shares a 826-km frontier with China and is geographically defined as the area from Karakoram Pass in the north to Demchok in the south-east.

A previous effort to build the DS-DBO section of the road (between 2000 and 2012) at a cost of Rs 320 crore had failed. The road alignment was too close to the Shyok river and had got washed away. This time, around 160 km of it is being re-aligned to keep it away from the water.

As of today, there is no commercial use of the Shyok-DBO section; however, Janet Rizvi in her book "Trans Himalayan Caravans", published in 1999, says trade caravans between Ladakh and Kashgar (now in Xinjiang) were a regular feature till 1937. Trade was dominated by Punjabi merchants from Hoshiarpur, she writes.

The sensitivity of the Karakoram Pass was studied by Sir Francis Younghusband, a British Army officer and explorer, in the early 1900s. He feared a Russian invasion through the Karakoram Pass. But those fears have long gone — India and China have a rare settled boundary at the Karakoram Pass.

Dominating the LAC

The 255-km Darbuk-Shayok-Daulat Baig Oldie (DS-DBO) section of the road between Leh and Karakoram Pass has been completed

Will help India's efforts to dominate the LAC and areas abutting Aksai Chin, Jiwan Nalla, Chip-Chap river, etc

A previous effort to build the DS-DBO section of the road (between 2000 and 2012) at a cost of Rs 320 crore had failed

RIGHT TO INFORMATION

HINDU, APR 22, 2019

Staff entitled to information on defunct company, says CIC



RTI plea on Cambata Aviation likely to help Jet Airways, Kingfisher employees as well

As Jet Airways' employees protest their delayed salaries and demand financial support from lenders to revive the airline, the Central Information Commission has delivered a ruling in favour of the employees of another beleaguered aviation company which may empower the former.

In August 2016, India's first private ground-handling company Cambata Aviation stopped operations, leaving around 2,700 employees in the lurch with pending salaries and unpaid benefits. Later, allegations of tax fraud and financial irregularities reportedly brought the company under the scanner of the Enforcement Directorate.

Aggrieved employee

Long-time Cambata employee Subramanian K. Ansari had filed an RTI request demanding financial and regulatory information about the company from the Income Tax department, but was denied on the grounds that it was personal information. On appeal, the I-T Department had asked Cambata permission to release the information, but was promptly denied.

Last week, the CIC ruled that the information must be released, keeping in mind the larger public interest of not just Cambata employees, but those of Jet Airways and the defunct Kingfisher Airlines as well.

In his ruling last Thursday, Central Information Commissioner Bimal Julka ruled that the exemption given to "personal information" under the RTI Act referred to an individual human being and not a corporate entity. He added that the details sought were in the larger public interest of the company's employees.

"The issue of non-payment of salary/ wages and other statutory dues to employees was certainly a grave matter which could not be brushed aside especially taking into consideration the turmoil and hardships

faced by similar employees of Companies such as Kingfisher Airlines and recently Jet Airways, which were once considered as behemoths of the Civil Aviation Sector/ Industry in the wake of the losses incurred by such companies,” said the ruling.

The RTI applicant had alleged that Cambata had wilfully defaulted in payment of statutory dues of Provident Fund, medical and life insurance and other employee benefits, apart from depriving workers of their salaries, resulting in extreme financial hardship. It had also not issued Form 16 to employees from 2014-15, he said.

“The Commission cannot be a mute spectator to the pitiable conditions being faced by the employees,” said Mr. Julka’s ruling.

TERRORISM

HINDU, APR 21, 2019

India strongly condemns serial blasts in Sri Lanka

"We stand together with the people and Government of Sri Lanka in this hour of grief," the statement read.

India, in a press release issued by the Ministry of External Affairs (MEA) on Sunday, said, "We strongly condemn the serial blasts on multiple locations in Sri Lanka today morning in which many people have been killed and injured. We extend our deepest condolences to the families of the victims and to the people and Government of Sri Lanka. We wish speedy recovery to those injured in the attacks."

Calling for expeditious justice, it also said: "India has always opposed and rejected terrorism in all its forms and manifestations, and has urged concerted action by the international community against terrorism, including cross-border terrorism. There can be no justification whatsoever for any act of terror. We call for perpetrators of such ghastly and heinous act and those who provide them support to be brought to justice expeditiously."

"We stand together with the people and Government of Sri Lanka in this hour of grief," the note concluded.

BUSINESS LINE, APR 23, 2019

IS terror at India's door

The Sri Lanka blasts hold ominous portents for regional security

The serial blasts targeting churches and hotels in Sri Lanka on Easter Sunday, for which the Islamic State has claimed responsibility, mark a grim return of benighted terror to the island. The blasts, in which over 300 people have been killed, come barely a few years after the end of a three-decade-long civil war spawned by a bloody Tamil separatist campaign; over one lakh people were killed in that war, which also wrecked the island economy. For a few intermediate years, Sri Lanka enjoyed a 'peace dividend', but last Sunday's attacks have brutally ended that. The horror hasn't ended: more explosives have since been defused across the capital city, and the traumatised country is bracing for yet more terror, with intelligence reports suggesting that vehicular bombs are on the loose in Colombo.

Before the Islamic State went public with its claim, Sri Lanka authorities had blamed the National Thawheed Jamaat, a jihadi group with Wahabi influence and operating with international support. An intelligence alert warning of just such an attack had surfaced a few days earlier, which the authorities had fatally failed to heed. Indian security officials too had tipped off Colombo to the growing jihadi footprint in Sri Lanka, evidently with support from the Pakistani Inter-Services Intelligence (ISI).

The IS-ISI-sponsored attacks hold ominous portents for regional security, particularly given India's benighted record on this front. Motivated by a felt need to counter Sinhala chauvinism in Sri Lanka, Indian leaders, at the Centre and in Tamil Nadu, had earlier provided moral and material support to the armed Tamil separatist campaign in Sri Lanka, which eventually had disastrous consequences, culminating in former Prime Minister Rajiv Gandhi's assassination by the LTTE. Similar reports are now emerging of local support in Tamil Nadu for the Thawheed Jamaat, and the patronage that the group enjoys among both Central- and State-level leaders. As a victim of the horrors of cross-border terrorism, India has a particular responsibility to ensure that it does not become the breeding ground for jihadi mayhem in Sri Lanka.

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